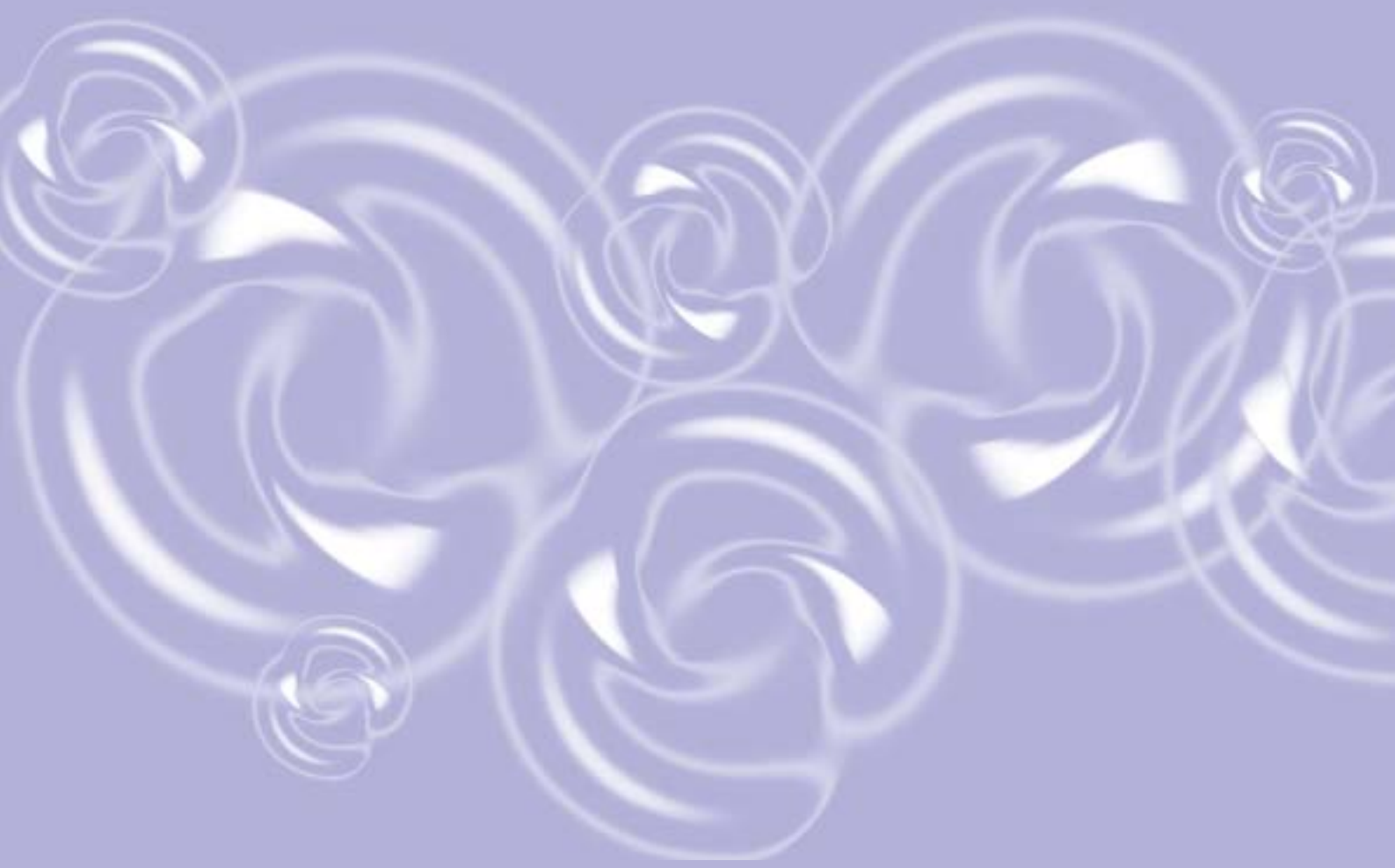


A GUIDE FOR SUPPLY TEACHERS IN ENGLAND AND WALES

advice and information for members



The Association of Teachers and Lecturers exists to promote the cause of education in the UK and elsewhere, to protect and improve the status of teachers, lecturers and non-teaching professionals directly involved in the delivery of education and to further the legitimate professional interests of all members.

For a free copy of the Association of Teachers and Lecturers' publications catalogue, please call the ATL publications despatch line on 0845 4500 009.

© Association of Teachers and Lecturers 2003. All rights reserved. Information in this book maybe reproduced or quoted with proper acknowledgment to ATL.

To receive the text of this book in large font, please contact ATL on 020 7930 6441 or write to ATL, 7 Northumberland Street, London WC2N 5RD.

1	INTRODUCTION	2
2	TECHNICAL ISSUES	3
	Sources of supply teachers	3
	Pre-employment checks	3
	Criminal Records Bureau	4
	The employment status of supply teachers/substitute teachers	5
	Overseas Trained Teachers (OTTs) and supply work	6
	Newly Qualified Teachers (NQTs) and supply work	6
3	PRACTICAL POINTS	7
	Before you start - questions you should ask	7
	On arrival at the school	8
	The role and duties of a supply/substitute teacher	10
4	PAY AND OTHER ISSUES	11
	Pay	11
	Threshold applications	12
	Pensions	12
	Tax and National Insurance	12
	Keeping records	12
	Supply teachers and the National Agreement	13
	Duty of care	13
	OFSTED and supply teachers	13
	Supply support staff	14
	Insurance	14
	Employers' liability insurance	14
	Public liability insurance	15

1 AN INTRODUCTION

Over the years, supply teachers have made an unquestionably valuable contribution to the smooth running of schools and the raising of standards within them. Yet supply teaching is potentially more complicated than teaching as a permanent staff member. For supply teachers who come via an agency, the legal terms under which they are employed are sometimes all too ambiguous.

The Association of Teachers and Lecturers (ATL) offers this guide on how to avoid some of the pitfalls and how to establish a good working relationship with schools, whilst protecting, as far as possible, your employment rights. The guide is in three parts – the first section deals with technical issues before you start supply work; the second section covers practical points, both before you arrive at your supply school and when you start; the third section deals with pay and other issues like insurance which might be relevant when you have started work.

2 TECHNICAL ISSUES

Sources of supply teachers

There are four main sources of supply teachers

- pools of supply teachers maintained by a Local Education Authority (LEA)
- the school's own external contacts
- part-time teachers working at the institution or locally who are willing temporarily to work extra hours
- employment businesses and agencies.

The number of LEA pools has reduced over the past few years with many authorities having either abandoned them or tendered the service to an agency. The Department for Education and Skills (DfES) has introduced a Quality Mark (QM) for these agencies.

Teachers who are on the books of employment businesses and agencies are sometimes in a different (and often weaker) position than those in other categories.

ATL advises members to use Quality Mark awarded agencies only. A list of all the agencies who hold the QM can be downloaded from the Recruitment and Employment Federation (REF) website at www.rec.uk.com.

For the first time in its history, ATL is endorsing a supply agency for school staff. In 2002 it reached an agreement with the STC Consortium Limited, a profit-sharing organisation, which was set up by teachers and is committed to working co-operatively and to providing an ethical service. The company is currently operating in Tyneside and has signed a partnership agreement with North Tyneside LEA to provide a complete supply service to its schools. All supply teachers are paid in line with the salary scales set out in the *Schoolteachers' Pay and Conditions Document*.

Pre-employment checks

The following checks are likely to be undertaken prior to your offer of employment:

- Identity: an employer may verify your identity by reference to a passport or birth certificate.
- Permission to work in this country: prudent employers, agencies and schools will ensure that employees have permission to work in the UK.
- Qualifications: you are likely to be asked to produce a notification from the DfES, (or any of its predecessors, such as the DfEE, or from the Department of Education Northern Ireland or the Welsh Assembly) that you hold Qualified Teacher Status.
- Health: you must be mentally and physically fit to be able to teach. You may be required to attend a medical.
- References: your employer or the agency is likely to check with your previous employer and with other referees.
- Employment history: your employer will wish to see your track record and may ask you to explain any gaps in your employment history.

- Qualified Teacher Status (QTS): your employer will seek documentary proof of QTS or evidence that you fall within one of the exceptions from QTS, such as teachers trained outside the European Union for example. Such teachers can work for four years in the UK without QTS. For further information please see Overseas Trained Teachers (OTTs) and supply work.
- Verification of non-European Economic Area (EEA) qualifications: advice on the level and standard of non-EEA overseas teaching qualifications is available from the UK National Academic Recognition Information Centre (UK NARIC), tel, 01242-260010. Alternatively, you can access their website at www.naric.org.uk.
- If you obtained QTS after 7 May 1999, the employer will wish to see evidence that you have successfully completed a statutory induction period.
- Proof of registration with the General Teaching Council (GTC): all teachers working in maintained primary, special and secondary schools and non-maintained special schools along with pupil referral units are required to register with the GTC. Supply agencies are likely to require proof of registration with the GTC as a requirement before offering work. A fee, currently £28.00, is payable to the GTC each year. The LEA currently adds £33.00 to teachers' salaries to cover the cost of the GTC fee. This is not extended to supply teachers working for private agencies. Teachers can claim a tax rebate on the fee and are advised to contact their local Inland Revenue office to request further details and an application form. Alternatively, teachers can call the Inland Revenue Helpline on 0845-9000444. The GTC can be contacted by telephone on 0870-0010308 or via their website www.gtce.org.uk. Teachers working in Scotland should register with the General Teaching Council for Scotland, tel, 0131 314 6000 or via the website www.gtcs.org.uk.
- Criminal records: The Rehabilitation of Offenders Act 1974 does not apply to teachers and you should be aware that, if requested, you must give details of all criminal convictions (including cautions) and those that would normally be regarded as spent. You must ensure that the details you provide are correct and up to date. The declaration you make will be verified by the document you receive from the Criminal Records Bureau (CRB), employer and the supply agency. This document (known as an 'enhanced disclosure') will also show whether you are on List 99 – see below.

Criminal Records Bureau

The CRB replaced the Department of Health vetting system for police checks in April 2002. The vetting process is designed for applicants who have been resident in the UK and includes a check against List 99.

List 99 is a record retained by the DfES of individuals who are subject to restrictions or barred from teaching and work involving regular contact with children or young persons in schools.

There are three different types of disclosure that the CRB provide depending on the position applied for and the type of work involved. Teachers and support staff in schools will require an enhanced disclosure, the highest level of CRB checks. The application form has to be signed by both the individual applicant and an organisation registered with the CRB - in most cases this will be the organisation that is recruiting. A copy of the enhanced disclosure is sent to you and your prospective employer or supply agency.

The DfES suggests that supply teachers should be checked every three years. However, if a supply teacher has had a break in service of three months or more then they may be expected to provide another CRB disclosure. A fee, currently £29, is payable when applying for each disclosure. Some agencies have agreed to pay the fee, though they are not legally obliged to do so. It is the individual teacher's responsibility to ensure that the fee is paid. The CRB can be contacted by telephone on 0870 – 9090811. Alternatively, you can visit their website at www.disclosure.gov.uk.

A teacher supply agency should be in a position to provide evidence that the CRB checks have been carried out. However, the responsibility rests with the school to ensure that the checks have been made and any further necessary enquiries have been carried out.

The employment status of supply teachers/substitute teacher

Supply teachers who are in a 'pool' maintained by a LEA, those located through the school's own contacts, or part-timers who wish to temporarily increase their hours, are likely to be employees of the school or LEA for their period of supply work. Moreover, they will qualify for the numerous protections and benefits that arise from such status. These include:

- the right to be paid in accordance with and by reference to the *School Teachers' Pay and Conditions Document* (see Pay on page 10)
- the right to be a member of and make contributions towards the Teachers' Pension Scheme (TPS) (see Pensions on page 11)
- the right to a redundancy payment – provided s/he has two years continuous service (for further information see ATL's publications *Redundancy: advice and information for members in maintained schools* and *Redundancy: advice and information for lecturers working in further education*)
- the right not to be unfairly dismissed (provided s/he has one year of continuous employment with the same employer).

The position of teachers working for supply teacher agencies is less beneficial. Teachers working for agencies will often have a contract that states that it is a 'contract for services' rather than a 'contract of service' - the latter is the normal arrangement for employees.

In a 1995 High Court case, the judge decided that teachers provided by an agency were not employees of the LEA or the governing body of the school where they worked. So is the teacher an employee of the agency? Unfortunately, this fundamental issue was not resolved by the court (although the case went on to the Court of Appeal, this part of the decision was not affected by the appeal). There have been several test cases since but the issue continues to await a definitive decision.

The European Union (EU) is now considering a new Directive on Temporary Agency Workers. This may in due course lead to agency supply teachers having the right to claim equality of treatment (e.g. over pay and pensions) with employed workers in the organisation where they are placed, once they have been there for six weeks (there is intense discussion about this qualifying period).

There is no general rule of law that a temporary worker cannot have a contract of employment with the agency with which s/he is registered - this issue is decided upon within the context of the particular contract. Often the contract will stipulate that tax and National Insurance will be deducted by the agency - these are helpful (but not conclusive) indicators that the supply teacher has employee status. Similarly, sickness and maternity entitlements assist in arguments for supply teachers to be legally recognised as employees.

If the teacher can establish his/her status as an employee then s/he becomes entitled to certain rights - examples of which are given above.

Teachers working for supply agencies do have the statutory protections set out in equal opportunities legislation: any discrimination on the basis of race, sex or disability is unlawful. From December 2003, new protections from discrimination on grounds of religion and sexuality will also be introduced. Discrimination on the basis of age is currently not unlawful but this should change with the introduction of new employment legislation in 2006.

Overseas Trained Teachers (OTTs) and supply work

OTTs can do supply work for up to four years without QTS. OTTs who wish to obtain QTS can do so through several routes, details of which can be obtained from the Teacher Training Agency (TTA) teacher information line, tel, 0845 6000 991.

One of the most popular ways of gaining QTS is the Overseas Teaching Programme. This is a special assessment-only route for overseas-trained candidates who have appropriate qualifications and experience. Those with at least two years' teaching experience may be eligible for assessment against the QTS and Induction Standards. Those who are successful will be exempt from serving an induction period. For further information, please see the TTA website: www.canteach.gov.uk or tel, 01245 454321.

Newly Qualified Teachers (NQTs) and supply work

The induction period can be started if the NQT begins a supply post for a term or more. You must not assume that the term(s) will automatically count towards your induction. Rather you must agree this with the headteacher so that an induction programme will be in place once you start work. You should not delay your induction. You can only work for four terms 'on supply' after which you will need to seek permanent employment in order to complete the induction period. Further induction guidance is available from the ATL website. Alternatively contact the DfES induction section, tel, 01325 392421.

3 PRACTICAL POINTS

Before you start – questions you should ask

Before you start working as a supply/substitute teacher, whether as part of an LEA pool, at a particular school, or for an agency, it is important that you establish clearly the **terms and conditions** of your employment.

In the case of agency supply teachers, the terms and conditions under which you will work are likely to be set out in a written contract to be made with the agency (sometimes supplemented by a handbook). Supply agencies are required by law to give each teacher a written statement containing full details of his/her terms and conditions.

If you work as a supply teacher in a LEA-maintained pool or at a school, you should make sure your terms and conditions have been set out in writing.

You should fully understand the contents of any documentation you receive and are asked to sign. If you are in doubt as to any of the terms, seek clarification from the employer or the supply agency and, if doubts persist, contact ATL for advice and guidance.

How do you ensure that you get paid?

The employing authority or agency should have advised you of the procedure to be followed to allow you to receive prompt payment. It is likely that any payment due to you will be conditional upon the submission of the appropriate paperwork and forms at the correct time.

- How will you get paid (for example, by cheque or credit transfer)?
- When will you get paid (perhaps weekly or monthly)?
- Are there any notice provisions by which the assignment may be brought to an end? This is particularly important for those teachers engaged on a lengthy supply arrangement.
- What is the rate of pay for a full or half day of supply work? If appropriate, what is the hourly rate?
- What are your obligations when attending the school? Have they been spelt out clearly?
- Is there a disciplinary procedure applicable to you?
- If you have a concern or grievance, are you able to raise it and, if so, through what channel?
- Are there any provisions in the contract that may restrict your employment in the future? For example, is there a clause stipulating that should the school offer you permanent employment that you wish to accept, this will involve them paying a release fee to the agency for whom you've been working?
- If you are unable to attend work due to sickness, are there any provisions for sick pay (which is most likely to be statutory sick pay in any event)?
- If you become pregnant, is there an entitlement to maternity pay or leave?
- Who bears responsibility for making deductions for National Insurance and tax purposes: is it to be you, the school, the LEA or the supply agency?

(In many supply teacher agency contracts, the responsibility for making these deductions rests with the supply agency).

- What is the insurance position if, for example, something goes wrong in the classroom (see page 13)?
- Who is responsible for the day-to-day supervision of your work? Has a 'line manager' been identified to whom you can refer, taking into account the level of your skills and experience?
- What happens if, for whatever reason, you are unable to attend for work at a particular institution? Will this result in the arrangement between you and the LEA school or supply agency coming to an end?
- Are you obliged to accept an assignment offered to you?
- If you are ill, what steps do you have to take to advise, for example, the LEA, school or supply agency, that you are not fit to attend for work?

Having accepted a supply post, what are the rules applicable to you when you take up your supply work?

You are likely to be subject to the following general professional duties:

- to co-operate with staff at the school
- to accept the supervision and reasonable instruction of an appropriate 'line manager'
- to observe the rules applicable at the school; if you have any concerns (for example, about pupil discipline) you should identify these rules as quickly as possible (by liaison with the 'line manager')
- to work the normal hours of work at the school (subject to any specific contractual arrangements to the contrary)
- to take reasonable steps to safeguard the health and safety of yourself, other members of staff at the school and, of course, the pupils. If you have any concerns about health and safety you should, with the assistance of the line manager referred to above, locate the health and safety policy and ensure that you comply with its contents
- not to act in a manner that is detrimental to the school
- to keep confidential any information you acquire in your work in relation to the school, LEA or supply agency.

On arrival at the school

On arrival at the school, you should be provided with the following information, particularly if you have not worked there previously. If you are not provided with this information then you should ask for it.

Some of the following points will not apply in all situations. In particular, the distinction between supply work in the primary and secondary sectors is recognised.

The questions you should ask:

- who arranges supply cover and who is to be your 'line manager' while working at the school?
- what are the names of the heads of departments, key stage and subject co-ordinators and the senior management team?
- are there any special instructions about gaining entry to the school premises?
- what are the timings of the school day and how are they indicated?
- what time are staff expected to arrive?
- do bells mark the end of lessons and school sessions?
- what are the arrangements for assembly and registration?
- are you 'expected' to do extra duties, e.g. bus duty? If so, will you get paid for it? If not, should you be paid?
- are you 'expected' to attend staff training days, staff meetings and parents' evenings? Again, will you - and should you - be paid?
- what are the lunch and break arrangements?
- is there any information about the layout of the school? Is there a plan or map, showing the location of rooms? If so, you should receive a copy.
- where is the staffroom, cloakroom and lavatory?
- is there somewhere – for example, a locker – where you can store your personal belongings safely and securely?
- where are the classrooms/teaching spaces?
- does the school have a lesson routine? For example, are classrooms locked at the end of a school session?
- do pupils line up outside the classroom before the lesson commences?
- is there a seating plan for the classroom or are pupils able to choose their own seats?
- should pupils have certain books (for example, a textbook and exercise book) and equipment (for example, a pen or pencil) with them?
- do you call a register every lesson?
- have you been provided with a list of the pupils in the class you are covering?
- are you expected to teach pupils or are you supervising lessons only? If you are expected to teach a group of pupils, have you been provided with any or sufficient information about, for example, teaching resources? It will not be appropriate for you to be asked to carry out certain teaching tasks if you have not got the relevant qualifications and experience, for example supervising science practicals and PE.
- has work been set for the class or classes you are covering and if so, where can it be located? Are you expected to set work yourself?
- do pupils record their work in exercise books, on paper, or in some other way?
- is there any guidance about marking, recording and assessment (if this is appropriate to the supply assignment)?

- what are the arrangements for dealing with pupil indiscipline and disruption? It is particularly important to obtain clear guidance on the school's policy on the physical restraint of pupils.
- are any ancillary or support staff to work in the classroom while you teach? Are they in the classroom to support a specific pupil or are they to be deployed as you deem appropriate?
- do any of the pupils have any medical condition(s) of which you should be aware? Will you be asked to administer any medication (you are not contractually obliged to give medication or supervise pupils taking it)?
- what are the arrangements when a child is sick?
- what are the arrangements for wet weather during outside activities?
- what are the procedures if there is an emergency, e.g. a fire?
- is there a dress code (or any other code) that concerns you as a teacher?
- is there a school uniform?
- is there a smoking policy in operation at the school?
- have you been told whether there are any children in the class who have special educational needs?
- are there any statemented pupils? From whom do you get this information?

The role and duties of a supply/substitute teacher

In general, supply teachers (other than agency teachers) are required to carry out the functions and tasks assigned to teachers, as set out in the annual *School Teachers' Pay and Conditions Document*. Equivalent obligations may be placed on supply agency teachers. However, due to the temporary nature of their employment, there are certain obligations that cannot and should not be placed on supply teachers.

A supply teacher is likely to be expected to carry out work in the same way as any teacher. This could include break duties, seeing pupils on and off the premises and supervising classes other than the ones s/he was expecting to teach, because of the absence of another teacher. If a supply teacher is in school for only a few days, it is unlikely that s/he will be required to attend any staff meetings, parents' evenings, or any of the other activities which form part of the directed time of teachers. If the supply teacher is at the school for a longer time s/he may be required to attend such meetings and/or activities.

Because the calculation of the salary rate (at least for school-employed supply teachers) is based on the time a full-time teacher is working in school, the rate includes the element of pay for marking and preparation needed for the lessons to be taught. A full-time teacher has to do this work outside the normal school hours and directed time, and the supply teacher has the same additional work in proportion.

Pay

The basis for the payment of a supply teacher (other than for teachers engaged by an agency) is the teacher's correct point on the salary scales set out in the annually revised *Schoolteachers' Pay and Conditions Document*, and this is determined in the same way as for all other teachers. It is unusual, but not impossible, for supply teachers to receive allowances for anything other than qualifications and experience. One mandatory special needs point must be added if the teacher:

- is teaching wholly or mainly statemented pupils in designated special classes
- is taking charge of special classes consisting wholly or mainly of children who are hearing impaired or visually impaired
- is teaching in a special school.

The teacher's salary may be calculated by reference to an hourly or daily rate, depending on the circumstances. The following methods are used for calculating the hourly rate:

- (i) the annual salary divided by 195 (the days a teacher works in the year) divided by the number of hours in the school day at that school, lunch periods excluded
- (ii) the annual salary divided by 1,265 (the hours of directed time of a full-time teacher in a year).

The daily rate may be calculated in two ways:

- (i) the annual salary divided by 195 (the days a teacher works in the year)
- (ii) the annual salary divided by 1,265 (the hours of directed time of a full-time teacher in a year), multiplied by the number of hours of the normal school day at that school, lunch periods excluded.

The 1995 High Court Case (see page 4) also examined whether or not supply agency teachers were entitled to receive the rates of pay in the *School Teachers' Pay and Conditions Document* - applying to all teachers in the maintained sector.

The Court ruled that teachers working for supply agencies are not employees of the LEA or the school and therefore are not entitled to receive rates of pay in accordance with the Document. ATL believes that supply teachers should be paid in accordance with the *School Teachers' Pay and Conditions Document*. Unfortunately, teachers working for supply agencies may have to accept lower rates of pay than those received by colleagues with permanent, part-time and fixed-term contracts.

Threshold applications

A supply teacher can apply for threshold provided s/he meets the current threshold criteria and is employed on the day of application. It is essential to keep a portfolio of evidence for two to three years prior to application. To cross the threshold the supply teacher must meet the qualifying standards, which are grouped into five areas:

- knowledge and understanding
- teaching and assessment
- pupil progress
- wider professional effectiveness
- professional characteristics.

Threshold assessment is not extended to supply teachers employed by private agencies.

ATL offers a range of threshold publications that can be obtained on 0845 4500 009.

Pensions

Supply teaching, like part-time teaching, is not automatically pensionable. In order for it to be pensionable it is necessary for a teacher to elect to have pension contributions deducted from her/his salary. The election form, Form 261, should be available from your employer.

Supply work through most agencies cannot be pensionable, even if you have elected to join the scheme as a part-time or supply teacher. This is because you do not have an employer/employee relationship with your agency. The fact that agencies do not participate in the Teachers' Pension Scheme is a matter of concern to ATL and we continue to pursue the matter.

Tax and National Insurance

Supply teachers employed by a LEA or school will have tax and National Insurance deductions made under the LEA or school's arrangements.

Teachers working through a supply agency are likely to have these deductions made by the agency.

Supply teachers who are self-employed will be responsible for making their own tax and National Insurance arrangements.

Keeping records

Supply teachers must keep careful records of the dates on which they are employed, together with their salary slips. It is important that teachers keep these records and salary slips permanently. It is not the responsibility of the employers to keep them. They may be needed many years later to investigate the amount of service for salary or pension purposes. This applies to all teachers, agency teachers included, whatever type of contract they have. Self-employed teachers will also need to keep such records for self-assessment of tax.

Supply teachers and the National Agreement

In January 2003, ATL, together with the majority of other teaching unions and the Government, signed the *National Agreement: tackling teacher workload*. The agreement emphasises the important role of supply teachers (paragraph 33) and the unique value of their contribution. The agreement creates two new posts to cover short-term absences (as opposed to more long-term periods such as maternity cover), which are: Cover Supervisor and Higher Level Teaching Assistant. Only short-term cover is open for the new extended roles as is made clear in paragraph 33 which was included at ATL's insistence:

'Cover supervisors and high level teaching assistants are for short-term absences only...' and '...should not be used as the remedy for the medium or long-term absence of a qualified teacher.'

ATL continues to urge the Government to bring pressure on local authorities to re-establish pools of supply teachers available to schools with some of these being employed on a proper contractual basis.

Duty of care

ATL takes a strong line on assaults against teachers and expects schools to exercise the same duty of care towards supply teachers as they do to their permanent staff. Therefore the school policy on discipline should be equally applicable to supply teachers and any cases of assault dealt with as robustly as would be the case with a permanent member of staff.

Any member who is assaulted by a pupil should contact ATL and request an Assaults Upon Members pack.

OFSTED and supply teachers

Ofsted Inspectors are expected to visit classes taught by supply teachers. The evaluation criteria are the same as for classes taught by other teachers.

Restrictions on future employment

Some supply agencies impose restrictions on the employment of teachers who sign up with them. These restrictions include imposing significant financial penalties on the schools /LEAs who contract with the agency. ATL is aware of at least one contract that contains a direct prohibition on the teacher taking up employment with a LEA to which s/he has been assigned via the agency in the preceding six months. This therefore excludes teachers from the potential benefits they would enjoy if they worked for a LEA, in this case the statutory protections referred to above (see 'The Employment Status of Teachers') and the more beneficial rates of pay under the *School Teachers' Pay and Conditions Document*.

Such restraints represent a major disincentive to schools/LEAs considering offering employment and prevent those teachers with whom they have established a successful working relationship from taking up employment on more conventional and acceptable terms.

Supply support staff

Some supply agencies provide Teaching Assistants, Nursery Nurses and other support staff to schools. Registration requirements do vary. Many agencies ask for specific qualifications, such as a Cache Level 3 Diploma in Childcare and Education (NNEB) and/or substantial experience of working with children.

Support staff do not have to be registered with the GTC but will be expected to provide evidence that a CRB check has been carried out.

There are no national pay rates for support staff. Agency pay rates vary and are normally linked to qualifications and experience.

Insurance

On the use of supply teachers, DfEE Circular 7/96, provides guidance at paragraphs 19 to 25 on the different types of insurance an employer should have in place. These paragraphs contain a comprehensive assessment of the position and are set out in full:

EMPLOYERS' LIABILITY INSURANCE

19. Employers may be liable for the costs of injury sustained by their employees in the course of their employment. The Employers' Liability (Compulsory Insurance) Act 1969 requires most employers to take out insurance to cover this risk; LEAs as employers are exempt from that Act as they are assumed to be able to carry their own risk if they wish.
20. Where the LEA is the employer, employers' liability cover will be provided under the LEA's own arrangements. In voluntary-aided schools the governing body is the employer, and is required to make the necessary insurance arrangements, but DFEE (Department for Education and Employment, now DfES) Circular 2/94: Local Management of Schools, which offers advice to LEAs and governing bodies, makes it clear it is expected that LEAs will either act as insurers or arrange external insurance to cover the potential liabilities of such governing bodies.
21. Whenever cover is provided or arranged by the LEA, it should ensure governing bodies are aware of the nature of cover as it affects those employed at the school.
22. Foundation, non-maintained special and independent schools are responsible for arranging their own cover for employers' liability insurance.
23. Advice from the Association of British Insurers (ABI) is that a typical employers' liability insurance policy incorporates a reasonably wide definition of 'employee'. This includes anyone supplied to, hired or borrowed by the insured. ABI have advised that provided insurers are advised at the outset of any intention to use agency or self-employed supply teachers appropriate cover can be provided. LEAs or schools are strongly advised to ensure that their insurers are made aware of any use of such supply teachers.

PUBLIC LIABILITY INSURANCE

24. School governing bodies may also be liable for the costs of any injury to third parties (including pupils) if this can be shown to be caused by the governing body's negligence. DfEE Circular 2/94 makes clear that the Secretary of State expects the LEA to make arrangements to cover such risks on behalf of the governing bodies of maintained schools, including those, which are voluntary aided. The LEA may act as insurer or arrange external insurance to cover the potential liabilities of governing bodies. Grant-maintained, non-maintained special and independent schools must make their own arrangements for cover.
25. Advice from the ABI is that a typical public liability insurance policy will cover the governing body's liability for the consequences of acts undertaken by all teachers, regardless of their employment status.

Schools will wish to be clear about what cover is provided in respect of both employers' liability and public liability insurance by checking either with the LEA where appropriate or direct with their insurers.

These paragraphs provide a degree of reassurance to members if, for example, an accident occurs in the classroom. However, members concerned about their position at a school should seek clarification and confirmation from their 'line manager', preferably in writing, that they are covered by the school's insurance policies.

Some agencies' terms of business require the receiving school or LEA to provide employers' liability insurance even though the school does not formally employ the staff. One supply agency in the further education sector makes it a fundamental condition of the contractual arrangement that the lecturer takes out professional indemnity insurance (at her/his own expense) to cover any potential claims for negligence.

Association of Teachers and Lecturers 2003

ATL members	Free
Non-members	£8.99
ATL product code	PE25
ISBN	1 902 466 31 4

There is no doubting the importance of the role supply teachers play in today's ever complex education system. Yet the position of supply teachers is still uncertain and potentially more complicated than teaching as a permanent staff member. For those who come via an agency, the legal terms under which they are employed are sometimes all too ambiguous.

With the right homework and preparation, however, working as a supply teacher need not be the minefield it might seem. With this guide ATL offers advice on how to avoid some of the hurdles and pitfalls and so get the most out of your time at your school whilst protecting your employment rights.