

NASUWT

**The Teachers' Union
NORTHERN IRELAND**

NORTHERN IRELAND

ESCALATION OF NATIONAL ACTION

Action short of strike action instructions

Important Information

These instructions as issued on 1 February 2017 replace all previous instructions.

This guidance applies to the following schools:

- controlled;
- maintained;
- voluntary grammar;
- grant maintained;
- integrated;
- Irish medium.

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EXISTING POLICIES AND WORKING PRACTICES

Instruction 1: Members are instructed to refuse to implement any existing policies and working practices which have not been the subject of consultation and agreement with the NASUWT.

All teachers and principals 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.

Employers 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.

Principals have the responsibility for securing the work/life balance for staff. Employers have a direct responsibility for the principal'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.

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.

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 the implications for the teachers who will have to implement them.

All schools are required to ensure that teachers and the principal 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 collectively which existing policies and working practices are generating excessive workload and bureaucracy.

Where schools have in place processes for data collection and tracking pupil progress, these should be developed in consultation and agreement with the NASUWT and must not lead to unacceptable or unnecessary workload burdens for members.

The NASUWT Representative should then advise the principal 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 date when this request is made should be noted by the NASUWT Representative.

The NASUWT should be advised immediately.

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

NEW INITIATIVES AND POLICIES

Instruction 2: Members are instructed to refuse to implement any new initiatives, policies or working practices which have not been workload impact assessed and agreed through consultation with the NASUWT.

The basis of this instruction is the same as for the instruction on existing initiatives and policies on page 4. However, in this case where a new initiative or policy is proposed or about to be imposed by the school, including with regard to arrangements for data collection and pupil tracking, members should refuse to implement the policy until it has been workload impact assessed and been the subject of consultation with and agreement by the NASUWT.

COUNCIL FOR CURRICULUM, EXAMINATIONS AND ASSESSMENT (CCEA) ASSESSMENTS

Instruction 3: Members are instructed to not participate in the CCEA end of key stage assessment scheme, and should refuse to:

- submit tasks to CCEA for approval;
- compile portfolios of work for CCEA standardisation;
- engage in moderation/standardisation exercises; or
- record levels of progression.

CLASSROOM OBSERVATION

Instruction 4: Members should refuse to accept any classroom observation outwith the Performance Review and Staff Development (PRSD) Scheme, which stipulates classroom observation of one hour per year with a maximum of two visits.

The PRSD Scheme stipulates that classroom teachers should only be observed teaching for one hour per year with a maximum of two visits.

Teachers are highly skilled professionals. It is not the quantity of observation that supports development but the quality. Where teachers are subject to excessive monitoring, it can have a damaging effect on their health, morale and motivation.

Classroom observation includes observation as a result of learning walks, pupil tracking/shadowing, departmental and subject reviews, pre-inspection visits and other initiatives which involve classroom observations.

If there is any attempt to carry out classroom observation in excess of the PRSD Scheme, 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 the maximum limit provided for in the PRSD Scheme and ask them to withdraw from the observation; or
- hand them the following written statement:

'The PRSD Scheme places a limit on classroom observation for individual teachers. I have already been observed to the limit in the PRSD Scheme. I would therefore appreciate it if you would withdraw from my classroom and allow me to continue teaching. If you do not, I will report the breach of the Scheme provisions to my union the NASUWT.'

Formal capability procedures

Members on formal capability procedures will need to seek advice from the NASUWT. 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 who is 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.

COVER

Instruction 5: Members are instructed to refuse to undertake more than 20 hours' cover for absence during the academic year.

The definition of absence is where the teacher timetabled to teach the class or particular activity is absent for any reason.

NASUWT members should not undertake cover for absences (including covering split classes) for more than 20 hours each year.

The limit on cover does not apply to teachers who are employed specifically to provide cover, i.e. supply teachers or those teachers on the school staff who are employed to provide cover in certain pre-designated periods on their timetable.

ADMINISTRATIVE AND CLERICAL TASKS

Instruction 6: Members are instructed to refuse to carry out any routine non-Qualified Teacher Status (QTS) administrative or clerical tasks.

Evidence shows that many teachers are spending large amounts of time on tasks that do not require their professional skills and expertise. The action short of strike action is targeted at removing these tasks from teachers and principals to enable them to focus on their core role of teaching and learning.

Examples of the tasks teachers and principals should not undertake include:

- collecting money from pupils and parents;
- investigating a pupil's absence;
- bulk photocopying;
- typing or making word-processed versions of manuscript material and producing revisions of such versions;
- word processing, copying and distributing bulk communications, including standard letters, to parents and pupils;
- producing class lists on the basis of information provided by teachers;
- keeping and filing records, including records based on data supplied by teachers;
- preparing, setting up and taking down classroom displays in accordance with decisions taken by teachers;
- producing analyses of attendance figures;
- producing analyses of examination results;
- collating pupil reports;
- administration of work experience (but not selecting placements and supporting pupils by advice or visits);
- administration of public and internal examinations;
- administration of cover for absent teachers;
- ordering, setting up and maintaining ICT equipment and software;
- ordering supplies and equipment;

- cataloguing, preparing, issuing and maintaining materials and equipment and stocktaking the same;
- taking verbatim notes or producing formal minutes of meetings;
- co-ordinating and submitting bids (for funding, school status and the like) using contributions by teachers and others;
- transferring manual data about pupils not covered by the above into computerised school management systems;
- managing the data in school management systems.

INVIGILATION OF PUBLIC EXAMINATIONS

Instruction 7: Members should refuse to invigilate public examinations.

No teacher, primary or secondary, should invigilate any public examinations.

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

The exception would be a practical or oral examination which requires a specialist teacher to be present.

Invigilation of examinations does not require the skills and abilities of a qualified teacher.

EXCESSIVE WORKLOAD AND MARKING AND ASSESSMENT POLICIES

Instruction 8: Members are instructed to refuse to comply with any marking and assessment policy, including homework 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.

Annex 2 includes the NASUWT 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.

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.

Instruction 9: Members are instructed to not co-operate with book scoops or submit pupils' books for scrutiny by other staff. Further, members are instructed to refuse to assist or participate in the collection or scrutiny of pupils' books from other staff for the purpose of book scoops.

Some schools periodically collect samples of pupils' written work. Such practices are often described as 'book looks', 'book scrutinies' or 'book audits'. Book looks are often used as a strategy by schools to form judgements about the effectiveness of teachers. This action instruction is intended to prevent the abusive use of these practices to form erroneous judgements about the performance of teachers.

Instruction 10: Members are instructed to not submit their teacher planners or 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 instruction on planning is 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.

EMAIL CORRESPONDENCE

Instruction 11: 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.

EDUCATION AND TRAINING INSPECTORATE (ETI) INSPECTIONS – WORKLOAD

Instruction 12: Members are instructed to cease to co-operate with any ETI inspections.

Members should withdraw from any activity related to an ETI inspection, including being observed by members of the inspection team.

Members should withdraw from the activity, making clear that they are available to carry out any of their normal duties not related to inspection.

Members should ensure that their principal is aware of the NASUWT position on inspection before any inspection takes place.

MEETINGS

Instruction 13: NASUWT members are instructed to not attend any meetings or events before or after pupil session times or during the lunchbreak. Further, NASUWT members will not accept the direction of the principal to undertake any other activity in lieu of attendance at meetings.

Members should not attend any meetings or events before or after school or at lunch times.

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 voluntary 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.

Voluntary activities include school teams, music/drama productions, clubs, and open days and open nights.

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 principal 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

- 1.1 The NASUWT national action short of strike action instructions include a requirement for employers to workload impact assess existing and new policies.
- 1.2 It is the employer's responsibility to workload impact assess policies.
- 1.3 The checklist below highlights the key areas the employer's workload impact assessment should cover.
- 1.4 This impact assessment should be applied to all existing and new policies.
- 1.5 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 principal.
 - The policy complies with and is consistent with the teachers' contractual entitlements.
 - 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 principal) 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.
- 1.6 If an existing or new policy does not meet all of the tests above, then the principal 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 instructions.

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.

ANNEX 2

INITIAL 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, including homework 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 has researched evidence on the ways in which marking and feedback can contribute effectively to pupil progress and achievement. For the avoidance of doubt, this guidance applies to work undertaken by pupils during school time as well as that which they are directed by teachers to complete at home.
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' or 'book scoops', 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 (PPA) 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.

The Education and Training Inspectorate's expectations

10. The Education and Training Inspectorate (ETI) has made clear that its emphasis is on the quality of marking and feedback rather than on its quantity. For example, its Together Towards Improvement process for self-evaluation states that effective marking practice means that:

*'...pupils' work is marked regularly, and consistently, in ways which highlight the strengths and give feedback on what the pupil needs to do in order to improve...'*¹
11. Beyond this, no ETI guidance or information specifies the form that marking should take or its frequency. NASUWT members should therefore resist any attempt to justify the imposition of onerous or workload-intensive marking arrangements on the basis that ETI 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

12. 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 verbal feedback. For some forms of learning and for the youngest pupils, the greater part of feedback 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.
13. 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.
14. 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.
15. 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.

¹ ETI (2010). *Together Towards Improvement: A Process for Self-Evaluation*. Available at: www.eti.gov.uk/together-towards-improvement/together-towards-improvement-post-primary.htm, accessed on 27.04.15.

16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.

Monitoring marking and written feedback

22. 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. However, this, in effect, represents monitoring the teacher rather than the pupil.
23. Some schools periodically collect samples of pupils' written work to monitor compliance with marking policies. These collections can include pupils' homework books. Such practices are often described as book scrutinies, 'scoops', 'audits' or 'looks'. The NASUWT is clear that the information gathered through this process should not be used to form judgements of teachers' effectiveness or performance. Teachers should also not agree that evidence from such exercises can be used at the review stage of the Performance Review and Staff Development (PRSD) Scheme.

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