



Cover

NEU guidance for members in England & Wales

Providing cover for absent colleagues is not a good use of teachers' time. This guidance sets out how cover for absent teachers should be organised, what protections exist and addresses frequently asked questions.

What we say

When you read through this document you may have questions about what happens in your particular school or workplace and there may be collective issues that affect other members. In most circumstances, you should initially discuss the matter with your workplace rep, as they will know whether similar concerns have been raised by other members. If you do not have a rep at the moment, it would be a good idea to get members together to elect one. Further advice on this is available at: neu.org.uk/becoming-a-rep

Although you may sometimes feel that you are the only person affected by, or concerned about, a particular issue, in reality this is seldom the case. Any difficulties you may experience are likely to be linked to wider conditions at your workplace and, as a member of the NEU, you have the advantage of being able to act collectively with your colleagues. This should give you the confidence of knowing that you have the weight of the union behind you.

What is 'rarely cover' and to whom does it apply?

The School Teachers Pay and Conditions Document (STPCD) states: "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 provision applies to all teachers, including head teachers, teachers on the leadership spine, and part-time teachers, whether employed by a local authority maintained school, or by the governing body of a foundation, voluntary aided or foundation special school. It may also apply to teachers in academies and will do so where teachers have transferred when a school has adopted academy status. It does not apply to teachers employed wholly or mainly to provide cover in a school.

What does 'only rarely' mean?

The NEU interpretation is that teachers should be asked to undertake cover only in exceptional circumstances, such as emergency situations. In addition, our view is that 'only rarely' applies not just to the number of individual occasions, but to the total number of hours that a teacher is asked to provide cover on a particular occasion. A teacher who is asked once in a year to take pupils from a split class for a whole day while their teacher is absent would be covering for at least five hours, which would not fall within the definition of 'rarely'.



The NEU opposes schools operating a fixed hours limit to cover duties as this would be incompatible in practice with cover being undertaken only rarely or exceptionally; it would become an expectation that teachers would provide cover to that limit. Most events which prompt a need for cover are foreseeable. For example, it is certainly foreseeable that there will be a need for cover to be arranged when teachers are absent from school due to other work commitments such as school trips, external meetings or for training. In many areas of England and Wales it will be foreseeable that there may be adverse weather or traffic conditions which will affect teachers' attendance, although it may be that any particular occurrence is itself unforeseen.

Should my school have a cover policy?

Yes, all schools should have an effective cover policy that establishes a strategy for dealing with planned and unplanned absences of teachers. This will ensure that cover can be arranged in a speedy and appropriate way. Where revisions are proposed to a school cover policy, teachers should be fully consulted.

What should be covered in the school cover policy?

An effective school cover policy should:

- set out how provision can be made for the absence of teachers without an increase in workload for teachers.
- focus on the use of qualified teachers to provide cover, whether by teachers employed on a permanent full-time or part-time basis to provide cover in a school or by supply teachers engaged as necessary. Supply teachers should be engaged directly wherever possible, not via supply agencies, in order to ensure appropriate pay and pension provision.
- ensure that teaching assistants are not expected to work outside their proper role. Where a head teacher will not employ supply cover and chooses instead to cover a planned absence by deployment of a cover supervisor or higher level teaching assistant (HLTA), there are statutory limitations on the use of cover supervisors and HLTAs which must be respected.
- provide for cover by colleague teachers only in those exceptional cases in which all other options have been exhausted. Financial difficulties are not included in such exceptional cases. It is not appropriate for head teachers to suggest that financial situations require teachers to cover rather than provide the proper arrangements within the cover policy.
- set out that even though teachers may provide cover only rarely, it is important that, so far as is reasonably practicable, the burden should be shared evenly among all staff so that, over a year, arrangements are equitable. The retention of a cover log will assist in this respect.
- provide that planning, preparation and assessment (PPA) time will be protected. The purpose of the provisions is to reduce teacher workload and the STPCD sets out that PPA time must not be used to carry out any other duties.
- provide that teachers should not routinely be required to set or plan additional lessons for use by cover staff. The exception to this would be during gained time where teachers may be directed to identify appropriate materials for use by supply staff and/or cover supervisors.
- not undermine existing contractual and agreed arrangements for leave of absence.



Do split classes count as cover?

Where the class of an absent teacher is split and shared between other classes, this constitutes cover and should occur only 'rarely' and when other strategies for providing cover have failed.

Should teachers routinely cover for colleagues absent on school trips?

Educational visits are planned activities which should be covered by the usual provisions in the school cover policy. Teachers should not be asked to provide cover if a colleague is absent on a visit, unless there is an emergency.

Does 'rarely cover' apply in relation to gained time, when exam classes have left?

Gained time is the time during the academic year, particularly in the summer term, when teachers who take examination classes or groups are released from some of their timetabled teaching commitments as a result of pupils being on study or examination leave. Teachers may be directed to use gained time to cover for a colleague. This should, however, only happen rarely.

The list of duties below used to form part of the STPCD guidance but was removed in 2014. The NEU believes that it is reasonable for a teacher to be directed to undertake these duties if classes are absent:

- developing/revising departmental/subject curriculum materials, schemes of work lesson plans and policies in preparation for the new academic year. This may include identifying appropriate materials for use by supply staff and/or cover supervisors.
- assisting colleagues in appropriate, planned team teaching activities
- taking groups of pupils to provide additional learning support
- supporting selected pupils with coursework
- undertaking planned activities with pupils transferring between year groups or from primary schools
- where the school has a policy for all staff to release them for continuing professional development (CPD) during school sessions, gained time may be used for such activities.

It is only where such activities are being undertaken with pupils whose teacher is absent, that the activities will necessarily be considered to be 'cover', in which case the 'rarely cover' provision will apply.

Can a review of the school cover policy include re-timetabling?

Re-timetabling within the academic year could include the re-timetabling of teachers with gained time, to re-designate them as the teacher for another class, with the school arguing that they are not breaching provision on cover.

Previous guidance in the STPCD made it clear that in-year changes to the calendar and timetable may be made, but this should be only for sound educational reasons – for example, a long-term absence or significant educational development. It also stated that such changes during the year should not be a frequent occurrence. Despite the removal of this from the STPCD, the NEU still believes that in-year changes should be avoided



and will support NEU representatives in opposing proposals to re-timetable as part of a review of school cover policies, other than 'for sound educational reasons'.

In what circumstances can a teaching assistant provide cover?

Despite the clear arguments for cover to be provided by a qualified teacher, some head teachers will wish to deploy teaching assistants in such roles. There are statutory limitations on the ways in which teaching assistants can be deployed to provide cover.

Cover supervision

Cover supervision takes place when pupils carry out, under supervision, work which has been prepared in advance but no active teaching occurs. Cover supervision can be lawfully carried out by a cover supervisor/teaching assistant.

Cover supervisors should only cover short-term absence. It is good practice for cover supervisors not to be used for more than the first three days of absence in secondary schools and for more than the first day of absence in primary schools.

The NEU believes that a definition of short-term absence should be included in a school's cover strategy. In a setting where a class is predominantly led by one teacher for the majority of the day, it is likely that cover supervision would very quickly become 'specified work' (see below) and active teaching would be required.

Specified work

There are restrictions on the circumstances in which a teaching assistant can be deployed to do what is known as 'specified work'. A teaching assistant who has undertaken HLTA training can be directed to undertake specified work within the restrictions set out below. If not, they can only undertake cover supervision.

Specified work is defined in the Education (Specified Work and Registration) (England) Regulations 2003 as:

- planning and preparing lessons and courses for pupils
- delivering lessons to pupils – this includes delivery via distance learning or computer aided techniques
- assessing the development, progress and attainment of pupils
- reporting on the development, progress and attainment of pupils.
- The regulations set out that in addition to these duties being carried out by an HLTA-trained teaching assistant (who the head teacher is satisfied has the skills, expertise and experience), an HLTA-trained teaching assistant must only undertake specified work:
 - to support and assist a qualified teacher
 - under the supervision of a qualified teacher.

While the NEU argues that pupils should have the benefit of the availability of a qualified teacher, if the above conditions are met, a head teacher is allowed by law to deploy an HLTA to carry out such work. The NEU advises that where head teachers deploy HLTAs in this way, they should provide cover only on a very short-term basis.



The NEU believes that those who are qualified to undertake HLTA work should be employed on such a basis for all of their work at a school and not given separate contracts for different roles.

How should members respond if the deployment of teaching assistants in a school is inappropriate and unlawful?

This should be challenged. Employers who allow such deployment may be in breach of statutory duty. Collective and legal remedies for such breaches can be considered.

Can PPA time be used for cover?

The STPCD makes clear that PPA time cannot be used for cover. Teachers cannot be directed to undertake any duty during their PPA time, other than in emergency situations. PPA time must be clearly shown in every teacher's timetable and should not be moved or cancelled.

What should I do next?

If further advice is needed, contact your NEU workplace rep in the first instance. If there is no NEU rep in your workplace, or the peripatetic nature of your employment makes contact with a workplace rep difficult, contact the NEU Adviceline in England on 0345 811 8111, NEU Cymru in Wales on 029 2046 5000 or NEU Northern Ireland on 028 9078 2020.

More contact details can be found at: neu.org.uk/contact-us