

NATIONAL ACTION SHORT OF STRIKE ACTION

Instructions – Phase 4

Important Information

These instructions replaced all previous instructions on 6 May 2015.

This guidance applies to the following schools:

- all maintained schools, including community, foundation, voluntary aided, aided and controlled;
- members employed by a local authority on the teacher's contract under the terms of the School Teachers' Pay and Conditions Document.

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APPRAISAL/PERFORMANCE MANAGEMENT

Instruction 1: Members are instructed not to participate in any appraisal/performance management process which does not conform to all elements of the NASUWT appraisal/performance management checklist and the classroom observation protocol.

CLASSROOM OBSERVATION

Instruction 2: Members are instructed not to participate in any form of management-led classroom observation in any school which refuses to operate a policy of a limit of a total of three observations for all purposes within a total time of up to three hours per year.

Classroom observation includes observation arising from learning walks, pupil tracking/shadowing, departmental and subject reviews, pre-inspection visits, drop-ins, mock inspections and any other initiatives which involve classroom observation.

Local authorities have a right to intervene in schools causing concern but they do not have a statutory right to observe teachers. The instruction, therefore, also covers observation as a result of local authority or consortium intervention.

Estyn inspections

Observations carried out by Estyn inspectors as part of a Section 28 inspection, which is a full inspection of the school, or as part of a monitoring visit by Estyn following the school being placed in the categories of 'requires improvement' or 'inadequate', and inspections which are subject and thematic inspections of the school initiated by Estyn, are not covered by the instruction.

Initial Teacher Training

The instruction does not apply to observation of teachers by trainee teachers, providing that the observation, the programme of observation and the focus of the observation have been agreed with the teachers who will be observed.

Peer observation

Some schools have a process of voluntary peer observation for professional development purposes. Where a member believes that they would benefit from being observed by a colleague of their choice or from observing a colleague of their choice and the outcome of the observation is simply a matter of professional discussion between two colleagues, this would not be covered by the instruction. However, if the school has imposed the system of peer observation or has formalised the process and the observations are recorded, logged and/or fed into the monitoring process, then these would be viewed as formal observations and would be covered by the instruction.

Newly qualified teachers on induction

The instruction does not automatically apply to newly qualified teachers in their induction year. However, they should not be subjected to unlimited and excessive observation. A benchmark for what would be deemed reasonable is an observation in the first four weeks in post and then one observation per half term in schools operating a three-term year. This means a total of six times during the first year for those who are working full time and pro rata for those working part time. Any newly qualified teacher who is receiving more observation than this should contact their union immediately for advice.

Capability procedures

Members on formal capability procedures should have as part of the support offered to them a defined amount of classroom observation with structured feedback. The amount of observation to be carried out should have been discussed with the member and the union caseworker who is supporting and advising them on the process. If this has not happened or the member has not made contact with the NASUWT for advice and support, this should be done as a matter of urgency.

Schools in an Estyn category

Simply increasing classroom observation in response to the schools being placed in an Estyn category such as 'inadequate' or 'requires improvement' is unacceptable. It is the quality not the quantity of observation which makes a difference. The quality of observations within the parameters of the instruction should be able to address any of the issues arising concerning teaching and learning and therefore the instruction must be applied.

Instruction 3: Members are instructed not to carry out classroom observation in any school which refuses to accept that there will be a limit of a total of three observations for all purposes within a total time of up to three hours per year.

Members should refuse to conduct classroom observations of their colleagues or those they line manage where the school has failed to adopt the provisions of the NASUWT performance management checklist and classroom observation protocol or where conducting the observation would breach the terms of the instruction on the limit on observation.

Instruction 4: Members are instructed not to organise or co-operate with any arrangements which involve pupils commenting on, or observing the work of, teachers or being involved in decision making about teachers' roles, responsibilities, pay and promotion.

Members should not agree to be observed by pupils or organise any activity or co-operate with any activity which would involve pupils observing teachers or commenting on their performance.

This instruction covers, for example:

- pupils observing teachers teaching and providing either written or oral feedback on what they have observed;
- take-outs where one or more pupils are removed from the class by senior managers to comment on the lesson/teacher;
- the distribution of questionnaires to pupils which elicit comments on teachers' performance or attitudes, the conduct of lessons or the way in which teachers discharge their responsibilities;
- participation of pupils on interview panels for internal or external appointments.

Instruction 5: Members should refuse to be observed teaching by anyone who does not have qualified teacher status (QTS).

To be effective, classroom observation should be supportive and developmental and have input from a qualified professional who is able to give appropriate advice and support.

Members should refuse to be observed by anyone who does not have qualified teacher status.

The exception is observation by Estyn inspectors during a Section 28 inspection.

INSPECTION

Instruction 6: Members are instructed not to participate in mock inspections commissioned by the school or local authority.

Members are instructed not to undertake or co-operate with any preparation for an Estyn Section 28 inspection commissioned by the school or local authority.

There is no statutory requirement for teachers to participate in such mock or commissioned inspections, so members should not participate in any arrangements or preparation for mock inspections.

If the school commissions a Section 28 inspection from Estyn then the NASUWT Representatives should make clear to the headteacher that members will take no part in planning or preparing for the inspections. Contact should also be made immediately with the NASUWT for further advice and guidance to be given.

REPORTS TO PARENTS

Instruction 7: Members are instructed to produce only one written report annually to parents.

Teachers should only produce one report per year for all of the pupils they teach which requires them to make comments about the pupils' progress and performance either in writing or using an electronic comment bank.

Schools may continue to produce interim reports for all pupils or groups of pupils throughout the year providing that these can be generated administratively from the data the schools routinely collect on pupils, and teachers are not required to have any direct or specific involvement.

EXISTING POLICIES AND WORKING PRACTICES

Instruction 8: Members are instructed to refuse to implement any existing management-led policies and working practices which have not been workload impact assessed and agreed by the NASUWT.

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. They are entitled to enjoy time away from work which is not encroached on by work-related activities.

Headteachers and governors have a statutory and common law 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 their statutory and contractual obligations, schools should have in place strategies to monitor and evaluate all policies and practices to assess their impact on workload and working hours.

This provision can be found in paragraphs 47.2 and 54.4 of the School Teachers' Pay and Conditions Document (STPCD) 2015. It should be read in the context of paragraphs 79 – 86 of the Section 3 Guidance of the STPCD on working time.

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, increased morale and motivation and improved outcomes.

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

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

All schools are required to ensure that teachers and the headteacher are able to enjoy a reasonable work/life balance. This can only happen where 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.

NASUWT members should identify which existing policies and working practices are generating excessive workload and bureaucracy.

NASUWT Representatives should advise the headteacher of the policies and working practices identified and request that as a matter of urgency a workload impact assessment be conducted in accordance with the guidance in Annex 1.

The NASUWT should be advised immediately.

If the issues have not been addressed within ten working days of the headteacher being notified, NASUWT members will no longer implement those policies and working practices from that date.

NEW INITIATIVES AND POLICIES

Instruction 9: Members are instructed to refuse to implement any new management-led working practices or policies which have not been workload impact assessed and the subject of consultation and agreement with the NASUWT.

The basis of this instruction is the same as for the instruction on existing initiatives and policies. However, in this case where a new initiative or policy is proposed or about to be imposed by the school, members should refuse to implement the policy until it has been workload impact assessed and been the subject of consultation and agreement by the NASUWT.

MEETINGS AND THE SCHOOL'S DIRECTED TIME CALENDAR

Instruction 10: Members are instructed not to attend any meetings outside school session times which are not within directed time and where there is no published directed time calendar for the academic year which has been agreed with the NASUWT.

Schools must publish a timetable and a directed time calendar for each school year.

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.

All activities in the calendar which fall outside school session times should be within the allocation of the contractual 1,265 hours of directed time in which teachers, other than those on the leadership spine, or ASTs are required to be available for work. The school should have a directed time budget.

School calendars enable the school to manage directed time and are part of the strategy to meet the requirements of the contractual provision with regard to 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.

If your school has not published a school calendar for this academic year, has published a calendar but there is no directed time budget or has published a calendar but it has not been agreed with the NASUWT, members should not attend any meetings on the calendar which are outside school session times until there has been consultation with the NASUWT and the calendar has been agreed by the NASUWT.

Detailed guidance on the calendar and directed time budget can be found in Annex 2.

Instruction 11: Members should refuse to agree to timetable changes where no sound educational reasons have been given for the change.

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 who teaches classes scheduled to take public examinations may necessitate a change of timetable for those classes to be taught by a teacher on the staff of the school rather than the supply teacher engaged to cover the absence or for some significant educational development. Variations should be very rare occurrences.

If changes are proposed to an individual teacher's timetable or to the timetable of a group of teachers and no sound educational reasons are given for the change, members should not accept the changes.

Members should not, in any event, accept any changes without consulting with their union.

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 (see Annex 2).

LESSON PLANS

Instruction 12: Members are instructed not to submit lesson plans to members of the senior management team or anyone acting on behalf of the senior management team.

Lesson planning is an essential contributor to effective teaching and learning and is therefore a key element of professional practice.

Planning is most properly regarded as a means to an end (i.e. effective teaching and learning) and not as an end in itself.

Teachers are accountable for supporting pupils' progress and achievement through their use of suitable approaches to teaching and learning, not for the particular manner in which learning activities and experiences are planned. Consequently, the principal purpose of lesson plans is to support the professional practice of teachers rather than to serve as a means by which they can be held to account for their work.

The instructions on planning are designed to address the wholly unnecessary practice established in some schools in which teachers are required to submit electronic or hard copy versions of their lesson plans to members of the senior management team or colleagues acting on behalf of the senior management team.

Attempts are made in some circumstances to justify this practice on the basis that it is a requirement of inspection. This is emphatically not the case.

Members should be confident that their refusal to comply with requests of this nature as a result of lawful industrial action is in no way inconsistent with their commitment to maintaining the highest possible standards of practice and conduct and to ensuring that meeting the learning needs of pupils continues to represent their key professional priority.

Members should therefore make their own professional judgement regarding the nature of their planning of lessons.

EMAIL CORRESPONDENCE

Instruction 13: Members are instructed only to send and respond to work-related emails during directed time.

Emails can be a very efficient and effective way of exchanging information between staff in schools. However, of increasing concern to members is the abuse of emails where they are being used to hold teachers to account, have requirements that they should be read and answered in a specific time and where they are being sent during the evenings on weekdays, at weekends and during holiday periods either with the expectation of a response during those times or to put pressure on teachers.

This instruction therefore confines the sending of and responding to emails to directed time.

Members should neither respond to nor send emails outside that time.

PLANNING, PREPARATION AND ASSESSMENT (PPA) TIME

Instruction 14: Members should ensure that they have on their timetable the contractual minimum of 10% guaranteed PPA time.

Members will refer any failure to provide the time to the NASUWT to implement the procedure for refusing to teach their timetabled lessons, unless all members at the school are guaranteed on their timetable a minimum of 10% timetabled time for PPA.

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

The time must 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 is under the direction of the individual teacher and it is guaranteed. It cannot be used for any other activity, including cover.

This provision can be found in paragraph 54.5 of the STPCD 2015.

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 PPA tasks.

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.

Where there is a failure to guarantee for all teachers an allocation of a minimum of 10% of timetabled teaching time for PPA, marked specifically on the timetable, then NASUWT Representatives should approach the headteacher and request that the position be addressed as a matter of urgency. The NASUWT should also be contacted immediately.

Instruction 15: Members should only undertake in PPA time planning, preparation and assessment activities which they determine are appropriate to support their timetabled lessons.

Instruction 16: Members should refuse to accept the direction of the headteacher to undertake any other activity, including cover, in PPA time.

It is for teachers themselves to 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.

Members should refuse to accept the direction of the headteacher or line manager to undertake any other activity in that time. This includes cover for any type of absence.

LEADERSHIP AND MANAGEMENT TIME

Instruction 17: 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.

Teachers paid on the leadership spine, and other teachers who have leadership and management responsibilities such as those in receipt of Teaching and Learning Responsibility (TLR) payments, are entitled to a reasonable allocation of time within school sessions to support the discharge of their responsibilities.

This time should be distinguished on the timetable from any PPA time.

This provision can be found in paragraph 54.6 of the STPCD 2015.

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

Although there is no definition of 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.

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

If any member(s) does not have the required allocation of leadership and management time on their timetable, they should notify the headteacher that they will not be carrying out those responsibilities until such time as a reasonable amount of time is identified and allocated. Members should also contact the NASUWT immediately.

Instruction 18: Members should refuse to undertake leadership and management activities without being paid a TLR payment or on the leadership spine.

In too many schools, members are being given onerous responsibilities for leadership and management without the associated payment on the leadership spine or being given a TLR. 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 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 school, they will attract both the entitlement to leadership and management time and payment in accordance with the provisions of the STPCD.

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. There is no doubt that the latter would be the case.

To determine eligibility for payment, members should apply the following paragraph to their circumstances.

‘Teachers will be expected to contribute to curriculum development by sharing their professional expertise with colleagues and advising on effective practice. This does not mean that they can be expected to take on the responsibility and accountability of a subject area or to manage other teachers. It remains our view that responsibilities of this nature would need to be part of a post that was in the leadership group or which attracted a TLR payment on the basis set out in the STPCD.’

Having reviewed any unremunerated responsibilities against that statement, members who believe that they qualify for payment should notify the NASUWT immediately.

DEDICATED HEADSHIP TIME

Instruction 19: 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.

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

Although there is no definition of ‘significant’ in the STPCD, the NASUWT believes that this would be a timetabled teaching load of, for example, 50% or more.

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

This provision can be found in paragraph 49.2 of the School Teachers’ Pay and Conditions Document 2014.

Headteachers with significant teaching loads clearly are lead practitioners in 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.

If a headteacher member does not have the required allocation of dedicated headship time, then the Chair of the Governing Body should be advised that unless the matter is addressed and an appropriate amount of time allocated, the headteacher should contact the NASUWT with a view to refusing to carry out his/her teaching responsibilities.

There is no definition of the amount of time which 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.

COVER FOR ABSENCE

Instruction 20: Members should refuse to cover for absence.

Members (except those employed on a contract to wholly or mainly undertake cover) should refuse to provide any cover, including being asked to take pupils into their class or group from other classes where the teacher is absent (split-classes). Cover is not a good use of the time of teachers at the school.

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.

GAINED TIME

Instruction 21: 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 in Section 4 Paragraphs 76-77 of the School Teachers' Pay and Conditions Document (STPCD).

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 are only required to undertake activities from the list below, which were previously listed in Section 4 of the School Teachers' Pay and Conditions Document:

- developing/revising departmental/subject curriculum materials, schemes of work, lesson 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 schools;
- where the school has a policy for all staff to release them for continuing professional development (CPD) during school sessions, gained time may be used.

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

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

LUNCHTIME SUPERVISION

Instruction 22: Members should refuse to undertake supervision of pupils during the lunch break.

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

This provision is found in paragraph 54.3 of the STPCD 2015.

Teaching is a very challenging and intensive activity and this provision was introduced to ensure that there was an opportunity to take a break during the working day.

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

Members should not undertake any supervision of pupils during the lunch break, unless they have entered into a second contract outside the School Teachers' Pay and Conditions Document provisions to do so. The NASUWT recommends that members do not enter into such contracts.

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 on page 17 of this guidance.)

INVIGILATION OF EXAMINATIONS

Instruction 23: Members should refuse to invigilate any public examination, including GCSEs.

No teacher, primary or secondary, is required to invigilate any public examinations. This includes GCSEs, A levels or any other nationally set examination or test.

This provision is found in paragraph 54.8 of the STPCD 2015.

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

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

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

The exceptions are:

- controlled assessments in secondary schools;
- practical or oral examinations which require the specialist teacher to be present.

Instruction 24: Members should refuse to undertake the invigilation of any 'mock' examinations where the 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 and under the arrangements for the conduct of the lesson, this instruction would not apply.

ADMINISTRATIVE AND CLERICAL TASKS

Instruction 25: Members should refuse to undertake administrative and clerical tasks as exemplified in Annex 4 of the STPCD.

Teachers cannot 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.

This provision is found in paragraph 54.8 of the STPCD 2015.

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

Administrative and clerical tasks which were previously listed in Annex 4 of the STPCD are now listed below. They 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.

ANNEX 4 – Administrative and clerical tasks

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, school status and the like) using contributions by teachers and others.
20. Transferring manual data about pupils not covered by the above into computerised school management systems.
21. Managing the data in school management systems.

PAY AND PAY PROGRESSION

Instruction 26: Members are instructed not to agree or to participate in any arrangements for the implementation of any pay policy for teachers which does not conform to all the elements of the NASUWT pay policy checklist.

Where the employer fails to agree a policy which complies with all elements of the NASUWT pay policy checklist this must be referred to the National Union.

This instruction is designed to protect teachers from the impact of provisions which are designed to depress teachers' pay and pay progression.

NASUWT Representatives and members have been provided with detailed information and guidance to support this instruction.

The following information and guidance which has been distributed to schools can be found on the NASUWT website at www.nasuwt.org.uk/PayPolicy.

- the NASUWT pay policy checklist;
- the NASUWT letter to headteachers and chairs of governors;
- the NASUWT model pay policy and explanatory guidance.

NASUWT local association officers will be seeking discussions with local authorities to secure an agreed pay policy, incorporating the provisions of the NASUWT pay policy checklist, for all schools in the local authority. Members should therefore not engage in in-school discussions on this. If

headteachers seek to develop an in-school policy, members should provide the headteacher with a copy of the NASUWT model policy and make immediate contact with the NASUWT for advice and support.

The NASUWT pay policy checklist and model policy are entirely consistent with the legal and regulatory provisions that schools are required to meet.

EXCESSIVE WORKLOAD AND MARKING AND ASSESSMENT POLICIES

Instruction 27: Members are instructed to refuse to comply with any marking and assessment policy which generates excessive workload and/or has not been agreed with the NASUWT.

Until such time as a policy agreed with the NASUWT is introduced, members will mark and assess pupils in a manner consistent with the principles set out in the Union's guidance.

The NASUWT has produced below initial advice and guidance on acceptable marking policies and practices within schools. NASUWT members should seek to ensure that they reach agreements on marking that are consistent with this guidance. Where agreement cannot be reached, contact should be made immediately with the NASUWT for further support, advice and guidance.

Guidance on action short of strike action marking instruction

Introduction and background to the instruction

1. This guidance is intended to support members in implementing the NASUWT's action short of strike action instruction on marking and assessment policies in schools. The instruction makes clear that members must not comply with marking and assessment policies which generate excessive workload and/or have not been agreed with the NASUWT.
2. The NASUWT does not take the issuing of an instruction focused on marking lightly. The Union is committed to ensuring that its action short of strike action is consistent with work in schools to promote high educational standards and acknowledges fully that marking policies and practices play a critical role in this regard.
3. The Union has not produced a model marking policy, given that it would be difficult for such a policy to take meaningful account of the specific circumstances and educational priorities of every school. However, this guidance sets out the key principles that the NASUWT expects should be reflected in all schools' policies and practices.
4. In developing this guidance, the NASUWT has taken full account of existing good practice in schools and the expectations of the school accountability regime and research evidence on the ways in which marking and feedback can contribute effectively to pupil progress and achievement.
5. Specifically, the NASUWT's action short of strike action instruction on marking and assessment policies applies to policies that have not been agreed with the NASUWT and which:
 - specify the frequency, type or volume of marking and feedback;
 - require teachers to provide a written record of verbal feedback provided to pupils;
 - require teachers to provide detailed written feedback on all occasions when they are reviewing pupils' work or acknowledging their efforts;
 - require teachers to engage in detailed marking (e.g. 'dialogic', 'deep', 'triple', or 'quality' marking) for every piece of written work completed by pupils;
 - use information collected through book scrutiny exercises, often referred to as 'book looks', to form judgements about the effectiveness of teachers' practice; and

- are not sustainable in terms of teachers' workloads resulting in the majority of teachers' marking being carried outside Planning Preparation and Assessment time.

These issues are considered in further detail below.

The importance of effective approaches to marking and feedback

6. The NASUWT is clear that marking and feedback represents an important dimension of effective teaching practice. Marking and feedback:
 - ensures that teachers and parents understand where pupils are with their learning and what they need to do to improve further;
 - informs interventions to make sure that pupils' progress is on track; and
 - supports pupils' evaluation of their own learning.
7. The NASUWT therefore accepts that it is reasonable for schools to seek to establish frameworks and systems for marking and feedback. However, it is critical to ensure that arrangements for marking and feedback do not create unacceptable and unnecessary workload burdens for teachers. The NASUWT has implemented its instruction on marking to protect teachers from attempts by schools to impose such arrangements.
8. It is important to note that it is entirely possible for schools to establish expectations in respect of marking that not only meet the educational goals set out above and are recognised by inspectors as contributing to effective teaching and learning, but also limit workload burdens on teachers. Where such arrangements are not in place, the NASUWT's action instruction on marking provides a means by which more appropriate marking and feedback practices can be introduced.
9. While schools will want to implement whole school policies and systems for marking and feedback, it must be acknowledged that practice will need to vary according to the age and ability of pupils as well as by subject or area of learning. Therefore, in seeking to agree acceptable approaches to marking, members will need to use their professional judgement to advocate frameworks that take into account the particular contexts within which marking is undertaken. Nevertheless, regardless of these differing contexts, practice must reflect the considerations set out below if it is to be regarded as acceptable by the NASUWT.

Estyn's expectations

10. Estyn's handbook and guidance makes clear that its emphasis is on the quality of marking and feedback rather than on its quantity. For example, its guidance on primary inspection states that inspectors will focus on:

*'...how well oral feedback and marking enable pupils to know how well they are doing and what they need to do to improve.'*¹
11. Similar provisions are set out in Estyn's guidance for the inspection of secondary schools. Recent reports published by Estyn further serve to emphasise that its principal concern is the quality of marking and its impact on pupils' progress rather than its quantity.²
12. NASUWT members should therefore resist any attempt to justify the imposition of onerous or workload intensive marking arrangements on the basis that Estyn expects such systems to be in place and that schools will suffer detrimental inspection outcomes if they are not.

Types and frequency of marking and feedback

13. It is essential that whole school marking and assessment policies recognise that feedback to pupils can be given verbally or in writing and that both forms can be equally valid. Written feedback or marking should therefore not necessarily be given greater status or emphasis than

¹ Estyn (2014). Guidance for the inspection of primary schools. Available at: www.estyn.gov.uk/download/publications/8435.7/guidance-for-the-inspection-of-primary-schools-from-september-2010/, accessed on 17.04.15.

² e.g. Estyn (2014). English at Key Stages 2 and 3 - June 2014. Available at: www.estyn.gov.uk/english/docViewer/314550.6/english-in-key-stages-2-and-3-june2014/?navmap=30,163, accessed on 18.04.15.

verbal feedback. For some forms of learning and for the youngest pupils, the greater part of feedback given to pupils is likely to be verbal rather than in writing. Depending on context and the professional judgement of teachers, verbal feedback can also be given to pupils individually as well as collectively.

14. While it is acknowledged to be important that pupils are given opportunities to respond to this feedback, there is no need for policies to require that teachers provide written evidence of instances of verbal feedback given to pupils. However, teachers will want to make records of verbal feedback given to pupils if their professional judgement indicates that this would be appropriate.
15. Systems in place to acknowledge the written work and efforts of pupils should not require that these acknowledgements include detailed written comments. Instead, pupils' work can be recognised appropriately and effectively by means of ticks, agreed symbol systems, stickers or stamps, the use of which does not impose onerous burdens.
16. The NASUWT recognises that the provision of more detailed written feedback to pupils can have an important role to play in supporting their learning. Such marking is often referred to as:
 - dialogic marking;
 - deep marking;
 - triple marking; or
 - quality marking.
17. This marking can take various forms but tends to be characterised by the provision of detailed written feedback by teachers that reflects pupils' progress towards relevant learning objectives. Pupils are then expected to provide a written response confirming that they have understood this feedback and describing how they intend to respond.
18. This feedback is usually expected to include positive feedback on pupils' progress and highlight areas for future development. Practices of this type are often described as 'two stars and wish' or 'www (what went well)/ebi (even better if)', although there are a wide variety of terms used to describe this approach to marking across the school system. Teachers may provide further commentary based on pupils' responses.
19. The NASUWT has become increasingly concerned by cases in which teachers are expected to engage in this form of marking to an excessive extent. The NASUWT's attention has been drawn to some schools in which marking of this type is expected for all completed pieces of pupils' written work.
20. Schools' policies should therefore take account of the fact that periodic rather than routine marking of this nature should provide sufficient opportunities for teachers to provide effective written feedback to pupils. Policies should take account of the fact that in some subject areas in secondary schools where teachers are responsible for a relatively large number of pupils, it will be necessary to adjust expectations in respect of detailed marking accordingly.
21. In establishing reasonable whole-school expectations on the use of marking of this nature, schools should ensure that there is sufficient flexibility to allow teachers to adopt approaches that are best suited to the requirements of different subjects.
22. It should also be recognised that for some pupils or in some subject areas, marking of this nature will not be appropriate. These considerations should be reflected clearly in schools' policies.

The Literacy and Numeracy Framework

23. The NASUWT continues to be concerned by the workload burdens generated by the Literacy and Numeracy Framework and will continue to pursue these with the Welsh Government.
24. The expectations in the Literacy and Numeracy Framework that feedback and assessment across the curriculum should address pupils' progress and achievement across the curriculum are not compromised by seeking to place reasonable limits, as described in this guidance, on the marking demands faced by teachers.

Monitoring marking and written feedback

25. Schools often establish arrangements to monitor the quality of marking and its compliance with relevant policies; for example, focusing on whether the teacher has used the correct coloured pens to mark the work rather than how the pupil is progressing, in effect monitoring the teacher rather than the pupil.
26. Some schools periodically collect samples of pupils' written work to monitor compliance with marking policies. Such practices are often described as 'book scrutinies', 'book audits' or 'book looks'. The NASUWT's action short of strike action instructions confirm that any information collected through book-scrutiny exercises that has not been agreed during the performance management planning meeting cannot be used to form judgements about the professional effectiveness of teachers.
27. Further advice and guidance about performance management, including how the Union's action short of strike action instructions can be used to secure acceptable performance management arrangements, can be found at www.nasuwt.org.uk/performance/wales.

Planning, Preparation and Assessment (PPA) time

28. Teachers have a contractual entitlement to guaranteed PPA time. The NASUWT's action short of strike action instructions seek to ensure that teachers are provided with this time. Teachers' contracts and the NASUWT instructions also set out the terms on which PPA time must be made available.
29. PPA time is self-directed time in which teachers have the opportunity to undertake tasks including assessing the work of the pupils for whom they are responsible. Marking therefore represents an entirely appropriate use of PPA time.
30. The extent to which PPA time is sufficient for teachers to complete the majority of their marking provides a useful approximate guide to the reasonableness of marking burdens. If, despite using PPA time for marking, teachers are required to spend excessive additional time marking pupils' work, it is likely to be the case that the marking and assessment policies are placing unacceptable burdens on teachers and there is need for this to be addressed through agreed amendments to schools' policies'.

VOLUNTARY ACTIVITIES OUTSIDE SCHOOL SESSIONS

The 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 which achieves these aims using strategies which 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 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 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 that the activity will no longer take place to pupils and parents, which may be necessary, can be given.

ANNEX 1 – WORKLOAD IMPACT ASSESSMENT

- 3.1 The NASUWT national action short of strike action instructions include a requirement for employers to workload impact assess existing and new policies.
- 3.2 It is the employer's responsibility to workload impact assess policies.
- 3.3 The checklist below highlights the key areas the employer's workload impact assessment should cover.
- 3.4 This impact assessment should be applied to all existing and new policies.
- 3.5 A copy of the workload impact assessment can be downloaded from the NASUWT website at www.nasuwt.org.uk/IndustrialAction.

WORKLOAD IMPACT ASSESSMENT CHECKLIST

The school has an agreed system to monitor the workload and working hours of teachers and the headteacher.

The policy complies with and is consistent with the teachers' contractual entitlements (see NASUWT Action Instructions).

The policy and any related procedures were introduced following full consultation with the NASUWT.

The policy and any related procedures include a specific statement regarding workload impact.

The policy has been piloted/trialled to enable an assessment of workload impact to be made.

The impact of the policy and related procedures is that they have not added additional hours of working.

The policy does not duplicate any other existing policy.

All policies have been reviewed in order to assess whether any are outdated and unnecessary.

The school has identified the resources necessary to support the policy, including staff time, any additional staffing and appropriate equipment.

Implementation of this policy will not result in any additional meetings/activities that have not been identified within the school calendar, published and revised in consultation with the NASUWT.

All staff (including the headteacher) have had training to ensure that the policy and any related procedures are carried out without increasing workload burdens.

The policy and related procedures are reviewed regularly to ensure that additional workload burdens have not been added over time.

- 3.6 **If an existing or new policy does not meet all of the tests above, then the headteacher should be requested to address the deficiencies immediately. Where an existing or new policy does not meet the tests, then members must follow the NASUWT national action instructions in relation to the specific policy.**

ANNEX 2 – MEETINGS AND THE SCHOOL'S DIRECTED TIME CALENDAR

Working time and directed time

- 1.1 The School Teachers' Pay and Conditions Document (STPCD) requires a teacher employed full time to be available for work on 195 days in any school year, of which on 190 of those days the teacher may be required to teach pupils and perform other duties as described in full in the STPCD, and on five days of which the teacher may only be required to perform other duties. Such a teacher may be required to teach and perform other duties for 1,265 hours (directed time) each year, allocated reasonably throughout those days in the school year on which s/he is required to work.¹
- 1.2 In addition, a teacher is required to work '*such reasonable additional hours as may be needed to enable the effective discharge of their professional duties*'. This work should be focused on planning, preparation and assessment, recording and reporting. However, the requirement to work additional hours is subject to, and in the context of, the entitlement to enjoy a reasonable satisfactory work/life balance. Under the provisions of the STPCD, schools are required to ensure that they '*have regard to the desirability of teachers at the school being able to achieve a satisfactory balance between the time required to discharge their professional duties...and the time required to pursue their personal interests outside work*'.

Directed time calendar

- 1.3 The STPCD Section 3 Statutory Guidance includes a statement that: '*The relevant body should ensure that...they consult with all staff on an annual calendar of staff meetings, parental consultations and other activities*'.
- 1.4 NASUWT Representatives should draw this to the attention of the school management with a view to securing compliance with the provisions and to developing an acceptable and reasonable annual calendar and time budget covering the directed time. This is very important for all teachers but is of particular significance for part-time teachers as both their pay and working time is benchmarked against the pay and working time of a full-time teacher occupying a comparable post.
- 1.5 The calendar is a critical part of tackling excessive workload and working hours and should contribute to delivering the contractual entitlement to a work/life balance.

Time budget and calendars

- 1.6 Every individual teacher not paid on the leadership spine should have a time budget that details how the 1,265 hours of time specified in the contract for reasonable direction by the headteacher will be allocated. Once published, this should not be changed unless there are exceptional circumstances and then only in consultation with the teacher.
- 1.7 School sessions in the 195 days when teachers are required to be available for work will account for a significant proportion of the directed hours.
- 1.8 A calendar of meetings for the academic year should be published in advance of the start of the academic year. The days of the week on which meetings will be held at the end of school sessions should be identified so that teachers can plan their personal activities. This is also critical for teachers with carer responsibilities. Once published, the days identified should not be changed unless there are exceptional circumstances and then only in consultation with the teacher.
- 1.9 NASUWT Representatives should ensure that consultation on the annual calendar and time budget includes the so-called 'buffer time' at the start and end of the school day. If this is directed, it is included in the time budget.

¹ In some academies, teachers may have contracts which have varied these provisions. However, all contracts must specify the days and hours teachers should be available for work and these should constitute directed time and all the principles apply.

The following guidance should be used by NASUWT members and Representatives when engaged in consultation on the schools' directed time calendar to implement the national action instructions 10 and 11. NASUWT members and Representatives should seek to secure these provisions in the school's directed time calendar.

Meetings

- 1.10 The NASUWT maintains that teachers not on the leadership spine should attend only one meeting per week outside pupil session times.
- 1.11 Those on the leadership spine should seek to agree a limit on the number of meetings they attend per week outside school session times. The entitlement to achieve a satisfactory work/life balance also applies to them.
- 1.12 Meetings should normally be no more than one hour in length and should have published agendas, be effectively chaired and have clear outcomes. Teachers should not provide 'secretarial support' at meetings by taking formal minutes or verbatim notes.
- 1.13 Teachers cannot be directed to attend meetings during the lunch break. They should not be encouraged or pressurised to attend or volunteer to do so. Meetings should not be arranged during the lunch break.

Parental consultation

- 1.14 The NASUWT recommends that teachers should only attend one parental consultation per year for each year group. These meetings should be counted as directed time and identified in the calendar of meetings.
- 1.15 In a week where there is a parental consultation meeting scheduled, no other meeting outside school sessions should be calendared to take place.

Open evenings

- 1.16 There is no requirement for teachers to attend open evenings. However, where they agree to attend, these should count against directed time and against the weekly total of meetings.

Pupil reports

- 1.17 Reports to parents, including comments from teachers, should be made once per year.
- 1.18 Where they have not done so, schools should consider introducing an electronic system for generating reports, which includes a database of standard phrases that can be tailored to suit most circumstances. There is little point in seeking to be original in every report or going beyond a crisp and concise format. Interim reports requiring written comments from teachers should not be undertaken. If the school determines an interim report is required, then it should be capable of being electronically generated from information/data the teacher has recorded once in the agreed assessment system.
- 1.19 Time should be identified in the directed time calendar for producing reports. Some schools use one of the five non-pupil days for this.

Governing bodies

- 1.20 In order to reduce workload on school leaders and staff, governing bodies should review:
 - timing, length and frequency of meetings;
 - number, timing and length of subcommittees;
 - the administrative pressures they may be placing on schools and school leaders;
 - demands made by governors on the headteacher and teachers to produce information, reports or to attend meetings.
- 1.21 No teacher or headteacher should provide administrative/clerical support for governing bodies.

REPRESENTATION OF MEMBERS

On reading the NASUWT national action short of strike action instructions and initial implementation guidance, members will have seen that it is important for them to act collectively.

In many schools, there is an NASUWT Representative or contact who will act on behalf of the members. In some schools, however, no Representative or contact has been identified. It is very important at this critical time to have a person from among the members who is prepared, at the very least, to communicate information to the principal on behalf of members and to receive information from the school management to pass back to members and to the NASUWT to ensure that appropriate advice and support can be given.

If there is no Representative in the school, members should, as a matter of urgency, get together to identify someone who would be willing to act in this capacity.

It is important, particularly in times of action, that members act collectively and support each other.

If there is no-one willing to act as a Representative or you are in a school with only one or two NASUWT members, it is very important that you contact the NASUWT immediately for advice and support.

NASUWT contact details

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E-mail: rc-wales-cymru@mail.nasuwt.org.uk

NASUWT Industrial Action website

www.nasuwt.org.uk/IndustrialActionWales

NASUWT  **CYMRU**
Undeb yr Athrawon The Teachers' Union

Website: www.nasuwat.org.uk/IndustrialAction

The largest teachers' union in Wales and the UK