

15 July 2022

Dear

ATISN 16414 – Supply Teacher Framework Agreement and AWR Monitoring

Information requested

Thank you for your request which I received on 18 June 2022. You asked for:

- Please can you disclose the Framework agreement for Supply Teacher that was signed in 2019?
- Please can you share the processes to monitor the application of the Agency Workforce Regulations for supply teachers and any data collected on this topic since 2019?

Our response

The information you requested is below:

1. Please see attached a copy of the framework specification and terms and conditions from the 2019 procurement exercise.
2. Compliance with the Agency Worker Regulations (AWR) is covered by UK labour law and not the framework, meaning that the responsibility for determining if these regulations have been breached lie with either an employment tribunal or the courts, not ourselves.

Agencies are aware of the legal requirements under AWR, the contractual responsibilities under the Framework, and the difference between both. Employment law (including AWR) is not devolved to the Welsh Government. If a worker feels that an agency or school has worked to circumvent their 12-week rights under AWR they are able to make a claim to an employment tribunal. Further information is available from the UK Government at the following link:

[Make a claim to an employment tribunal: When you can claim - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/make-a-claim-to-an-employment-tribunal-when-you-can-claim)

As part of an agency's initial framework selection, and to ensure their continued place on the framework, all framework agencies must demonstrate ongoing membership of a suitable recruitment accreditation body. As part of this accreditation, framework agencies must abide with a Code of Conduct, and successfully pass annual audits, demonstrating that they comply with all the relevant provisions of:

- i) The 1973 Employment Agencies Act as amended;
- ii) the Conduct of Employment Agencies and Employment Businesses Regulations 2003 ("the Conduct Regulations");
- iii) and the Agency Workers Regulations 2010 ("the AWR").

The Welsh Government Commercial department does not undertake its own audits of employment agencies - but works with the above stakeholders who are resourced and skilled to undertake these audits. Should a framework agency fail to achieve this ongoing accreditation they would be suspended from the framework.

Should a supply teacher have a grievance in relation to AWR they can continue to share this with us, and we can either provide advice, or direct them to the relevant stakeholder who can assist with their queries or concerns. However, to re-iterate, we do not have the powers to investigate a reported breach of the regulations, and as mentioned this is a matter for the courts or an employment tribunal.

Next steps

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

or Email: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely