

# **NATIONAL ACTION SHORT OF STRIKE ACTION**

## **Instructions – Phase 5**

## Important Information

**On 6 May 2015 these instructions and guidance replaced all previous NASUWT instructions and guidance.**

**This guidance applies to the following schools:**

- all maintained schools, including community, foundation, voluntary aided, aided and controlled;
- academies\*;
- trust schools;
- members employed by a local authority on the teacher's contract and in the Teachers' Pension Scheme.

**\* all academies are covered by these instructions regardless of whether they work under the provisions of the School Teachers' Pay and Conditions Document.**

## Contents

### Instructions

Appraisal/Performance Management	3
Classroom Observation	3
Inspection	5
Reports to Parents	5
Existing Policies and Working Practices	5
New Initiatives and Policies	6
Meetings and the School's Directed Time Calendar	6
Lesson Plans	7
Email Correspondence	8
Planning, Preparation and Assessment (PPA) Time	9
Leadership and Management Time	10
Dedicated Headship Time	11
Cover for Absence	11
Gained Time	12
Lunchtime Supervision	12
Invigilation of Examinations	13
Administrative and Clerical Tasks	13
Pay and Pay Progression	14
Excessive Workload and Marking and Assessment Policies	15
Voluntary Activities Outside School Sessions	23
<b>Annex 1: Workload Impact Assessment</b>	<b>24</b>
<b>Annex 2: Meetings and the School's Directed Time Calendar</b>	<b>25</b>
<b>Representation of Members</b>	<b>27</b>

## 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.**

Where the school's performance management/appraisal policy does not conform to all the provisions in the NASUWT checklist and classroom observation protocol, NASUWT Representatives should make representations to the headteacher to seek to secure the changes. Where these representations fail, contact should be made immediately with the NASUWT for further support, advice and guidance on the implementation of the instruction.

## 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 intervention.

### **Ofsted inspections**

Observations carried out by Ofsted inspectors as part of a Section 5 inspection, which is a full inspection of the school, or as part of a monitoring visit by Ofsted following the school being placed in the categories of 'requires improvement' or 'inadequate', and Section 8 inspections, which are subject and thematic inspections of the school initiated by Ofsted, 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 Ofsted category**

Simply increasing classroom observation in response to the schools being placed in an Ofsted 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.

In March 2015, Ofsted published an updated version of its document, *Ofsted inspections – clarification for schools*. This document can be viewed at [www.nasuwt.org.uk/inspection](http://www.nasuwt.org.uk/inspection). In the context of this instruction, members should note that the document states: '*Ofsted **does not** require schools to undertake a specified amount of lesson observation.*' Members should therefore reject any assertions that the limit on observations established by this instruction may compromise the outcomes of an Ofsted inspection.

**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 or 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;
- 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 Ofsted inspectors during a Section 5 or Section 8 inspection.

## INSPECTION

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

***Members are instructed not to undertake or co-operate with any preparation for a Section 5 or Section 8 Ofsted inspection commissioned by the school, sponsor/provider 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 5 or Section 8 inspection from Ofsted 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 SATs or other 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.

The NASUWT instruction is supported by the findings of the DfE Independent Teacher Workload Review Group on eliminating unnecessary workload around planning and teaching resources.

The Group's findings were published in March 2016 and were endorsed in full by the Secretary of State. A copy of the Group's Report can be accessed at [www.nasuwat.org.uk/industrialaction](http://www.nasuwat.org.uk/industrialaction).

The Group was clear that there is a key distinction between planned lessons and lesson plans:

*'Too often, 'planning' refers to the production of daily written lesson plans which function as proxy evidence for an accountability 'paper trail' rather than the process of effective planning for pupil progress and attainment.'*

The Group noted that:

*'...the fundamental purpose of planning is to support effective teaching in the classroom, not to satisfy external audiences. Plans cannot show what actually happened in the classroom, not the outcomes or progress made.'*

The Group therefore concluded that:

*'...detailed daily or weekly plans should not be a routine expectation.'*

Members should make reference to the findings in seeking to secure compliance with Instruction 12.

### **Lesson Plans and Ofsted**

Attempts are made in some circumstances to justify the submission of daily or weekly lesson plans on the basis that this is an Ofsted requirement. This is emphatically not the case.

Her Majesty's Chief Inspector, Sir Michael Wilshaw, has emphasised publicly Ofsted's view that its key interest is in assessing the extent to which lessons are planned effectively rather than on the format and content of lesson plans (TES, 30 March 2012). The practice of submission of lesson plans to senior leaders or managers on the basis that plans need to be checked in anticipation of a future inspection to ensure that they meet Ofsted's expectations with regard to their layout and composition is therefore entirely unjustified.

Ofsted's document, *Ofsted inspection- clarification for schools*, is clear:

*'Ofsted does not require schools to provide individual lesson plans to inspectors. Equally, Ofsted does not require schools to provide previous lesson plans.'*

*'Ofsted does not specify how planning should be set out, the length of time it should take or the amount of detail it should contain. Inspectors are interested in the effectiveness of planning rather than the form it takes.'*

These expectations are also set out in the current Ofsted school inspection handbook (p.11).

This information from Ofsted confirms that implementation of this instruction will not have adverse consequences for the outcomes of school inspection. Members should therefore be confident that their refusal to comply with instructions 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 use of their own professional judgement in determining approaches to daily or weekly 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 a minimum of 10% guaranteed time for PPA.***

**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 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 18 of this guidance.)

## INVIGILATION OF EXAMINATIONS

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

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

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;
- foundation stage assessments and Key Stage 1 assessments in primary 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 protects 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 the implementation of 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](http://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.

In addition, the NASUWT has produced a commentary on information sent out by the Secretary of State and Department for Education on the NASUWT pay policy checklist. This is also on the NASUWT website.

**It is critical that members do not agree to any changes to the school pay policy which do not conform to all aspects of the checklist.** The NASUWT pay policy checklist and model policy are entirely consistent with the legal and regulatory provisions that schools are required to meet.

Where schools do not agree to the NASUWT pay policy checklist provision immediate contact must be made with the NASUWT.

## **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-related policies. The instruction makes clear that members must not comply with such policies unless they have 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-related policies and practices play a critical role in this regard.
3. The Union has not produced a model policy given that it would be difficult for such policies to take meaningful account of the specific circumstances and educational priorities of every school. However, this guidance sets out some key principles that can and 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, 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 guidance states that:
  - schools should take meaningful steps to ensure that marking-related workload burdens are manageable;
  - verbal feedback to pupils can be just as valid as written feedback and that written feedback should not necessarily be given greater status in schools' policies;
  - there is no need for schools to require that evidence of verbal feedback should be recorded in writing;
  - policies should not require teachers to provide detailed written feedback on all occasions when they are reviewing pupils' work or acknowledging their efforts;

- it is not necessary to engage in detailed marking (e.g. ‘dialogic’, ‘deep’, ‘triple’, or ‘quality’ marking) if this is unnecessary in the professional judgement of teachers;
  - any evidence collected through book scrutiny exercises, often referred to as ‘book looks’, should not be used to form judgements about the effectiveness of teachers’ practice; and
  - a helpful approximated guide to the reasonableness of marking burdens is the extent to which teachers are able to complete the greater part of their marking during their planning, preparation and assessment (PPA) time.
6. A checklist is also provided to assist members in assessing the acceptability of their schools’ existing marking-related policy and practice.

### **The Independent Teacher Workload Review Group**

7. This guidance incorporates the findings on marking and feedback of the Independent Teacher Workload Review Group established by the Secretary of State.<sup>1</sup> The Review Group was tasked with assessing the contribution made by marking to excessive and unnecessary teacher workload. The Review Group’s report sets out steps that should be taken in schools to tackle marking-related workload burdens in ways that recognise how feedback can be used effectively to support pupil progress and achievement. The report has been endorsed by the Secretary of State. This guidance addresses those elements of the report that refer to marking-related policy and practice that is within the direct control and influence of schools. By making use of the NASUWT’s marking instruction and this guidance, members should be assured that they are acting in full accordance with its findings.

***Direct citations from the report are in bold italic text throughout this guidance.***

8. The Review Group’s report on marking can be accessed at [www.nasuwt.org.uk/marketing](http://www.nasuwt.org.uk/marketing).

### **The importance of effective approaches to marking and feedback**

9. 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.
10. The NASUWT therefore accepts that it is reasonable for schools 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.

***‘Effective marking is an essential part of the education process. At its heart, it is an interaction between teacher and pupil: a way of acknowledging pupils’ work, checking the outcomes and making decisions about what teachers and pupils need to do next, with the primary aim of driving pupil progress. This can often be achieved without extensive written dialogue or comments.’ (Paragraph 1)***

11. 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

<sup>1</sup> Ofsted (2015). *Ofsted inspections – clarification for schools*. Available at: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/415123/Ofsted\\_inspections\\_clarification\\_for\\_schools.doc](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/415123/Ofsted_inspections_clarification_for_schools.doc), accessed on 17.04.15.



marking provides a means by which more appropriate marking and feedback practices can be secured.

***'Marking is a vital element of teaching, but when it is ineffective it can be demoralising and a waste of time for teachers and pupils alike. In particular, we are concerned that it has become common practice for teachers to provide extensive written comments on every piece of work when there is very little evidence that this improves pupil outcomes in the long term.'* (Paragraph 5)**

12. 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.

13. The report of the Review Group makes clear that marking varies by age group, subject, and what works best for the pupil and teacher in relation to any particular piece of work.

***'Consistency across a department or a school is still important, but this can come from consistent high standards, rather than unvarying practice. Shared expectations of marking will help everybody to be clear about what is required of them, but each subject and phase should be able to determine the policy in their areas...'* (Paragraph 22)**

14. A core principle of marking is that its sole purpose is to support the achievement of learners. A marking policy that fails to recognise this fundamental feature of effective practice is unacceptable.

***'Marking should serve a sole purpose – to advance pupil progress and outcomes.'* (Paragraph 21)**

***'(Ineffective marking) can be disjointed from the learning process, failing to help pupils improve their understanding. This can be because work is set and marked to a false timetable, and based on a policy of following a mechanistic timetable, rather than responding to pupils' needs. It can be dispiriting, for both teacher and pupil, by failing to encourage and engender motivation and resilience.'* (Paragraph 17)**

15. The Review Group stresses that marking is best regarded as one element of wider approach to feedback and assessment. Its report is clear that it is inappropriate to regard marking as more important or more effective than other forms of feedback or to consider it in isolation from other ways in which pupils' work is assessed.

***'Marking should be part of an assessment policy alongside other practices that inform teachers, create positive pupil outcomes and drive future planning. Giving marking separate policy status may have contributed to the perception that it is more important and has more impact than other types of feedback.'* (Paragraph 19)**

### **Ofsted's expectations**

16. Ofsted's publication, *Ofsted inspection: myths*, confirms Ofsted's expectations of key features of policy and practice in schools.<sup>2</sup> In relation to marking and feedback, it states:

***'Ofsted recognises that marking and feedback to pupils, both written and oral, are important aspects of assessment. However, Ofsted does not expect to see any***

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<sup>2</sup> Report of the Independent Teacher Workload Group (2016). *Eliminating unnecessary workload associated with data management*. Available at ([www.gov.uk/government/publications/reducing-teacher-workload-data-management-review-group-report](http://www.gov.uk/government/publications/reducing-teacher-workload-data-management-review-group-report)), accessed on 04/05/16.

***specific frequency, type or volume of marking and feedback; these are for the school to decide through its assessment policy. Marking and feedback should be consistent with that policy, which may cater for different subjects and different age groups of pupils in different ways, in order to be effective and efficient in promoting learning.'***

17. On the specific issue of recording oral feedback given to pupils, the document is clear that:

***'...while inspectors will consider how written and oral feedback are used to promote learning, Ofsted does not expect to see any written record of oral feedback provided to pupils by teachers.'***

18. *Ofsted inspection: myths* further confirms that marking policies and expectations in schools must avoid imposing workload intensive and burdensome requirements on teachers:

*'If it is necessary for inspectors to identify marking as an area for improvement for a school, they will pay careful attention to the way recommendations are written to ensure that these do not drive unnecessary workload for teachers.'*

19. NASUWT members should therefore resist any attempt to justify the imposition of onerous or workload intensive marking arrangements on the basis that Ofsted expects such systems to be in place and that schools will suffer detrimental inspection outcomes if they are not.

### **Types of marking and feedback**

20. It is essential that whole school marking-related policies recognise that feedback to pupils can be given verbally or in writing and that both types of feedback 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 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.

21. 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 pupil.

**'We considered what ineffective marking looks like:**

- ***It usually involves an excessive reliance on...extensive written comments in different colour pens, or the indication of when verbal feedback has been given by adding 'VF' on a pupil's work.'*** (Paragraph 17)

22. 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. It is also not necessary to compel teachers to make use of different coloured pens to differentiate between different forms of written comment.

### **'Deep' marking**

23. 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 deep marking. Other terms used commonly to describe this form of feedback include:

- dialogic marking;
- triple marking;
- quality marking;
- 'two stars and a wish'; or
- 'www (what went well)/ebi (even better if)'.

24. This type of 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. This response is then often subject to further written teacher comments.

**'As a working definition (of deep marking) we adopted the following:**

***"Deep marking is a generic term used to describe a process whereby teachers provide written feedback to pupils offering guidance with a view to improving or enhancing the future performance of pupils. Pupils are then expected to respond in writing to the guidance which in turn is verified by the teacher."*** (Paragraph 12)

25. 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 or most completed pieces of pupils' written work.
26. The Review Group identified the overuse of deep marking as highly problematic and is a significant contributor to excessive teacher workload. It was clear that the use of deep marking is too often imposed for reasons related to the internal accountability of teachers rather than the contribution it makes to supporting pupils' progress.

***'Deep marking also seems to have been supported by an assumption that marking provides a more thorough means of giving feedback and demonstrates a stronger professional ethic, as well as improving pupil outcomes. Deep marking often acts as a proxy for 'good' teaching as it is something concrete and tangible which lends itself as 'evidence'. In some cases, the perception exists that the amount of marking a teacher does equals their level of professionalism and effectiveness. These are false assumptions.'*** (Paragraph 16)

27. Schools' policies should take account of the fact that there is no evidence that the extensive use of deep marking contributes to securing high rates of pupil progress and achievement and that its use should therefore be at the discretion of individual teachers and not an imposed requirement on them.

***'There is little robust evidence to support the current widespread practice of extensive written comments and so we propose an approach based on professional judgement.'*** (Paragraph 18)

### **Monitoring marking**

28. Schools may wish to establish arrangements that allow for the quality of marking and its compliance with relevant policies to be monitored. In so far as this information is used to make judgements about the effectiveness of teachers, the NASUWT is clear that this is only acceptable if it has been agreed as evidence to be used for this purpose at the planning stage of the performance management cycle. However, the Union strongly recommends that teachers do not agree to the use of this evidence for this purpose.
29. 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.nasuw.org.uk/performance-management](http://www.nasuw.org.uk/performance-management).
30. Some schools periodically collect samples of pupils' written work to monitor compliance with marking-related 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 evidence 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.

31. It should also be noted that the Review Group has stressed that the use of marking for this purpose can undermine its effectiveness for pupils and its manageability for teachers.

***‘Marking has evolved into an unhelpful burden for teachers, when the time it takes is not repaid in positive impact on pupils’ progress. This is frequently because it is serving a different purpose such as demonstrating teacher performance or to satisfy the requirements of other, mainly adult, audiences. Too often, it is the marking itself which is being monitored and commented on by leaders rather than pupil outcomes and progress as a result of quality feedback.’ (Paragraph 10)***

### **Marking and teachers’ professional judgement**

32. The Review Group is clear that trusting teachers to use their professional judgement in relation to marking is critical to effective practice.

***‘Teachers should be clear about what they are trying to achieve and the best way of achieving it. Crucially, the most important person in deciding what is appropriate is the teacher. Oral feedback, working with pupils in class, reading their work – all help teachers understand what pupils can do and understand. Every teacher will know whether they are getting useful information from their marking and whether pupils are progressing.’ (Paragraph 21)***

33. As noted above, while it is reasonable for schools to establish consistent expectations in relation to marking, teachers should be given responsibility for developing effective approaches for their subjects and phases rather than having rigid and burdensome requirements imposed upon them.

***‘...each subject and phase should be able to determine the policy in their areas, responding to the different workload demands of each subject/phase, and drawing on teacher professionalism to create meaningful and manageable approaches.’ (Paragraph 22)***

### **Tackling excessive marking-related workload**

34. It is essential that marking, feedback and assessment practices in schools make an effective contribution to reducing excessive workload burdens and ensuring that teachers’ time is directed towards activities that support pupils’ progress most effectively.

35. Schools must therefore ensure that marking requirements on teachers are evaluated for their workload impact and recognise that teachers’ time is a finite resource that should not be wasted on unproductive marking to the detriment of their entitlement to a meaningful work/life balance. This imperative is set out unequivocally in the Review Group’s report.

***‘Feedback can take the form of spoken or written marking, peer marking and self-assessment. If the hours spent do not have the commensurate impact on pupil progress: stop it.’ (Review Group’s emphasis) (Paragraph 25)***

***‘The time taken to mark does not always correlate with successful pupil outcomes and leads to wasted teacher time. Examples of disproportionate marking practice include: extensive comments which children in an early years’ class are unable to read, or a written dialogue instead of a conversation. If teachers are spending more time on marking than the children are on a piece of work then the proportion is wrong and should be changed.’ (Paragraph 23)***

36. Marking-related policies must therefore be developed on the basis of a clear understanding of the need to sustain manageable teacher workloads.

***‘Senior leaders and governors are responsible for the effective deployment of all resources in the school. They should take into account the hours teachers spend on marking and have regard to the work-life balance of their staff.’ (Paragraph 24)***

37. It is also essential that the workload implications of schools' marking practices and expectations are kept under review.

***'The key is for schools to challenge and review their marking practice, making sure they are considering the impact on teacher workload when setting expectations. Teachers will be better able to exercise their professional judgement about the type of work to be set, including more extensive written tasks, if the marking load is manageable and when released from the burden of deep marking every piece of work.'*** (Paragraph 25)

38. Where reviews of marking-related policies and expectations highlight workload-intensive approaches, schools must discontinue their use and develop appropriate alternatives.

***'...if your current approach is unmanageable or disproportionate, stop it and adopt an approach that considers exactly what the marking needs to achieve for pupils. The impact on teacher workload must be taken into account when reviewing, developing and following marking practice and school assessment policies.'*** (Paragraph 31)

39. Teachers' planning, preparation and assessment (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. The NASUWT is clear that marking therefore represents an entirely appropriate use of PPA time.

40. 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, this may indicate that burdens are unacceptable and need to be addressed through amendments to schools' marking-related policies and practices.

#### **Marking-related policy and practice checklist**

41. The following checklist is provided to help members ensure that marking-related policies and practices are compliant with the NASUWT's marking instructions and guidance. The information in the guidance should be used to inform use of the checklist and to support discussions in schools about how marking is undertaken.

42. Further advice and guidance on the action instruction on marking can be obtained from the NASUWT Member Support Advice team on 03330 145550.

### The importance of effective approaches to marking and feedback

	Yes	No
Marking-related expectations take into account the specific requirements of different subjects and age-phases.		
Marking-related policies and practices are established on the basis that the sole purpose of marking is to advance pupil progress and outcomes.		

### Ofsted's expectations

	Yes	No
Expectations about the frequency, type and volume of marking are not justified on the basis that they are requirements of Ofsted inspections.		

### Types of marking and feedback

	Yes	No
Teachers are not required to indicate in writing when verbal feedback has been to pupils.		
Teachers are not required to make use of different coloured pen to distinguish marking for different purposes.		

### 'Deep' marking

	Yes	No
'Deep' marking as defined by the Independent Teacher Workload Review Group is used only at the professional discretion of individual teachers.		

### Monitoring marking

	Yes	No
The outcomes of any scrutiny of teachers' marking are not used to make judgements about their performance or their capability.		

### Marking and teachers' professional judgement

	Yes	No
Teachers are able to use their professional judgement and discretion to determine appropriate approaches to the use of marking.		

### Tackling excessive marking-related workload

	Yes	No
Marking requirements on teachers have been evaluated for their workload impact.		
Marking-related policies confirm that any practices that are found to be unmanageable or disproportionate will be discontinued.		
Arrangements are in place to ensure that marking-related policies or any proposed changes to these policies will be reviewed for their impact on workload.		

43. In addition to the Review Group on marking, the DfE established a separate group to consider the use of data in schools.<sup>1</sup> As part of its remit, the Data Management Review Group considered formative and assessment practices within schools and the contribution they make to excessive and unnecessary workload. The Group's report was published in March 2016 and its findings were endorsed by the Secretary of State. A copy of the report is available at [www.nasuwt.org.uk/industrialaction](http://www.nasuwt.org.uk/industrialaction).
44. The Group identified steps that schools should take in order to address unacceptable assessment-related burdens. Specifically, the Group acknowledged that:
- '...there is no intrinsic value in recording formative assessment; what matters is that it is acted on. This means that formative assessment data should be used for the teacher's own planning purposes and to inform professional dialogue.'*
45. The Group therefore concluded:
- '...formative assessment data should not routinely be collected at school level, because of the additional burden it creates.'*
46. On summative data and pupil tracking systems, the Group maintained that:
- 'Teachers need to know if pupils are on track to achieve end-of-year expectations, whether pupils are where they should be, but are best placed to make such judgements through their professional knowledge without recourse to elaborate assessment assessment, data generating and recording systems.'*
47. The Group recommended that:
- 'Summative data should be collected only as frequently as essential to ensure that appropriate action can be taken in between collections. Unless there are issues of performance to address and monitor, summative data should not normally be collected more than three times a year per pupil.'*
48. Compliance with the instruction therefore requires that schools' policies and practices are consistent with the findings of the Data Management Review Group.

## **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](http://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.<sup>3</sup>
- 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.

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<sup>3</sup> 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 Member Support Advisor Team**

**Tel: 03330 145550**

**E-mail: [advice@mail.nasuwt.org.uk](mailto:advice@mail.nasuwt.org.uk)**

**NASUWT Industrial Action website**

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

# **NASUWT**

**The Teachers' Union**

**Website: [www.nasuw.org.uk/IndustrialAction](http://www.nasuw.org.uk/IndustrialAction)**

*The largest teachers' union in the UK*