

Rarely cover guidance

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Summary

This section gives information on the provisions of the School Teachers' Pay and Conditions Document that teachers should be required to cover only rarely, and only in circumstances that are not foreseeable.

Definition

Since 2004 cover for teachers has referred to:

- arrangements for a teacher to take a class or group of pupils when the teacher who has been timetabled to teach that class or group at that time is not available (for whatever reason)
- but also to the supervision of such pupils by an employee who is not a teacher

The following guidance distinguishes between these two types of cover and also describes how they can overlap.

The Schools Teacher's Pay and Conditions Document defines cover as the supervision, and so far as practicable teaching of "any pupils where the person timetabled to take the class is not available to do so".

Previous statutory guidance has drawn a clear distinction between cover and the organisation of teaching and learning during periods when the teacher's pre-arranged timetable provides for some activity other than teaching pupils, such as guaranteed time for planning, preparation and assessment. **(Please see – Teacher directed working time document)**. It states that absence only occurs "when the person(s) who has been timetabled to take a particular class or group is absent." Therefore Cover Supervision does not need to be provided for those periods outside of when Teachers have been timetabled to teach a class. Though Schools may want to organise for other provisions to accommodate the Statutory guaranteed time for Assessment and planning and preparation.

The distinction between cover and the organisation of teaching and learning during the release of teachers is an important distinction to grasp. The school timetable is planned in advance to ensure that teachers are not timetabled to teach during planning, preparation and assessment time or when they are required to undertake other duties, such as leadership and management time. The arrangements for teaching pupils whilst teachers are undertaking these other duties are not defined as cover.

Rarely cover

Head teachers are required by the School Teachers' Pay and Conditions Document to ensure that "Teachers should be required to provide cover...only rarely, and only in circumstances that are not foreseeable (this does not apply to teachers who are employed wholly or mainly for the purpose of providing such cover)".

This requirement applies to the head teacher as well as to all other teachers.

Previous statutory guidance accompanying the Schools Teachers' Pay and Conditions document gave detailed guidance on 'rarely cover' and its implementation.

Birmingham City Council continues to recommend this guidance within its model policy, it stated that ‘foreseeable circumstances’ include:-

“Events that are foreseeable on the basis of historic experience”

“Events that are foreseeable in the normal local experience”

“Events that may be expected as part of the evolving pattern of provision”

Implementation of rarely cover

The Government no longer provides statutory guidance on rarely cover. However, the text of the former statutory guidance, which used to be included in the School Teachers’ Pay and Conditions Document is still recommended to schools as useful advice.

Policy on cover

The statutory guidance states that every school should have a clear policy.

A framework for a model policy is available in a separate document titled – **Model Policy for covering teacher’s absences**

The model is essentially prepared in full consultation with the recognised unions and teachers’ associations in 2005 which set out the principles of the national agreement and statutory requirements as well as defining terms with a view to avoiding misunderstandings, but with the addition of key requirements in the 2009 Document.

Support staff and cover - the ‘Specified Work’ regulations

The national agreement of 2003 introduced the possibility that, in the short-term absence of a teacher, pupils in class could either simply be supervised by an appropriate member of the school’s support staff, or that, in circumstances defined in statutory regulations [The Education \(Specified Work and Registration\) \(England\) Regulations 2003 as amended](#)), a

suitable person, other than a teacher, could undertake some teaching duties – called specified work - subject to certain conditions.

Specified work is defined in the statutory regulations as:

- planning and preparing lessons and courses for pupils;
 - delivering lessons to pupils;
 - assessing the development, progress and attainment of pupils; and • reporting on the development, progress and attainment of pupils.”
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A person may only carry out this specified work in a school if he or she is a qualified teacher, one of the types of unqualified teacher specified in the Regulations, or a person satisfying the other requirements specified in the Regulations. These other requirements are that:

- a person may carry out specified work only “in order to assist or support the work of a qualified teacher or a nominated teacher in the school”
 - the person must be “subject to the direction and supervision of such a qualified teacher or nominated teacher in accordance with arrangements made by the head teacher of the school” and
 - that the head teacher must also be satisfied that the person “has the skills, expertise and experience required to carry out specified work”.
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In relation to higher level teaching assistants the statutory guidance in the School Teachers’ Pay and Conditions Document states that they may be used for short-term cover, but their deployment in this way should be balanced against the educational desirability of regularly removing them from planned activities with the teachers to whom they are normally assigned. With the adoption of the Single Status scheme higher level teaching assistants may be used for specified work for up to six sessions a week.

Teaching assistants may undertake specified work with small groups of pupils, but, unless acting as cover supervisors (when specified work is not involved) are not included in the range of options for providing cover for whole classes.

Support staff and cover supervision

The statutory guidance in the School Teachers' Pay and Conditions Document states that cover supervisors, who supervise rather than undertake specified work, should be deployed for short-term absences only.

Where appropriate a school may also use people employed specifically as cover supervisors. Cover supervision occurs when there is no active teaching, and pupils continue their learning by carrying out a pre-prepared exercise under supervision. Level 3 teaching assistants may also undertake cover supervision.

Consequently the Single Status scheme provides for qualified teaching assistants to supervise, as distinct from teach, a class of pupils in an emergency, and normally for a period of less than one lesson, until the teacher returns to the class or alternative arrangements can be made. This emergency supervision should be for no more than two hours a week and should be undertaken in the class in which the teaching assistant normally works. In schools **not** subject to the Birmingham Contract or the subsequent Birmingham School Workforce Contract, there is a provision for the payment of a responsibility allowance to a level 3 teaching assistant in return for supervising any class of pupils for no more than two sessions a week in total. A session is defined as a morning or an afternoon.

Further information on cover supervision, guidance is available in the document titled **Cover Supervision** (Support Staff).

Cover teachers

Schools may employ teachers wholly or mainly for cover.

Teachers employed wholly or mainly for cover take classes, usually at short notice, when a teacher is unable, for whatever reason, to take a class for which he or she has been timetabled. The amount of cover needed in a school is not precisely predictable, depending on the level of sickness, special leave, in-service training arranged at short notice etc., so it is important for these teachers to have other, flexible duties which contribute to teaching and learning in the school. It is possible that teachers employed wholly or mainly for cover may in practice provide cover for less than half the school week, but as their timetables specify availability for cover for at least fifty per cent of their time they fit the definition of cover

teacher. They have the same entitlement as other teachers to guaranteed time for planning, preparation and assessment. Schools should consider how these teachers can maintain the curricular knowledge and other pedagogical skills appropriate to a class teacher and improve their professional development and career prospects whilst being used principally for cover duties in a variety of classes.

Some teachers, whilst not employed wholly or mainly for cover, have a lighter teaching timetable than the norm, perhaps because of a lower demand for that teacher's subject in a particular year. Where the time when they are not timetabled for teaching their subject classes has been used for other, specific duties related to teaching and learning (similar to those listed for 'gained time' – see below) then these duties should be recognised by formal inclusion in the school timetable and matching direction of working time to undertake them. Consideration will then have to be given to these other timetabled commitments when drawing up an equitable rota for cover.

Teachers who are not in charge of particular classes may have a variety of duties. They are not necessarily cover teachers. It is important to ensure that the purpose of their job is formally stated and properly understood. For example, if they are employed to take classes when a teacher is timetabled for planning, preparation and assessment they are not cover teachers, because they are timetabled from the beginning of the year to teach those pupils during the times specified and will be responsible for those lessons, albeit often working with other teachers in planning them.

Gained time

Teachers' timetables drawn up at the beginning of the school year should make specific provision for gained time. The list of activities described in the statutory guidance accompanying the School Teachers' Pay and Conditions Document as reasonable for teachers to undertake during gained time includes curriculum planning, professional development, assisting colleagues in appropriate, planned team teaching activities, taking groups of pupils to provide additional learning support and supporting selected pupils with coursework. Appropriate teaching timetabled at the beginning of the school year or as part of a formal change to the school timetable during the year is therefore included in this list and would not count as cover.

Private staff agencies

Some schools use private staff agencies for cover. They should ensure that the teachers supplied by these agencies are subject to all the relevant checks required by statute, including those relating to safer recruitment, right to work in the United Kingdom, qualifications, and health standards. They must check the identity of teachers supplied by an agency. Schools must also be satisfied that private agencies have appropriate insurance cover and are advised to ask the agencies for written assurance of this. The City Council's Insurance Officer has advised that the Local Authority would expect a private agency to accept liability in cases where a teacher or other worker made a claim against the Local Authority in circumstances where the agency had supplied a person who was not adequate for the purpose and trained accordingly or had not told the school that the person was not adequately trained.

Temporary agency workers have the right to equal treatment once they have worked in the same role with the same hirer for 12 weeks (with school holidays not interrupting the period of employment). The equal treatment will cover basic working and employment conditions such as pay, working hours, overtime, breaks, rest periods, holidays and access to training and collective facilities. It will not extend to occupational sick pay, maternity pay, pension payments and redundancy pay.