



PROTECTING YOUR PROFESSIONALISM

**GUIDANCE TO NUT MEMBERS ON THE GOVERNMENT'S
PROPOSED CHANGES TO THE SCHOOL TEACHERS' PAY
AND CONDITIONS DOCUMENT AND REGULATIONS**

MESSAGE TO MEMBERS FROM DOUG McAVOY, GENERAL SECRETARY

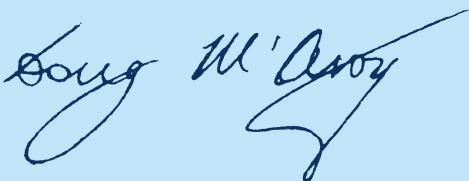
The Government has published its final proposals for changes to the School Teachers' Pay and Conditions Document. The Government will then put to Parliament the new contract and regulations with schedules that determine who may teach in maintained schools. These are subject to a consultation process that ends on 18 July 2003.

The changes stem directly from the Government's School Workforce Agreement. The NUT was not a signatory to that Agreement but the consequences will be applicable to all teachers.

Implementation of these proposals, therefore, will affect you. They will change your conditions of service. They will change the way you work. Some offer benefits but may do so at the price of your professionalism.

The NUT believes that the proposals will not reduce workload to the extent needed. There are no contractual limits on teaching time and no targets for reducing overall working hours. The proposals threaten teaching as an all-graduate profession and are not in the best interests of education generally.

This document sets out in question and answer form the Government's intentions, the NUT's response and details of NUT policy and advice. At the heart of the Union's position are the principles that all provisions in the contract should be expressed as contractual unequivocal rights and duties and that whole classes should be taught by qualified teachers.

A handwritten signature in black ink, reading "Doug McAvoy". The signature is written in a cursive style with a large, sweeping initial 'D' and 'M'.

DOUG McAVOY
General Secretary

SECTION 1 – AFTER THE STATUTORY CONSULTATION

Q: *What next after the period of statutory consultation is over?*

A: Towards the end of the summer term 2003, the Government will publish the new contract. The regulations for the employment of teachers and support staff come into force on 1 August 2003. The first stage of the contractual changes resulting from the School Workforce Agreement applies from 1 September 2003, covering administrative and clerical tasks, work/life balance and provisions for those teachers with leadership and management responsibilities.

By August, consultation will have ended. As indicated elsewhere in this document, amendments to the School Teachers' Pay and Conditions Document (STPCD) and regulations will apply to all teachers. Some of the draft amendments to the School Teachers' Pay and Conditions Document represent a partial step forward in the reduction of workload. While the amendments have not gone far enough in providing overall limits on teachers' working hours or providing sufficient protection against excessive workload, they would not be there had the NUT not taken action against the effects of teacher shortages and excessive workload.

SECTION 2 – WHO IS AFFECTED BY THE CHANGES TO THE CONTRACT AND THE REGULATIONS?

Q: *Will changes in conditions of service or workload affect only members of those organisations who signed the 'Agreement'?*

A: No. The changes will be applicable to and for all teachers, irrespective of union membership.

SECTION 3 – TIMETABLE AND CONSULTATION

Q: *When will the first stage of the changes to the teachers' contract come into force? Will there be consultation at local level and in schools?*

A: The first stage covering the transfer of the administrative and clerical tasks, the work/life balance provisions and the allocation of leadership and management time for those teachers with such responsibilities comes into effect from September 2003.

NUT Position

With respect to the work/life balance clause and the allocation of time for teachers with management and leadership responsibilities, the NUT expects NUT representatives to be fully involved in any discussions on the implementation of changes to the contract. Indeed, the Government's own guidance says that, "consultation with staff and trade union representatives could also aim to develop agreed strategies and procedures for implementation".

If necessary, NUT members should draw to the attention of headteachers the paragraph in the STPCD which requires headteachers to maintain relationships with organisations representing teachers and other persons on the staff of the school set out within the conditions of employment of headteachers:

"Liaison with staff unions and associations: maintaining relationships with organisations representing teachers and other persons on the staff of the school."

SECTION 4 – TRANSFER OF TASKS

Q: *Will the 21 administrative and clerical tasks that do not require the professional skills and judgement of teachers be transferred from 1 September 2003? Will the new contract protect teachers from having to undertake those tasks?*

A: The Government says that from 1 September 2003, teachers should not be required "routinely" to undertake them. Teachers can now be required, therefore, to undertake the tasks provided the requirement is not routine.

NUT Position

This is a worsening of the teachers' contract. Teachers could, for the first time, be required to undertake tasks that do not require their professional skills or judgement.

The NUT believes that the proposed new contract should be amended to remove from teachers *any* requirement to carry out such tasks.

Q: *What are the 21 administrative and clerical duties?*

A: They are set out in appendix 1 to this document.

Q: *How will the transfer of administrative and clerical tasks affect the teachers from whom they are removed?*

A: The Government says, in its draft guidance, that transferring administrative and clerical tasks may mean that teachers who have management allowances or leadership posts for carrying out these tasks should either undertake alternative responsibilities focused on teaching and learning or continue to manage those tasks. The draft Government guidance says that any alternative responsibility should normally be agreed between the head and the teacher concerned.

NUT Position

The NUT believes that any changes to teachers' responsibilities or teaching workload should be the subject of agreement and not imposed. It would be wrong to see the transfer of tasks as an opportunity to transfer as so called "gained time", the time spent on those tasks to additional teaching time. The NUT will resist imposed changes to job descriptions. The NUT will resist any imposed extension of teaching hours for teachers. In the face of situations where either or both are proposed, support and guidance should be sought from the NUT regional office or, in Wales, from NUT Cymru.

Q: *What if the tasks are not removed from teachers in my school from 1 September 2003?*

A: The transfer of the tasks is essential for a reduction in workload in 2003. The protection of the NUT's ballot on bureaucratic burdens continues to apply to NUT members. This means that, irrespective of circumstances, NUT members will be protected from carrying out the 21 administrative and clerical tasks within the Government's Agreement.

NUT Position

Where it is proposed that all or any of the tasks identified be not removed from 1 September 2003, NUT school representatives or members should contact the appropriate NUT regional office, or in Wales, NUT Cymru, for guidance and support.

SECTION 5 – WORK/LIFE BALANCE

Q: *What is the Government's intention in respect of work-life balance and is the infamous open-ended section in the teachers' contract removed?*

A: Clause 64.7 of the draft STPCD enables open-ended and excessive demands to be made on teachers' time. The Government proposes not the deletion of the section but the insertion of the single word, "reasonable", in respect of the additional hours demanded of teachers in the contract required to discharge their professional duties.

Under Clause 51.3 of the draft STPCD, the headteacher is required to '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'.

NUT Position

The NUT believes that headteachers should organise full staff meetings to consider any changes to working practices which will contribute towards a better work/life balance for teachers. The NUT's guidance on bureaucratic burdens provides a good template for such discussions and is available on the NUT's website, www.teachers.org.uk. One way to achieve a practical application of the work/life balance would be for the headteacher to consult and agree with staff an overall weekly limit of the number of hours worked by teachers during 2003/04.

The NUT is calling for the inclusion of legal requirements on working time and Health and Safety at Work to be included not only in the accompanying guidance but in the contract itself, thus strengthening protection for all teachers, including headteachers.

SECTION 6 – LEADERSHIP AND MANAGEMENT TIME

Q: *What is proposed for leadership and management time?*

A: For teachers with leadership and management responsibilities, the Government proposes with effect from 1 September 2003, the allocation of time within school sessions, “to support the discharge of their responsibilities”.

NUT Position

The NUT recognises, and has pressed for, separate and specific leadership and management time. The achievement of management and leadership time for those with such responsibilities is important. It must not be provided, however, at the expense of other teachers through increasing their working hours or pupil numbers in each class or group. The headteacher, in consultation with staff, will need to explore with the governing body steps to employ additional teaching staff to achieve leadership and management time.

SECTION 7 – FOLLOWING 2003

Q: *Following 2003, what is the timetable for the introduction of further changes? What if schools seek to introduce changes earlier than the timetable?*

A: From 1 September 2004 the change will include:

- an annual limit on the amount of cover that can be provided by an individual teacher.

From 1 September 2005 the change will include:

- removal from teachers of the requirement to invigilate exams;
- all teachers, including part-time teachers, at a school will be allowed ten per cent guaranteed planning, preparation and assessment time;
- headteachers will receive dedicated headship time; and
- headteachers will be entitled to guaranteed PPA time.

NUT Position

Although the contractual changes are staged, some headteachers may seek to introduce the changes earlier. The NUT believes that any early beneficial moves taken by headteachers which may provide genuine reduction in teacher workload would be welcomed, provided they preserved teachers’ professional roles and qualified teacher numbers. Where there are such moves, NUT school representatives should, as a matter of urgency, contact their relevant regional office or in Wales, the NUT Wales Office, NUT Cymru.

SECTION 8 – COVER

Q: *In the new contract, what is proposed on cover?*

A: The proposed new contract will require teachers to provide cover and the Government says that from 1 September 2004, each individual teacher will have a 38 hour limit per academic year. This is in line with the average of cover provided currently by teachers.

NUT Position

The NUT is seeking to reduce the limit to a maximum of 30 hours and to limit cover to emergency first day absence only. Further, the NUT is seeking termly limits on cover and a proper distribution of cover throughout the year. The inclusion in the contract of such clear and precise limits is essential in order to prevent teachers being denied protection from cover beyond the limits set.

SECTION 9 – PLANNING, PREPARATION AND ASSESSMENT (PPA)

Q: *What does the new contract provide for planning, preparation and assessment time (PPA)?*

A: Under pressure from the NUT, the Government's draft voluntary guidance says that, "Guaranteed PPA time should be provided during the time in which pupils are taught at school." This is in the guidance, however, not in the proposed contract. The Government's proposed amendments to the contract mean that guaranteed PPA could be delivered solely by allocating half-an-hour a day before or after current teaching time, with no reduction of working hours for teachers.

NUT Position

The NUT is seeking to amend the Government's draft so that the protection against PPA time being "bolted on" to the school day is in the contract itself.

The effect of the NUT's proposed amendments would be to allocate to teachers and headteachers a minimum of the equivalent of half-a-day planning, preparation and marking per week in blocks of time guaranteed to be not less than one hour each.

Q: *An adviser to the Government proposes that as many as up to four classes in the same year group could be merged for some parts of the curriculum. Do the new proposals allow that?*

A: The “Time for Standards” national agreement, signed by all the teachers’ organisations except the NUT and in Wales, UCAC, said that guidance would be made available to schools which would cover, “creative teaching and learning models, including, for example, teamwork options involving a QTS teacher and one or more assistants covering a double-sized group of classes”. This idea, therefore, is not new; it has been in the mind of government from the outset.

NUT Position

The proposal to merge classes was presented in the Government’s Agreement with the signatory unions as a means of providing PPA which is to be a contractual entitlement for every teacher. The NUT is opposed to this approach. The class size policy of the National Union of Teachers is based on the ratio of pupils to a teacher, not on “adult-pupil’ ratios.

The NUT will support members facing the imposition of regular and routine timetabling of two classes or more classes combined. NUT members expected to teach merged classes or in any way concerned about class size issues should seek NUT advice.

SECTION 10 – WORKING HOURS

Q: *Is the Government proposing limits to teachers’ working hours?*

A: No. The Government’s wish to reduce working hours in general terms is aspirational only. Unlike in Scotland, there are no overall limits set for teachers.

The staged approach to the introduction of the transfer of tasks, work/life balance, cover and PPA may lead to only limited reductions in working hours in the absence of overall limits.

NUT Position

The NUT is calling for an overall limit of no more than 45 hours for full-time teachers, reducing to no more than 40 hours by 2005/6.

SECTION 11 – WHO TEACHES?

Q: *Why is the Government introducing these new regulations that allow anyone to teach?*

A: The Government's regulations under Section 133 of the 2002 Act have been amended to enable any person without qualified teacher status, whom a headteacher believes can carry out core teaching responsibilities, to teach whole classes without the presence of a qualified teacher. The Government's proposals for guaranteed PPA and cover are predicated on allowing persons other than qualified teachers, and those listed in the Schedule currently, to teach whole classes. This is described as "remodelling".

Through 'remodelling', the Government hopes to cap the number of teachers employed in schools. Instead of increasing teacher numbers significantly, the Government intends to introduce new categories of teaching assistant who will take whole classes without the presence of teachers for the purposes of cover and providing PPA. The reason the Government gives for taking this approach is because it believes it cannot attract sufficient qualified teachers back to the profession. The Government's desire to cut costs is also a background factor.

NUT Position

The NUT believes that this approach is seriously misguided. A proper recruitment and retention package which tackles the basic issue of excessive workload will attract sufficient numbers to the profession. There is also no substitute for properly funding education.

The Government's changes to the teacher regulations have been opposed throughout by the NUT. The change to allow unqualified persons to teach whole classes was one part of the January Agreement which caused the NUT not to sign. The acceptance of teaching as an all-graduate profession was fought for over many years. It has been a long, hard road for the teaching profession to achieve the standards necessary to ensure that children and young people receive the best possible education. Qualified teacher status guarantees those standards. The changes to the regulations which enable any persons, irrespective of their qualifications or absence of qualifications, to take on the core teaching duties of teachers is a retrograde step. It will continue to be opposed by the NUT.

NUT guidance on the use of support staff for teaching whole classes without the presence of a qualified teacher is given separately in this document.

Q: *Do the regulations identify who can teach?*

A: No. The Government lists in Regulation 6 a number of activities as “specified work”. These activities were previously listed as specified teaching work.

- (a) planning and preparing lessons and courses for pupils, including delivery via distance learning or computer-aided techniques;
- (b) delivering lessons to pupils;
- (c) assessing the development, progress and attainment of pupils; and
- (d) reporting on the development, progress and attainment of pupils.

By deleting the word “teaching” from the description, the Government hopes to gain support for allowing unqualified persons to teach.

Q: *Who would be authorised to teach under the new regulations?*

A: The Government describes, in the schedule attached to the regulations, the persons, other than qualified teachers, who may be authorised to carry out the activities. The following currently are allowed to teach:

- those who are training to be teachers;
- those “unqualified teachers” who take on specific roles when no teacher can be appointed; and
- those whose length of service enables them to be employed.

To the present list the Government proposes to add a new ‘paragraph 10’.

‘Paragraph 10’ of the schedule to the regulations describes an additional group which is covered by none of the precise protective conditions that apply to the other groups. In essence, ‘paragraph 10’ completely undermines the protective conditions applying to those who can teach without qualified status as set out in the rest of the regulations.

The employment of a person, under ‘paragraph 10’, would depend entirely on the judgement of the headteacher who would be subject to no binding requirements but could have to take into account unrelated but powerful factors such as the state of the school budget and the availability of qualified teachers.

'Paragraph 10' of the schedule would enable headteachers to employ any person irrespective of their qualifications or absence of qualification to take on the core teaching duties set out above.

NUT Position

The NUT is seeking the deletion of 'paragraph 10' because it would legitimise the teaching of whole classes by persons neither qualifying nor undertaking recognised training as teachers.

In its place, the NUT has proposed a regulation which would define the role of support staff and the standards which should apply to support staff. The NUT has the highest regard for school support staff in the wide range of activities they perform. It commissioned research which emphasised the importance and essential nature of support staff working with teachers in the classroom. The absence of a regulation which defines the role of support staff is potentially damaging to them and to the partnership with qualified teachers necessary for effective teaching and learning.

School support staff are largely underpaid and their conditions of service largely unacceptable.

Support staff have a vital role in supporting teachers in the classroom and the NUT has lent its weight to their campaign for a proper pay, conditions and training package. They are not qualified teachers, however, and they should not be expected to undertake teaching work.

Q: *Is there a danger of unqualified persons being used to replace teachers or reduce the number of teachers employed in a school?*

A: Yes. The NUT believes that the Government's proposals legitimise the teaching of whole classes by persons other than qualified teachers and those currently listed in the schedule to the regulations. The Government claims that the concept of "assigned teachers" protects the role of qualified teachers and prevents "job substitution".

NUT Position

The removal of the new 'paragraph 10' as called for by the NUT would secure that whole classes are taught by qualified teachers or those listed in the Schedule. There could then be no reduction in the numbers of teachers employed.

NUT guidance on the use of support staff for teaching whole classes without the presence of a qualified teacher is given separately in this document.

SECTION 12 – FUNDING

Q: *What is the affect of the funding crisis on the new arrangements?*

A: The NUT has expressed concern about the Government's funding settlement for 2003/04 and has called on the Government to provide additional funding. In respect of the lack of funding for the workload agreement, at least two signatories of 15 January agreement questioned whether the resources are sufficient; the National Association of Headteachers threatened to refuse to implement the changes to reduce teacher workload. The NUT cannot accept such a situation. In the absence of adequate Government funding, it is essential that the wording of changes to the teachers' contract is precise in guaranteeing limits to the responsibilities of teachers and reductions in the teachers' overall working time to be achieved through an entitlement to planning, preparation and assessment time. As indicated previously, clear and precise contractual limits on cover are essential in order to prevent refusal to implement any changes to the contract.

The NUT has pressed the Government to prevent redundancies of teachers and support staff and loss of teaching posts by providing additional funds for 2003/04. This is an absolute necessity, given the information on redundancies and job losses provided by the NUT's and other surveys.

SECTION 13 – NO DETRIMENT

Q: *What should I do if any adverse changes are made to my job description, conditions of service, class size, teaching hours or workload?*

A: Take note of what is proposed. Do not indicate acceptance. State that you will seek advice from your Union, the NUT. Contact the NUT!

ADVICE TO NUT MEMBERS ON THE USE OF SUPPORT STAFF FOR TEACHING WHOLE CLASSES WITHOUT THE PRESENCE OF A QUALIFIED TEACHER

There may be attempts by some governing bodies or headteachers to employ support staff including persons described as 'Higher Level Teaching Assistants' (HLTAs) to teach whole classes on their own, whether for the purposes of cover or taking timetabled classes. Such an approach is very different to the use of such staff in emergencies. The application of the Government's agreement and any new regulations should not result in the removal of teaching posts or the termination of teachers' employment. The NUT will not accept such developments.

The NUT is committed to seeking agreement with local education authorities and other employers on how changes to the School Teachers' Pay and Conditions Document can be implemented. The criteria will be the removal of excessive workload from teachers, the preservation of teachers' professional roles and the maintenance and, where necessary, the increase in the numbers of qualified teachers. It will seek agreement on that basis with employers, as well as with headteachers and school governing bodies.

In respect of cover for absent qualified teachers, it is essential that those on supply teacher contracts are reassured about their continuing employment. 'Cover Supervisors' or 'Higher Level Teaching Assistants' who are not qualified teachers should not be a substitute for those qualified teachers employed to cover. The NUT believes that there is an opportunity for schools individually and in clusters to provide both reassurance to supply teachers and a greater regularity and consistency in supply cover. Achieving this could be an early topic for discussion at staff meetings.

Where attempts are made to employ staff who are not qualified teachers in order to take over whole classes, members are advised to contact their NUT school representative. Where the issue cannot be resolved at school level, members are advised to contact their relevant regional office, or in Wales, NUT Cymru, for advice.

The NUT's Annual Conference 2003 resolved also that teachers should be protected from any additional workload which arose from facilitating the transfer of teaching work to unqualified persons, as envisaged by the Government's regulations. The NUT's ballot on bureaucratic burdens protects members from being required to undertake additional work triggered by the appointment of support staff.

APPENDIX 1

ADMINISTRATIVE TASKS¹

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 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.

Setting up and maintaining ICT equipment and software.

Ordering supplies and equipment.

Cataloguing, preparing, issuing and maintaining materials and equipment and stocktaking the same.

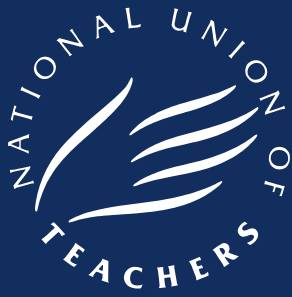
Taking verbatim notes or producing formal minutes of meetings.

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.

¹The list contains fewer than "the original 25 tasks" because in some cases, two tasks have been brought together.



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www.teachers.org.uk