



## *AWR Information Leaflet for Schools*

### **Introduction**

The Agency Worker Regulations (AWR) came into force on 1st October 2011. The fundamental principle of the AWR is to protect lower paid agency workers from being exploited by unscrupulous hirers.

As soon as an agency worker starts an assignment, they are entitled to certain rights (day 1 rights). It is the hirer (educational setting) who is responsible for ensuring that the agency worker (teacher or support staff) has access to these facilities. If a dispute was to arise, there would be no liability on the recruitment agency. However, after 12 weeks, there are other rights which the recruitment agency must comply with.

### **Day 1 Rights**

From the first day of an assignment in an educational setting, the agency worker is entitled to:

- Access to collective facilities and amenities provided by the hirer e.g. car parking, photocopier, staff canteen etc
- Information of any relevant vacancies within a hirer's organisation and know where to access this information

### **Rights after 12 Weeks**

After an agency worker completes a 12 week qualifying period with the same hirer, in the same role, they will be entitled to the same basic terms and conditions of employment as if they had been employed directly by the Hirer. After an AW completes a 12 week qualifying period with the same hirer, in the same role, they will be entitled to the same basic working and employment conditions of a comparable permanent employee, such as:

- Working hours
- Pay conditions
- Rest breaks
- Annual leave

The requirement is simply to treat the worker as if he or she had been recruited directly to do the same job.

### **What the AWR doesn't cover...**

- > Pensions
- > Redundancy payouts
- > Occupational sick pay
- > Share schemes
- > Loyalty schemes or long term-service rewards
- > Any payment relating to maternity, paternity or adoption leave

### **Calculating the 12 week qualifying period**

The 12 week qualifying period is, subject to the following, any period of 12 consecutive weeks in which the agency worker has worked in each week in the same role for the same Hirer. It does not matter if the agency worker has worked 1 day or 5 days a week.

The period can be "paused" and continued by a number of events, including:-

- Any break of up to 6 weeks
- A break of up to 28 weeks due to either sickness/injury or jury service
- Entitled breaks such as annual holiday
- Break due to planned shutdown by the Hirer, eg school holidays.

During maternity/paternity related breaks no pause applies and the 12 week period continues to accrue.

## **Pay**

For schools ultimately controlled by LEA's, the rate of pay will be that identified by the Hirer according to the role to be performed and the Main Pay Scale rate applicable to that role. So in theory it is the role that will determine the pay rate. However, under AWR, the rate must be that which the Hirer would pay if hiring the teacher permanently.

Academies, Free schools and independent schools are free to set their own pay and conditions of employment. Details of these and, in particular, corresponding pay rates, must be obtained from each school in respect of supply placements lasting more than 12 weeks.

## **What operational changes will there be?**

### **Information flow**

Gathering the relevant information from the hirer and the agency worker is vital in ensuring full compliance is achieved with the AWR.

#### ***1. Information from the Hirer***

a. Day 1 - The hirer is responsible for providing equal treatment for day 1 entitlements and is liable for any breach of this obligation. Moore Teachers has no control over providing an agency worker with access to facilities when they are on an assignment. Information about access to facilities is likely to be set out in company handbooks. The hirer could either provide agency workers with information about their facilities, for example as part of an induction pack, or provide information to Moore Teachers to pass to agency workers as part of the information about the assignment.

b . After 12 weeks – The Hirer will need to provide information on basic working and employment conditions to ensure equal treatment. Deciding what "equal treatment" means will usually be a matter of common sense – the requirement is simply to treat the worker as if he or she had been recruited directly to the same job. Information may be found in;

- (a) Standard contracts
- (b) A pay scale or pay structure
- (c) A relevant collective agreement
- (d) A company handbook or similar

We hope the information above answers any questions you may have to comply with AWR. However, should you need any further help please contact Tina Moore at [tina@mooreteachers.co.uk](mailto:tina@mooreteachers.co.uk)