

# Raising Standards and Tackling Workload

## Implementing the National Agreement

July 2008


 department for  
 children, schools and families

### The Appropriate Deployment of Support Staff in Schools

#### Introduction

This note responds to concerns of the Workforce Agreement Monitoring Group<sup>1</sup> (WAMG) relating to the way school support staff are being deployed in a number of schools. WAMG has reviewed the evidence concerning, in particular:

- inappropriate contractual arrangements for support staff;
- insufficient opportunities being given to those support staff who have particular skills (such as higher level teaching assistants) to use those skills on a continuing basis;
- the confusion between cover for unforeseen teacher absence and normal timetabled arrangements for taking a class while the class teacher is taking their planning, preparation and assessment (PPA) time or other regular non-contact time;
- support staff without appropriate training and skills being required to supervise pupils and/or deliver specified work; and
- some members of support staff being expected to undertake 'unpaid overtime'.

WAMG fully endorses the new opportunities for the development and progression of support staff created by workforce reform in schools and the positive impact of these changes on pupil outcomes. However, it is incumbent on all schools to ensure that these roles and responsibilities reflect the skills, training, expertise and experience of members of staff and that such attributes are reflected in appropriate pay and rewards and fair conditions of employment.

The deployment of school support staff will have significant implications for schools as they prepare to move to a situation where teachers 'rarely cover'. In particular, schools must be aware that this will not automatically mean that cover can be passed on to support staff to fill any gaps. In developing a strategy for 'rarely covering', schools should take account of this advice and previous advice issued regarding the deployment of support staff and strategies for dealing with PPA and cover<sup>2</sup>.

#### Contractual arrangements for classroom-based support staff

The latest research into the deployment of classroom-based support staff in school notes that the practice of split contracts for support staff remains widespread.

A split contract for a teaching or learning support assistant, including those who meet the higher level teaching assistant (HLTA) standards, means they only receive enhanced pay for those hours when they are specifically deployed in an HLTA capacity, for example, when taking a whole class to provide PPA time for a teacher, which is only one aspect of the HLTA role. A recent study by UNISON<sup>3</sup> reports that up to 50 per cent of schools in their sample were issuing split contracts to support staff.

HLTAs can take on higher level tasks and responsibilities that reflect their level of expertise – this includes working with individual pupils, small groups and whole classes.

However, many schools only seem to see the role of HLTAs in connection with a teacher's PPA time, when an HLTA may take responsibility for a whole class in the planned absence of a teacher. This narrow view of the HLTA role has a number of potential drawbacks, because the skills demonstrated by HLTAs against the national standards are not being fully utilised. These drawbacks include:

- teaching assistants (TAs) or other members of support staff with HLTA status find that there is no role for them when schools use other strategies for managing teachers' PPA time. This can mean that the HLTA's level of skills and experience are not being fully deployed to raise standards;
- HLTAs find themselves taking whole classes all or most of the time because they are exclusively deployed during the PPA time of different teachers. This means that schools are unable to also deploy HLTAs in other roles that, together, make better use of HLTAs' range of


 Llywodraeth Cynulliad Cymru  
 Welsh Assembly Government


1 The Workforce Agreement Monitoring Group is composed of representatives from ASCL, ATL, DCSF, GMB, NAHT, NASUWT, NEOST, UNISON, UNITE, Voice and the Welsh Assembly Government, who are all signatories to the Agreement.

2 See WAMG Cover and PPA resource packs at [www.tda.gov.uk/remodelling/nationalagreement/cover/coverresourcepack.aspx](http://www.tda.gov.uk/remodelling/nationalagreement/cover/coverresourcepack.aspx) and [www.tda.gov.uk/remodelling/nationalagreement/ppa/resourcepack.aspx](http://www.tda.gov.uk/remodelling/nationalagreement/ppa/resourcepack.aspx) respectively.

3 School Remodelling – the impact on support staff, Unison, 2007.

skills and experience. Previous WAMG guidance<sup>4</sup> has illustrated a wide range of other roles that can be assigned to HLTAs that actively contribute to raising standards in addition to their work with individual pupils, small groups and whole classes. Where HLTAs are deployed during the PPA time of teachers they should be provided with sufficient time, within their contracted hours, in which to plan and prepare, including opportunities to liaise with class teachers; and

- TAs with HLTA status are issued with split contracts where a TA is deployed to do higher level work with a whole class for part of the week and paid a higher rate for this and is then deployed the rest of the week as a general TA at a lower level of pay. This is based on the assumption that HLTA work only relates to working with a whole class. However, if a TA has the skill and knowledge to take a whole class they clearly have a range of skills that can also be used in a variety of settings supporting the work of teachers. Previous WAMG advice on this states that casual arrangements – which give to TAs who meet the HLTA standards enhanced pay only for those hours when they are deployed with whole classes to provide PPA time for teachers – are not in line with the aims of workforce reform and the principles of the National Agreement. Therefore, schools should consider whether they have a broader range of work that would enable them to maximise their use of an HLTA's skills or, indeed, whether these resources could be used more widely in collaboration with other schools.

Some schools, particularly small primary schools, may only require an HLTA for part of the school week. For example, a school may wish to employ an HLTA for 20 hours. Whilst part of this time can be used for taking whole classes, this time can also be used for working with individual pupils and small groups, using the full range of skills and knowledge for which HLTA status was awarded.

WAMG is keen that the skills of an HLTA are not limited to working with whole classes and wants to see the development of wider roles for HLTAs. A more effective deployment of HLTAs throughout the school will make better use of the skills of HLTAs and can thus help raise standards of achievement. This will be increasingly crucial when developing personalised learning strategies for pupils.

The National Agreement explicitly recognises that support staff should receive remuneration that reflects their level of training, skills and responsibilities – and this is particularly important as higher level roles develop.

The Deployment and Impact of Support Staff in Schools (DISS)<sup>5</sup> study reveals that the majority of support staff continue to be employed on permanent, continuous contracts of less than 52 weeks per year. The contracts are sometimes issued inconsistently, without transparency and can be applied disproportionately to part-time staff. Schools should review their use of term-time only contracts within a coherent and consistent staffing policy. The new national negotiating body in England will consider the issue of term-time contracts as part of its forthcoming programme of work. The development of a National Structure in Wales, as part of the One Wales agreement, is at an early stage and work to develop the structure will include consideration of current employment practices.

## Unpaid overtime

There is some evidence that on occasions, support staff with established contractual arrangements are being expected to undertake 'unpaid overtime'. This is unacceptable. If it becomes clear that an individual's working arrangements do not fully take into account the work required of the post, then a proper discussion must take place between them and their line manager to resolve the issue. This might mean:

- paying overtime;
- extending, by agreement, the hours required under the contract, with the appropriate increase in salary; or
- allocating the additional work to other members of staff.

## The deployment of support staff in the classroom

### Cover supervision

The School Teachers' Pay and Conditions Document (STPCD) 2007 states that absence *occurs when the teacher normally responsible for teaching a particular class is absent from the classroom during the time they have been timetabled to teach.*

Recent evidence from the DISS report highlights *there is a widespread confusion between two very different activities undertaken by support staff: one is taking a class during a teacher's timetabled PPA time and the other is providing cover supervision during a teacher's short-term absence.*

WAMG has consistently taken the view that the deployment of support staff covering for absent colleagues should be considered to be entirely separate from the deployment of support staff to support the provision of PPA in the timetable.

As WAMG Note 12 states:

*It is important that schools appreciate the distinction between these two areas of support staff deployment:*

- *The need for **cover** arises when a teacher is absent from a lesson they are timetabled to teach.*

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<sup>4</sup> See "Guidance for schools on HLTA roles for school support staff" at [www.tda.gov.uk/upload/resources/pdf/w/wamg\\_hlta\\_roles.pdf](http://www.tda.gov.uk/upload/resources/pdf/w/wamg_hlta_roles.pdf).

<sup>5</sup> The Deployment and Impact of Support Staff in Schools – Strand 1, Wave 2, DCSF, 2006, page 41: only 45% of the support staff sample were contracted to work 52 weeks.

- **PPA time** is time during which a teacher is **not** timetabled to teach. Schools are therefore required to put additional staffing into their timetables in order to ensure that delivery of the curriculum is maintained.

Cover supervision occurs where no active teaching is taking place and, under the supervision of a member of support staff, pupils undertake pre-prepared work. Cover supervision can be used for short-term absence but it is not an appropriate way of covering medium to long-term absence or of dealing with a class when a teacher is not timetabled to teach them. Staff carrying out this role should be appropriately trained – including in behaviour management. The National Joint Council (NJC) national profiles<sup>6</sup> recommend that, in a four-tier career structure, cover supervision is a level 3 activity.

It is likely that in a primary or special school setting, short-term supervision will quickly escalate into specified work which, according to the NJC national profiles, is a level 4 (HLTA) activity. It is therefore inappropriate to deploy support staff to provide cover in this instance unless they are trained to that level.

## Deploying support staff as part of PPA arrangements

Cover supervision is not an appropriate means of maintaining curriculum provision during the time a teacher is timetabled for PPA. As a teacher's PPA time constitutes a regular timetabled activity, a member of staff with the appropriate training, skills and experience to deliver 'specified work' should be deployed to ensure the continuation of teaching and learning throughout the timetable. The guidance accompanying the specified work regulations for England and Wales<sup>7</sup> states that:

*Support staff...may undertake the 'specified work' subject to a number of conditions. These conditions, as set out in paragraph 10 of Schedule 2 of the Regulations, are as follows:*

- the support staff member must carry out the 'specified work' in order to assist or support the work of a qualified teacher in the school;*
- the support staff member must be subject to the direction and supervision of a qualified teacher in accordance with arrangements made by the headteacher of the school; and*
- the headteacher must be satisfied that the support staff member has the skills, expertise and experience required to carry out the 'specified work'.*

## Responsibilities of schools and local authorities

- Schools should seek to deploy their staff in such a way as to maximise the benefits these staff bring to the school. Schools should review their current employment practices to ensure that support staff receive fair and consistent pay and conditions appropriate to the overall role and responsibilities they undertake.
- Schools should review their individual cover policies to ensure that these activities are only undertaken by those members of staff with appropriate levels of skills, status and experience and that any necessary training is provided.
- It is vital that schools have distinct and documented cover and PPA policies in place that define the roles and responsibilities of support staff members. These policies need to be communicated to and understood by all school staff. If members of support staff are required to deliver specified work, the school will also need to have in place a written system of supervision in accordance with the regulations for England and Wales and accompanying guidance.
- Schools should maintain a system of recording the amount of any cover undertaken by teachers. This is vital to ensure that the conditions of the National Agreement continue to be met as all schools move towards the position in which teachers only rarely cover from 1 September 2009. Schools are recommended to extend their cover-recording system to include all members of staff responsible for providing cover.
- Local authorities and local social partnerships have a crucial role to play in engaging with schools to support the implementation of these necessary working practices to ensure schools are both deploying support staff to maximum effect and providing fair pay and rewards for all support staff. Local authorities should review their associated policies and guidance to ensure consistency of approach when supporting schools in the implementation of these working practices.
- Job profiles of support staff allow for multi-skilled and multi-task roles. A job description should usually encompass all duties and be the basis for a single contract. Local authorities can amalgamate these roles into a single job evaluation reflecting all levels of responsibility when deciding the appropriate pay and grading.

## Longer term arrangements

This note covers a range of issues connected with the contractual position and conditions of service of support staff in schools. In the longer term, issues of this nature will be discussed, in England, in the new School Support Staff Negotiating Body (which will be established on 1 September 2008), where they will be the subject of joint advice and collective agreements reached between employer representatives and the support staff trade unions. In Wales, consideration of these issues will form part of the development work leading to the establishment of a National Structure.

<sup>6</sup> School Support Staff – The Way Forward, 2003.

<sup>7</sup> The definition of 'specified work' is set out in the guidance accompanying section 133 regulations of the Education Act 2002 ([www.tda.gov.uk/upload/resources/pdf/c/cover\\_guidance\\_s133.pdf](http://www.tda.gov.uk/upload/resources/pdf/c/cover_guidance_s133.pdf)) and the guidance circular accompanying the Education (Specified Work and Registration) (Wales) Regulations 2004. [new.wales.gov.uk/publications/circular/circulars04/NAFWC422004?lang=en](http://new.wales.gov.uk/publications/circular/circulars04/NAFWC422004?lang=en).

