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Rt Hon Nick Gibb MP

Minister of State for School Standards

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Ms Kate Shoesmith
Deputy CEO, REC
By email: kate.shoesmith@rec.uk.com

1 March 2021

Dear Ms Shoesmith,

Thank you for your letters of 5 and 29 January, addressed to the Secretary of State, in partnership with NASUWT, NEU, TUC, and Voice Community, regarding agency supply teachers and support staff. I am replying as the Minister of State for School Standards.

On backdating Coronavirus Job Retention Scheme (CJRS) claims, as has been the case regarding the CJRS to date, employers can claim before, during or after they process their payroll, if their claim is submitted by the relevant claim deadline. The claim deadline for January was 15 February, with the February deadline being 15 March. Claim deadlines are available at: tinyurl.com/KSCRT23.

Employers will not be able to submit a claim after the 14 day deadline has passed unless they have a reasonable explanation, taken care to try to claim on time, and claimed without delay as soon as they were able to.

Employers must contact HMRC about making a late claim. HMRC encourage employers to contact them through their normal channels when they are ready to make their claim, if they have not been able to meet a claim deadline. They must do this as soon as the reason for missing the deadline has passed. Further information can be found here: tinyurl.com/RVTBH83.

Where a payroll run usually would not be complete by the 14th of any month, employers are still required to take reasonable care to make an accurate claim within the deadline. If the employer, despite taking reasonable care, identifies that their claim needs to be corrected later, they can do so. Where the employer has not claimed enough support, there is a window of 28 days after the end of each month during which they can contact HMRC to adjust their claim. If the business had claimed too much, this can be corrected at any time, subject to any further deadlines HMRC may publish. Employers can do this through the online portal by setting off the overclaim against a later claim. Further information is available at: tinyurl.com/QPYTV66.

With regard to reissuing the Policy Procurement Notice (PPN), whilst the Cabinet Office has not issued a PPN, the Department has produced guidance to the same effect as the previous PPN that encourages schools to continue to pay supply staff for the duration of their existing assignments, and to not cut short these agreements. This guidance is available at: tinyurl.com/MNBVCH. It also includes how schools may calculate payments to support supply staff that they engage on a casual basis that is in line with support that agency staff receive via the CJRS.

The guidance also provides advice for schools on how they may continue to pay agencies for agreed assignments at 80% of the agreed contracted rates so that agency staff can continue to be paid.

This guidance is not mandatory for schools, as was the case for the Cabinet Office PPN. The decision whether to apply the guidance, as with all staffing matters, is the responsibility of head teachers. Whilst the decision therefore remains the responsibility of head teacher, our guidance makes clear that we expect that schools should make these payments unless there are legitimate reasons not to.

The Coronavirus (COVID-19): financial support for education, early years and children's social care guidance is available at: tinyurl.com/KJHGFDN. This includes full details of all the financial support available for supply teachers, and also broader financial support for early years, schools, colleges and higher education institutions during the COVID-19 outbreak. Officials will ensure this advice is shared with schools and other stakeholders.

With best wishes.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Nick Gill', written in a cursive style.