

NATIONAL ACTION SHORT OF STRIKE ACTION

Initial guidance on the implementation of the NASUWT instructions



This guidance applies only to academy schools that converted to academy status prior to 1 September 2010 and do not have contracts in accordance with the School Teachers' Pay and Conditions Document (STPCD).

The implementation of these instructions and guidance should be carried out with the support of your National Executive Member, NASUWT Local Secretary and the staff at your Regional Centre. Please contact them for advice and support.

The NASUWT has negotiated nationally specific conditions of service with the following academy school chains:

ULT	TUPE-transferred teaching staff remain on STPCD terms and conditions. Other teaching staff have ULT pay scales and conditions of service.
ARK	TUPE-transferred teaching staff remain on STPCD terms and conditions. Other teaching staff have ARK pay scales and conditions of service.
OASIS	All teaching staff have STPCD terms and conditions.
EACT	All teaching staff have STPCD terms and conditions.
AET	All teaching staff have STPCD terms and conditions.
ORMISTON	All teaching staff have STPCD terms and conditions. (A Recognition agreement has been developed, but has yet to be formally signed off. There are particular working time arrangements at the performing arts academy in Birmingham to accommodate the individual nature of the curriculum.)

Members working in other academy schools, which may belong to other academy school chain operators or may be singleton establishments, should seek advice from their NASUWT Local Association or Regional Centre regarding the contractual arrangements in place.

Academy schools, including those in chains listed above, working under STPCD conditions of service should follow the action short of strike action instructions previously issued, which can be found at www.nasuwt.org.uk/IndustrialAction.

Purpose of the action short of strike action

These instructions, which took effect on 1 December 2011, are the first phase of the NASUWT action short of strike action strategy in which teachers will be:

- standing up for standards;
- reclaiming the classroom for professional teachers;
- asserting their professionalism.

This first phase of the action short of strike action will enable members to do this by ensuring that teachers secure working conditions that enable them to focus on teaching and learning and support them in raising standards.

The NASUWT will, at an appropriate time, add additional instructions designed to ensure that all the tasks that are distracting from a focus on teaching and learning and driving excessive workload are removed from teachers.

This phased action will be a quiet revolution in schools, designed to enable members to reclaim the classroom for teachers and assert their professionalism.

The action short of strike action is specifically designed to be pupil, parent and public-friendly. The NASUWT will be distributing materials and information to parents and the public to engage their support for the fact that by taking this action you are Standing up for Standards.

For more information:

Website: www.nasuwt.org.uk/IndustrialAction

Action Advice Line: 0121 457 6292 E-mail: action@mail.nasuwt.org.uk

IMPLEMENTATION GUIDANCE

PPA TIME

All teachers (including headteachers who are timetabled to teach) should have guaranteed time within academy school sessions to plan and prepare for their lessons and to assess pupils' work.

The time should be a minimum of 10% of their timetabled teaching time and the time should be clearly marked on the timetable. The use of this time should be under the direction of the individual teacher and should not be used for any other activity, including cover.

The purpose of PPA time

Teachers' professional duties include the requirement to plan and prepare lessons and to assess pupils' work. It is therefore necessary that in order for teachers to teach effectively, they are provided with an adequate allocation of time for planning, preparation and assessment (PPA) tasks.

PPA time supports teachers by providing quality time for them to plan and prepare lessons and to assess pupils' work. Guaranteed PPA time is also designed to reduce workload by enabling teachers to manage their workload more effectively and by providing time within the working day for teachers to carry out these activities.

Implementing the PPA time instructions

Instruction: Members should refuse to teach their timetabled lessons unless they have timetabled a minimum of 10% guaranteed PPA time.

If any NASUWT members do not have an allocation of PPA time, then the following statement should be issued to the headteacher immediately by the NASUWT Representative or, in the absence of the Representative, by members themselves.

'Teachers should have a guaranteed minimum of ten per cent of their timetabled teaching time as planning, preparation and assessment time. Such provision is not currently allocated and specified on the timetable.'

'The NASUWT requests that this matter is rectified within 15 working days.'

'The failure of the academy school to provide an allocation of PPA time is undermining the ability of teachers to teach and is damaging standards of education provision across the academy school.'

'If the academy school fails to comply within the specified time, then members who do not have their entitlement to PPA time will not be in a position to continue to teach any further timetabled lessons.'

Instruction: Members should only undertake in PPA time, planning, preparation and assessment activities which they determine are appropriate to support their timetabled lessons.

Members should refuse to accept the direction of the headteacher to undertake any other activity, including cover, in PPA time.

Teachers themselves should determine the planning, preparation and assessment activities they wish to undertake in their PPA time. This enables members to manage their work and workload more effectively by being able to plan the use of the guaranteed time available to undertake any PPA activities.

The National Action Ballot empowers members to refuse to accept the direction of the headteacher to undertake any other activity in that time. This includes cover for absence.

LEADERSHIP AND MANAGEMENT TIME

Teachers who have leadership and management responsibilities clearly specified in their job descriptions should receive remuneration and time to support the discharge of those responsibilities.

The time within academy school sessions for leadership and management responsibilities should be marked clearly on the timetable and distinguished from any PPA time.

The purpose of leadership and management time

Those with leadership responsibilities should be undertaking work that focuses on and enhances teaching and learning. They, therefore, require time to support the discharge of those responsibilities to enable them to make an effective contribution to educational standards.

Implementing the leadership and management time instructions

Instruction: Members paid on the leadership spine or in receipt of a Teaching and Learning Responsibility (TLR) payment should refuse to undertake any leadership or management responsibilities unless they have their contractual allocation of dedicated timetabled time to support the discharge of these responsibilities.

If any NASUWT members do not have an allocation of leadership and management time, then the following statement should be issued to the headteacher immediately by the NASUWT Representative or, in the absence of the Representative, by members themselves.

The NASUWT has not defined what constitutes a 'reasonable allocation of time'. The amount of time allocated must be meaningful and so, for example, blocks of ten or 20 minutes would not meet that definition.

The allocation of time must take into account the extent and nature of the role and responsibilities.

Equity of provision of time is important. There should be no differentiation in the amount between teachers whose responsibilities are of a similar nature.

'Teachers with leadership and management responsibilities should have a reasonable allocation of leadership and management time within academy school sessions. This is not currently allocated on the timetable of all NASUWT members with such responsibilities.'

'The NASUWT requests that this matter is rectified within 15 working days.'

'The failure of the academy school to provide an allocation of leadership and management time is undermining the ability of teachers to lead teaching and learning and is damaging standards of education provision in the academy school.'

'If the academy school fails to comply in the specified time, members who do not have their entitlement to leadership and management time will not be in a position to carry out their leadership and management responsibilities.'

Instruction: Members should refuse to undertake leadership and management activities without being paid a TLR or paid on the leadership spine.

In too many academy schools, members are being given onerous responsibilities for leadership and management without the associated payment on the leadership spine or being given a responsibility payment such as a TLR or other suitable payment. Unremunerated roles include, for example, curriculum co-ordinator, subject co-ordinator or head of year.

Members are commonly told that undertaking these roles 'voluntarily' will enhance their career progression, is good professional development or will place too much pressure on the academy school budget if payment is made. None of these are valid reasons for denying appropriate payment.

The NASUWT believes that if these responsibilities are valued by the academy school, they will attract both the entitlement to leadership and management time and appropriate payment.

Members are sometimes told that they are not accountable for the area of responsibility they have been given and therefore do not qualify for payment. This is not correct. Accountability can be tested easily by asking whether if an unfavourable inspection report of the area of responsibility was received, would the headteacher take full responsibility or would the headteacher hold the teacher accountable for the outcome. It will often be found that the latter would be the case.

DEDICATED HEADSHIP TIME

Headteachers with significant teaching loads are entitled to time during academy school sessions for dedicated headship time.

The NASUWT has not defined 'significant' but believes that this would be a timetabled teaching load of, for example, 50% or more.

Dedicated headship should be marked clearly on the timetable and distinguished from any PPA time.

The purpose of dedicated headship time

Headteachers with significant teaching loads clearly are lead practitioners in academy schools and, therefore, require support through the provision of PPA time to support the provision of high quality lessons. Their leadership role for teaching and learning activities is equally important and therefore they need dedicated quality time to support the discharge of these headship responsibilities.

Implementing the dedicated headship time instruction

Instruction: Headteacher members with a 50% or more timetabled teaching commitment should refuse to undertake their teaching commitment unless they have an allocation of dedicated headship time on their timetable.

If a headteacher member does not have the required allocation of dedicated headship time, then the following statement should be issued to the Chair of the Governing Body.

'Headteachers with a significant timetabled teaching commitment should be entitled to a reasonable allocation of dedicated headship time within academy school sessions. I currently do not have this.'

'The NASUWT requests that this matter is rectified within 15 working days.'

'If the academy school fails to comply, then I will have no alternative but to refuse to carry out my teaching commitments in order to enable me to discharge fully my statutory and other responsibilities as headteacher.'

There is no definition of the amount of time that would be considered appropriate but the NASUWT believes that headteacher members would be able to identify what would be a reasonable allocation in the context of balancing their responsibilities.

WORK/LIFE BALANCE

All teachers and headteachers are entitled to a satisfactory work/life balance, which helps them to combine their work with their personal interests outside work. Teachers are entitled to enjoy time away from work that is not encroached on by work-related activities.

Headteachers and governors have a statutory, common law and a legal duty under Health and Safety legislation to have regard to the health and welfare of employees. They are also required to have regard to the Working Time Regulations.

Headteachers have the responsibility for securing the work/life balance for staff. Governing Bodies have the responsibility for the headteacher's work/life balance.

In order to meet this statutory provision, academy schools should have in place strategies to monitor and evaluate all policies and practices to assess their impact on workload and working hours.

The purpose of the work/life balance provision

Evidence shows that teachers worn out from long working hours and overburdened with excessive workload cannot work as effectively as they would wish, to do the best for the children and young people they teach.

Teaching is a highly demanding and challenging job and teachers need working conditions and working practices to support them in providing the best education they can for the pupils they teach.

Where working practices support a work/life balance, there is less stress, absence and illness and increased morale and motivation and improved outcomes.

Implementing the work/life balance instruction

Instruction: Members should refuse to implement academy school policies that have not been evaluated for impact on workload and working hours.

Every academy school policy and working practice, new and existing, should have been evaluated for its impact on workload, working time and work/life balance before being implemented.

In too many academy schools, policies and procedures are being introduced and developed without any consideration as to the implications for the teachers who will have to implement them.

All academy schools should ensure that teachers and the headteacher are able to enjoy a reasonable work/life balance. This can only happen where academy schools consider carefully the implications of policies and procedures and where there has been genuine consultation with staff prior to the introduction of new policies. Regular review of the workload impact of policies should also be a feature of good management practice.

If NASUWT members are not satisfied that new and existing academy school policies have been reviewed for workload impact, then the following statement should be issued to the headteacher immediately by the NASUWT Representative or, in the absence of the Representative, by members themselves.

'Teachers have an entitlement to a reasonable work/life balance. This is not currently being addressed by the academy school with regard to its policies and procedures.'

'The NASUWT requests that this matter is rectified within 15 working days.'

'The failure of the academy school to meet its duty to ensure the work/life balance of staff is undermining the ability of teachers to teach and is damaging to standards of educational provision in the academy school.'

'If the academy school fails to comply within the specified time, then members will not be in a position to continue to implement those policies that have not been subject to a workload impact assessment.'

COVER FOR ABSENCE

Cover is not an effective use of the time of teachers at the academy school.

Many teachers have or continue to carry a heavy burden of cover for absent colleagues. Cover for absence occupies non-contact time, which should be to support the existing timetable commitments of the teacher. In some academy schools, classes are split to accommodate cover arrangements, disrupting the education of even more pupils.

Implementing the no-cover instruction

Instruction: Members should refuse to cover for absence. *(The exceptions are members who are employed on a contract to wholly or mainly undertake cover.)*

Members should refuse to provide any cover, including being asked to take pupils into their class or group from classes where the teacher is absent.

Absence, triggering cover, occurs when the teacher normally responsible for teaching a particular class is absent from the classroom during the time they have been timetabled to teach. The absence could be for a variety of reasons, including internal and external reasons, as well as sickness. It could be short or long term. Members should not cover for any absence.

CALENDAR AND TIMETABLE

The academy school should publish a timetable and calendar for each academy school year. There should be consultation with staff and unions.

The calendar should set out all the activities scheduled to take place in the academic year, for example, learning outside the classroom activities, meetings, parental consultation evenings and teacher days.

Where there are variations to teaching timetables, there should be consultation with staff and union representatives and any changes should be planned well in advance.

Timetable variations should only be made to the teaching timetable where there are sound educational reasons for doing so – for example, the long-term absence of a member of staff or some significant educational development. Variations should not be frequent occurrences.

The purpose of the provisions on calendars and timetables

Academy school calendars enable the academy school to manage time and are part of the strategy to meet the requirements for work/life balance.

The calendar is also important in the context of meeting the requirements of equalities legislation, ensuring, for example, that those with carer responsibilities can plan their arrangements.

Implementing the calendar and timetable instructions

Instruction: Members should refuse to attend any meetings and activities outside school session times which are not on the school calendar and which are not within directed time.

If your academy school has not published an academy school calendar for this academic year and does not do so within 15 working days of the implementation of the instructions, members should not attend any meetings at all that are outside academy school sessions and are not included in the working time arrangements in your contract.

Instruction: Members should refuse to agree to timetable changes where no sound educational reasons have been given for the change.

If timetable changes are proposed and no sound educational reasons are given for the change, members should not accept the changes.

Where sound educational reasons are given, members should ensure that the changes have been evaluated to identify the impact on their workload and working hours.

GAINED TIME

During the year, teachers may be released from some of their timetabled teaching commitments as a result of pupils being on study or examination leave. Such time is known as gained time. During gained time, teachers should only undertake activities from the list below:

- developing/revising departmental/subject curriculum materials, schemes of work, lessons plans and policies in preparation for the new academic year. This may include identifying appropriate members' 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 academy schools;
- where the academy school has a policy for all staff to release them for continuing professional development (CPD) during academy school sessions, gained time may be used.

The purpose of the provision

Defining the use of gained time is to avoid teachers being directed to activities during this time that do not require the skills and abilities of qualified teachers and to enable them to focus on tasks that enhance teaching and learning.

Implementing the gained time instruction

Instruction: Where teachers are released from timetabled teaching commitments as a result of pupils being on study or examination leave, members should refuse to undertake any activities during that time other than those specified in the list above.

Members should not accept direction to undertake any activities other than those contained in the list above.

LUNCHTIME SUPERVISION

Teachers are entitled to a daily break of a reasonable length either between academy school sessions or between the hours of 12 noon and 2.00pm.

The purpose of the provision

Teaching is a very challenging and intensive activity and there should be an opportunity to take a break during the working day.

Implementing the lunchtime supervision instruction

Instruction: Members should refuse to undertake supervision of pupils during the lunch break.

A break of reasonable length for the purposes of this instruction is the current lunch break at the academy school.

Members should not undertake any supervision of pupils during the lunch break.

Whilst the NASUWT does not recommend that members carry out voluntary, extracurricular activities during the lunch break, this instruction does not preclude these continuing. (See the section on voluntary activities at the end of this guidance.)

INVIGILATION OF PUBLIC EXAMINATIONS

No teacher, primary or secondary, should invigilate any public examinations. This includes GCSEs, A levels and Key Stage 2 SATs.

The purpose of the provision

Exam invigilation is not a productive use of teachers' time.

Save for the activities specified in the instruction below, invigilation of examinations does not require the skills and abilities of a qualified teacher.

Invigilating examinations, particularly groups and classes of pupils they teach, leaves teachers vulnerable to accusations of examination malpractice and undermines public confidence in the examination outcomes.

Implementing the exam invigilation instructions

Instruction: Members should refuse to invigilate any public examination, including GCSEs and SATs.

The exceptions are:

- controlled assessments in secondary academy schools;
- foundation stage assessments and Key Stage 1 assessments in primary academy schools;
- practical or oral examinations that require the specialist teacher to be present.

Instruction: Members should refuse to undertake the invigilation of any 'mock' examinations where the academy school reorganises the timetable to replicate the external examination process.

Mock examinations are sometimes referred to as 'trial' examinations.

Where mocks/trials are carried out by teachers with the class or group they normally teach during their normal timetabled time, this instruction would not apply.

ADMINISTRATIVE AND CLERICAL TASKS

Teachers should not be required to routinely carry out administrative and clerical tasks.

Tasks do not have to be done on a daily basis to be routine. Many tasks are done only once a year, such as collating reports. This would still be classed as routine and therefore should not be done by teachers.

The purpose of the provision

There is a dual purpose to this provision. Firstly, it is to reduce workload by removing from teachers tasks that do not require a teacher's qualifications, skills and abilities. Secondly, it is to free teachers to focus on teaching and learning.

Implementing the administrative and clerical tasks instruction

Instruction: Members should refuse to undertake administrative and clerical tasks as exemplified in the list below.

The tasks are illustrative and not exhaustive. Members should identify any additional tasks they should not be undertaking by applying the test of whether they require the qualifications, skills and abilities of qualified teachers.

Administrative and clerical tasks – examples

1. Collecting money from pupils and parents.
2. Investigating a pupil's absence.
3. Bulk photocopying.
4. Typing or making word-processed versions of manuscript material and producing revisions of such versions.
5. Word-processing, copying and distributing bulk communications, including standard letters, to parents and pupils.
6. Producing class lists on the basis of information provided by teachers.
7. Keeping and filing records, including records based on data supplied by teachers.
8. Preparing, setting up and taking down classroom displays in accordance with decisions taken by teachers.
9. Producing analyses of attendance figures.
10. Producing analyses of examination results.
11. Collating pupil reports.
12. Administration of work experience (but not selecting placements and supporting pupils by advice or visits).
13. Administration of public and internal examinations.
14. Administration of cover for absent teachers.
15. Ordering, setting up and maintaining ICT equipment and software.
16. Ordering supplies and equipment.
17. Cataloguing, preparing, issuing and maintaining materials and equipment and stocktaking the same.
18. Taking verbatim notes or producing formal minutes of meetings.
19. Co-ordinating and submitting bids (for funding, academy school status and the like) using contributions by teachers and others.
20. Transferring manual data about pupils not covered by the above into computerised academy school management systems.
21. Managing the data in academy school management systems.

PERFORMANCE MANAGEMENT

Teachers should have access to a performance management process that makes clear:

- the objectives to be set for the cycle;
- the arrangements for classroom observation, including the focus of the observation and the amount of the three hours of classroom observation per cycle to be used;
- any other evidence that will be considered in the review at the end of the cycle;
- the performance criteria, which sets out what success will look like at the end of the cycle;
- support, training and development needs and how they will be met;
- timescales in which each objective should be met.

Teachers working under the 2006 Regulations have a statutory entitlement to the provisions listed below. The NASUWT believes that all teachers, regardless of the nature of the academy school in which they teach, should have these entitlements:

- a limit of three hours' classroom observation per cycle with no requirement to use any or all of the three hours;
- classroom observation carried out only by a qualified teacher and written feedback given within five days of the observation;
- written evidence, and any data identified at the planning meeting as part of the planning statement, provided to them as it becomes available;
- to be advised of any concerns at the time they arise and have the opportunity to discuss these.

The purpose of the provision

These provisions constitute a professional performance management process, support the development of teachers, ensure that there is a fair and transparent process in place and reduce excessive workload and excessive monitoring.

Implementing the performance management instructions

Instruction: Members should refuse to be observed teaching by anyone who is not a qualified teacher.

If a person who is not a qualified teacher enters the classroom to carry out an observation, members are advised to follow one of the following strategies:

Ask to speak to the person outside the classroom and advise them that you are exercising your professional judgement not to be observed by anyone who is not a qualified teacher; **or**

hand them one of the following written statements:

'I would be grateful if you would withdraw from my classroom and allow me to continue teaching. If you do not, I will have no alternative but to raise this with my union, the NASUWT.' **or**

'I would be grateful if you would withdraw from my classroom and allow me to continue teaching. If you do not, I will stop my planned lesson and direct the pupils to a routine task and at the conclusion of the lesson I will raise this with my union, the NASUWT.'

Instruction: Members should refuse to accept any classroom observation that was not agreed and recorded in the planning statement at their annual performance management planning meeting or that exceeds the three-hours-per-year limit on classroom observation.

Classroom observation includes observation as a result of learning walks and pupil tracking/shadowing.

These action instructions took effect on 1 December 2011. It may be that since the beginning of the academic year you have already been subjected to three hours or more classroom observation.

There should therefore be no more observation of you for the rest of the academic year. If there is any attempt to carry out classroom observation, members should either:

ask to speak to the person who has come to carry out the observation outside the classroom and advise them that you have already been observed to/beyond the limit that the NASUWT believes is reasonable; **or**

hand them the following written statement:

'I have already been observed to a limit my union considers reasonable. I would therefore appreciate it if you would withdraw from my classroom and allow me to continue teaching. If you do not, I will have no option but to report this to my union, the NASUWT.'

The only exceptions to this instruction on classroom observations are observations carried out by Ofsted as part of a formal inspection of the academy school or as part of a monitoring visit following the academy school being placed in the 'unsatisfactory' category.

As part of the support offered to teachers on a capability procedure, there should be clearly defined classroom observation with structured feedback. The amount of observation to be carried out should

have been discussed with the member and the NASUWT Caseworker supporting and advising them in the process. If this has not happened or contact has not been made with the NASUWT for advice and support, this should be done as a matter of urgency.

VOLUNTARY ACTIVITIES OUTSIDE ACADEMY SCHOOL SESSIONS

The NASUWT action short of strike action is designed specifically to tackle the issues of excessive teacher workload and defend pay and conditions of service in a manner that achieves these aims using strategies that are pupil, parent and public-friendly.

Therefore, where members have volunteered freely to undertake extracurricular activities and have not been placed under pressure to do so, the action short of strike action instructions are not intended to prevent these from continuing.

Extracurricular activities include academy school teams, music/drama productions and clubs.

Where members have made a professional judgement and have volunteered freely to provide extra support for certain pupils outside academy school sessions, these can also continue.

However, where any of the above activities have been imposed on a member, then the action short of strike action instructions enable the member to withdraw from these activities. In these circumstances, members should inform the headteacher in writing in sufficient time before the next activity is scheduled to take place so that any notification to pupils and parents that may be necessary can be given.

For more information:

Website: www.nasuwt.org.uk/IndustrialAction

Action Advice Line: 0121 457 6292

E-mail: action@mail.nasuwt.org.uk



The largest teachers' union in the UK