

**Isle of Man Government**  
**Department of Education, Sport and Culture Review**  
**July 2020**

1. The NASUWT welcomes the opportunity to submit a written response to the Isle of Man Government's review into the Leadership of Department for Education, Sport and Culture (DESC) and its relationship with schools and the University College Isle of Man (UCM).
2. The NASUWT, The Teachers' Union, is the largest union representing teachers on the Isle of Man, having members in primary and secondary schools and the UCM.

**GENERAL COMMENTS**

3. The NASUWT and the DESC have a shared goal: to make the education provision on the Isle of Man the best it can be. Raising standards and improving working conditions for teachers and lecturers are mutually inclusive goals.
4. Despite this, the Union has experienced a fraught relationship with the leaders of the DESC for many years.
5. This has been characterised by a lack of trust, as well as poor consultation from the DESC, coupled with determined attempts to sideline and/or ignore the legitimate concerns of the NASUWT.

6. This has culminated in the Union declaring three separate formal disputes with the DESC in an attempt to resolve longstanding issues. Following months/years of procrastination and prevarication from the DESC, the NASUWT has been forced into declaring disputes.
7. The DESC's attitude and approach is not, in any way, conducive to improving educational standards. Nor is it compatible with good industrial relations practice, and it is detrimental to the education service on the island.
8. The change from the then Department for Education and Children to the DESC has also led to the roles and functions becoming even more blurred. This has also impeded the ability of the DESC to manage schools effectively.
9. The Union also has a general concern that the DESC has underspent in recent years. The NASUWT strongly believes that funds allocated to education should be spent doing that, and the aim should not be to underspend on budgets, especially as there is no roll-over facility for unspent balances.
10. In late 2019, in a meeting attended by a very high number of teachers employed by the DESC, a vote of no confidence in the DESC and the then Minister was passed, very nearly unanimously, by those present, clearly indicating the high level of dissatisfaction across the whole workforce.

## **SPECIFIC COMMENTS**

### **Union Recognition**

11. Teachers are the only group within the Isle of Man Government without a formal Trade Union Recognition Agreement (TURA).

12. This has caused many issues over a protracted period of time, as the DESC has used this to falsely claim agreements that have been made, and procedures are in place, in order to advance their own position and sideline/ignore the concerns of trade unions.
13. This is exemplified by repeated references by the DESC to a constitution for the Joint Unions meeting, in order to stifle debate. When challenged, the DESC could not produce the constitution and admitted that one did not exist.
14. Talks around a TURA commenced in 2016, with the trade union side presenting to the DESC a draft based on a model TURA that is used extensively in England by many education employers.
15. A key aspect of the draft TURA was to bring together all trade unions representing groups working in DESC-operated educational settings, as is commonplace in all other jurisdictions.
16. This was rejected out of hand by the DESC, who preferred the current highly-siloed and inefficient arrangements of meeting teachers, support staff, and lecturers separately, which leads to duplication, inconsistency and contradiction.
17. Little progress was then made, until the NASUWT declared a formal dispute to force discussions under the auspices of the Manx Industrial Relations Service (MIRS).
18. The current situation is that a draft, based on the outcome of bilateral meetings between the Union and MIRS, has been agreed with all Education Trade Unions and was submitted to the DESC on 5 June 2020.

## **Negotiation Machinery**

19. The negotiation machinery operated by the DESC can only be described as 'dysfunctional'.
20. It is characterised by the DESC refusing to discuss agenda items put forward by the trade unions, hostile and intimidatory behaviour from DESC officials, and inaccurate records that are the subject of disputes.
21. The latter is exemplified by the meetings having to be audio recorded, something that is unique in the experience of the NASUWT.
22. The recording of meetings has not rectified matters, however, as the DESC are now refusing to allow union representatives to access the recordings in good time, even when the minutes have already been circulated, citing spurious reasons for the refusal.
23. The DESC also uses the lack of a TURA to impose its will on the meetings.
24. A prime example is the DESC refusing to allow trade union officials to attend the meetings. This also is rather unique in the experience of the Union.
25. In other comparable jurisdictions, such as the Channel Islands, the input of union officials is welcomed and indeed sought, whereas the DESC actively attempts to prevent the involvement of off-island officials.

## **Pay Dispute**

26. The NASUWT would stress that the pay dispute has arisen due to the breakdown in relationships with the DESC and not vice versa.

Resolving the pay dispute will not resolve the longstanding issues with the DESC.

27. The historic arrangements for teacher pay on the Isle of Man, dating from the 1990's, is for this to mirror the arrangements in the England and Wales School Teachers' Pay and Conditions Document (STPCD).
28. Since 2010, the Union has become increasingly concerned that this link is no longer fit for purpose.
29. In 2010, the UK Coalition Government imposed an extended period of pay freezes and restraint which also applied to teachers in the Isle of Man, although it did not apply to other Isle of Man Government employees, and whereas the UK entered a deep recession, the Isle of Man economy continued to grow throughout the financial crisis.
30. This period of restraint coincided with Manx inflation, outstripping UK inflation by a significant amount.
31. The result is that teachers in the Isle of Man have experienced a real-terms pay cut of around 30% since 2010, far more than their colleagues in the UK or the Channel Islands, and also significantly more than other Isle of Man Government employees.
32. Indeed, there are some colleagues that have experienced a reduction in cash terms since 2010 due to a combination of pay restraint, increased pension contributions, and changes to the National Insurance regime.
33. The NASUWT has submitted pay claims to the DESC regularly since 2016. The DESC, however, refused to discuss or enter into any negotiations over the claims.

34. As the situation continued to deteriorate, the Union was forced to declare a formal dispute in order to secure negotiations under the auspices of MIRS.
35. The negotiations have been punctuated by procrastination by the DESC, including unnecessarily protracted discussions around attendees, whereby off-island representatives were excluded from discussions.
36. A four-day 'summit' that was organised proved extremely frustrating as the DESC failed to negotiate in good faith, often stating that they had no mandate to negotiate and that the purpose was to put a 'joint business plan to the treasury'. This was contrary to all accepted norms in pay negotiations, whereby the employer side has a position that is then negotiated around. Nevertheless, the trade union side came to a joint position extremely quickly on the first day. The rest of the time contained very little in the way of true negotiations.
37. The DESC also sought to include non-pay conditions in the negotiations, which contained highly detrimental terms that were clearly going to be unacceptable, including significant reductions to sick pay provisions, and were nothing more than the DESC attempting to sabotage the negotiations.
38. The DESC also engaged in secret meetings with certain groups in parallel to the main negotiations, which destabilised and undermined the negotiations. The NASUWT has never experienced such behaviour from a Government.
39. The resulting secret deal was announced to the media before it was shared in the main negotiations as another deliberate attempt to undermine the talks. The deal was ultimately overwhelmingly rejected by the members of the Union in question.

40. When negotiations reconvened in July, the DESC withdrew all previous offers and stated they had no mandate to negotiate, citing restrictions from Treasury, demonstrating again a lack of willingness to negotiate in good faith.

### **Roles within the DESC**

41. There is also a general issue with conflicting roles within the Senior Leadership of the DESC.
42. For example, the Director of Education (DE) is an inspector in the evaluation process, a link advisor to schools and the Line Manager for all headteachers.
43. These conflicting roles mean that the person headteachers are accountable to is also the person who is judging and simultaneously supporting them. This is not conducive to supporting school leaders.
44. Despite these roles, the Director, having a primary school background, has limited knowledge of Secondary or UCM. Other employers split these responsibilities, including along phase lines, which is far more logical.
45. This also feeds into issues around the continuing professional development (CPD) and in-service (INSET) day provision. Currently, these are decided centrally by the DE with limited or no input from staff or headteachers. This has led to CPD provision generally being perceived as poor quality and/or of limited relevance.
46. The highly centralised nature of the DESC's decision-making also has negative impacts on staffing in primary schools.
47. Each year, the DESC centrally decides the number of staff in each primary school, with little consultation with headteachers and often

based on inadequate data. This leads to unnecessary redundancies, and staff that are dismissed one year are re-employed in subsequent years, and also to staff shortages.

### **COVID-19 Emergency**

48. Throughout the COVID-19 emergency, the NASUWT has been deeply frustrated with the actions of the DESC.
49. When the partial school closure was announced, the Union requested, on numerous occasions, a meeting with the DESC to discuss arrangements. The DESC, however, refused to meet with the unions until a month into the crisis. The NASUWT then repeatedly requested that all Education Unions should meet with the DESC to improve communications and enable a more focused approach to this crisis. The Union was deeply frustrated that these requests were ignored.
50. When the DESC did finally arrange a meeting, the NASUWT requested that regular weekly meetings be organised with the DESC during the crisis, in line with the approach taken in Jersey and Guernsey.
51. Although the DESC initially agreed to the meetings, they then cancelled them after the next weekly meeting. The Union was not informed of this ahead of the announcement.
52. Due to the inaction and lack of leadership from the DESC, the NASUWT then led the setting up of a COVID-19 Education Unions Forum group.
53. This group brought together all the trade unions representing workers in education settings, in order to discuss our common issues and problems during the crisis.
54. All unions representing teachers, lecturers and support staff participated, and an invitation was made to the DESC to attend. It was

deeply disappointing that no formal response was received, and the DESC continued to ignore efforts to discuss issues jointly.

55. During this time, we organised virtual meetings with the Public Health Department, the Health and Safety Inspectorate and the Office of Human Resources (OHR).
56. The Union simply does not understand the reluctance of the DESC to be involved with the group.
57. Now that the immediate crisis has passed, and in the absence of any leadership from the DESC, the unions involved have agreed to maintain it as an Education Unions Forum group in order to have a strategic approach to industrial relations issues.
58. The NASUWT is also pleased that the Isle Of Man Government has reconvened the official Industrial Relations Government Forum, where all public service unions can meet and confer. This approach from the Central Government shows in sharp relief the poor attitude of the DESC.

### **Remote Learning Complaint**

59. In June, the CEO of the DESC appeared before the Public Accounts Committee of Tynwald to discuss the remote learning provisions that had been put in place during the COVID-19 emergency.
60. It should be noted that arrangements were put in place at speed, and that the situation was truly unique – no teacher has to have been trained or been required to provide remote learning previously.
61. During the session, Professor Barr made a number of statements that deficiencies in the online learning offer provided by schools was as a result of the NASUWT's action short of strike action, including that the department was 'stymied' by the 'non-cooperation from teaching

unions' in the developing of online learning and as a result, the offer was not what he would have wanted, and the action prevented the department in developing an 'integrated approach'. These statements were inaccurate and misleading.

62. The Union rejects as entirely unfounded the assertion that the NASUWT, or its members, in any way hindered efforts to support children and young people whose education has been affected as a result of the closure of schools due to COVID-19.
63. The DESC was fully aware that the Union's action short of strike action instructions did not have any relevance to the provision of online learning. Far from impeding the provision of remote learning, the NASUWT attempted to proactively engage with the DESC to ensure that online learning was following best practice, included sufficient safeguards for both pupils and teachers, and that monitoring was effective without placing undue pressures on teachers.
64. Teachers deserve to be congratulated for their hard work and dedication and for going the extra mile to support children's learning at this extremely difficult and challenging time. This attack speaks volumes for the DESC's approach, and the Union was inundated with complaints from angry members who see this as a direct attack on them and their professionalism.
65. The inconvenient truth for the DESC is that the remote learning response was hampered by years of neglect and underinvestment from the DESC and the Government as a whole. There has been no IT or digital learning strategy and this does not appear in the DESC development plans. The equipment many teachers are using is outdated, and broadband provision across the island is extremely variable and in dire need of an upgrade. This made it difficult for many teachers and pupils to access online learning. However, rather than

acknowledge the difficulties posed, the blame was shamefully laid at the feet of teachers and the unions.

66. Professor Barr's comments are now the subject of formal complaints from both the NASUWT and the National Association of Headteachers (NAHT).
67. Despite the lodging of a formal complaint, senior officers are still attempting to blame the issues around the provision of remote learning on the Union's action short of strike action instructions, which includes making frequent reference to this in correspondence.
68. Further to this, the DESC has now set up a 'working group' on the online provision. However, this has been done without any consultation with the teaching professionals, who have not even been invited to take part.

### **Education Improvement Service (EIS)**

69. A key offer of that the DESC makes to prospective recruits is the lack of OFSTED inspections, given the extremely negative perception of OFSTED in England.
70. As an alternative to OFSTED, the EIS was created. The aim being to support schools to improve through a self-evaluation/validation process.
71. This has now been corrupted, and the focus of EIS is fault-finding rather than support.
72. Given that the COVID-19 emergency represented a unique challenge that no school was prepared for, EIS advisors could have provided valuable support to schools. However, members report that they were

conspicuous by their absence and schools were left to develop their own resources without central direction or advice.

### **Wellbeing Offer**

73. Despite the DESC's continued hostility, the NASUWT has been proactive in trying to develop positive relations with DESC.
74. This has included repeatedly offering CPD sessions around wellbeing and other themes, which the Union has delivered for many employers in the North West region, who have welcomed the offer. It should be stressed that these sessions are offered completely free of charge to employers.
75. The DESC procrastinated on and finally rejected these offers, much to our dismay, apparently on the basis that there was no need for such sessions, despite clear evidence to the contrary.

### **Education Bill**

76. One of the few areas where the NASUWT has worked positively with the DESC is around the draft Education Bill.
77. This has demonstrated the benefit of the employer and the Union working closely, as the Bill has been through many alterations and is a much stronger document as a result. This has featured the NASUWT publicly supporting the DESC's position on controversial aspects such as home education, and the DESC amended some of the sections the Union had issues with, although some concerns still remain.
78. What was striking was that all the negotiations were handled at the very highest level of the DESC, even where there were less senior colleagues within the DESC more familiar with the topics being discussed.

79. At one point, the Special Educational Needs and Disabilities (SEND) lead for the DESC attended the meeting. Despite SEND being a key aspect of education provision, no local colleagues were aware they were attending the meeting and very few recognised them as they had not been in any other meetings.
80. This does demonstrate the command and control approach of the senior leaders in the DESC. It is also indicative of the lack of SEND strategy on the island, which lacks even a basic code of practice.
81. Despite the positives we have experienced around the development of the Education Bill, the NASUWT was disappointed that the second reading went ahead on 30 June, despite our requests to delay until the review process was completed. This would have allowed any recommendations arising from the review to have been included in the Bill.

### **University College Isle of Man (UCM)**

82. The NASUWT has been gaining members at UCM for a number of years, and this accelerated during the pay dispute. The Union now represents the majority of the regular (i.e. non-sessional) lecturers at the UCM.
83. The NASUWT has been attempting to gain formal recognition at UCM for some time.
84. The Isle of Man Code of Practice lays down the formal process, but also clearly states that voluntary arrangements should be entered into wherever possible.

85. Despite this, the DESC has refused to enter into voluntary arrangements and has employed extensive delaying tactics to prevent recognition being granted.
86. This is exemplified by the DESC requesting ever more detailed information, and including extra workers, such as sessional lecturers, in their calculation in order to prevent us reaching the level specified in the code of practice for compulsory recognition.
87. We are hopeful that this situation is about to be resolved, following the intervention of the Head of OHR for the Isle of Man Government, but it begs the question why this could not have been done before without the Union needing to appeal to a higher level.
88. During this period, the NASUWT has become deeply concerned that working conditions at UCM have declined sharply.
89. The decline in working conditions is exemplified by the exceeding large turnover of staff this year. The Union understands that a substantial number of the staff have resigned, which is of significant concern.
90. The NASUWT is deeply concerned that the DESC is not taking any steps to investigate why such a high level of turnover is arising.
91. The Union is also deeply concerned that a bullying management culture is being allowed to proliferate at UCM, with members reporting unprofessional behaviour on a regular basis, and the response of the management to complaints is to impose ever more draconian measures. This includes the victimisation of whistleblowers.
92. At the same time, workloads have increased as lecturer numbers have reduced, while the numbers of senior managers has increased substantially.

93. These conditions are approaching a 'perfect storm' and yet the NASUWT is unable to raise issues in a formal manner due to the continued lack of recognition.

**'Manx Education Union'**

94. The NASUWT is concerned that, as part of the review into the DESC, the investigators are asking questions around the creation of a Manx-based Education Union.

95. As far as the Union is aware, such a union is not yet registered, and is not recognised.

96. The NASUWT does not understand why this is part of the investigation, and is concerned that this indicates that the DESC has proposed that another union will solve the problems presented.

97. It should be noted that the individuals creating the Manx Education Union were instrumental in the secret negotiations around the pay dispute, and it is likely that they will further inflame the situation, particularly if the DESC appears to be backing them.

98. The Union would appreciate urgent clarification as to why these questions are being posed.

Dr Patrick Roach

**General Secretary**

For further information on the Union's response, contact:

Wayne Bates

NASUWT

Hillscourt Education Centre

Rose Hill

**NASUWT  
The Teachers' Union**

Rednal  
Birmingham  
B45 8RS

0121 453 6150

[www.nasuwt.org.uk](http://www.nasuwt.org.uk)

[nasuwt@mail.nasuwt.org.uk](mailto:nasuwt@mail.nasuwt.org.uk)