

NATIONAL ACTION SHORT OF STRIKE ACTION

Supplementary Guidance

The SNCT Pay and Conditions of Service Agreement came into effect on 1 August 2014 and worsened teachers' conditions of service by allowing schools to add to teachers' workload. The NASUWT opposed the Agreement and issued to members a detailed critique of it, which can be found at www.nasuwt.org.uk/ScotlandPay.

This supplementary guidance on the NASUWT national industrial action should be read alongside previous information to members and NASUWT Representatives about the Agreement.

NASUWT NATIONAL ACTION INSTRUCTIONS

The following national action instructions are currently in place.

NASUWT Action Instruction 1

Cover

Members should not exceed the contractual 22.5 hours contact time to provide cover.

NASUWT members should continue to refuse to provide cover outside of the 22.5 hours.

NASUWT Action Instruction 2

Working Time

Members should not exceed their contractual working time of 35 hours per week.

The NASUWT national action provides protection for members against pressures to exceed the 35-hour week. These pressures can originate from:

- an extension to the 35-hour week which is imposed by the school on members;
- unacceptable levels of general workload, such as workload arising from curriculum and qualifications reform, school self-evaluation and school improvement strategies.

An extension to the 35-hour week which is imposed by the school

Part 2, Section 3 of the SNCT Handbook states the following:

3.6 Teachers (other than short term supply teachers) shall have a 35-hour working week. The working week shall apply on a pro rata basis to teachers on part-time contracts.

3.7 Within the 35-hour week, a maximum of 22.5 hours will be devoted to class contact except for those teachers on the National Teacher Induction Scheme.

However, Part 2, Appendix 2.17 of the SNCT Handbook could lead to schools attempting to increase the working week beyond 35 hours. Part 2, Appendix 2.17 of the SNCT Handbook states that 'schools can develop an alternative approach to working hours' to the 35-hour week. This was not agreed by the NASUWT and NASUWT Representatives should resist an increase in the 35-hour week. The NASUWT advocates that schools should maintain this provision without alteration.

Part 2, Appendix 2.17 states that school negotiating groups can agree an increase in teaching contact time during the week from 22.5 hours per week to 25 hours per week. However, the Appendix goes on to say that '**any reconfiguration of class contact time would be subject to discussion and agreement between the Headteacher and the relevant teaching staff (National Criteria, iii).**

It goes on to state:

(vii) This flexible approach should be planned prior to the beginning of the academic year; this should be part of the school's annual working time discussions and not normally

used to deal with short-term cover situations. Any flexible approach will be reviewed on a regular basis by the school Negotiating Group, any revisions which are deemed necessary will be subject to the same level of joint agreement outlined in (iii) and (iv) and reported to LNCT.

Any initial and further revisions to the 35-hour week, to take effect **after the beginning of the next academic year**, must be subject to discussion and agreement between the headteacher and the relevant teaching staff. **‘Relevant teaching staff’ includes all teachers who are affected by the proposals.**

If any school wishes to increase the working week beyond 35 hours per week (maximum 22.5 hours per week contact time) discussions will have to take place during the Summer Term 2016. If these discussions are initiated, NASUWT Representatives/members must make the following clear, confirming this in writing:

- the NASUWT does not agree to any in-school variation to the 35-hour per week (maximum 22.5 hours per week contact time) limit;
- NASUWT members are participating in lawful industrial action to refuse to work any increase to the 35-hour per week (maximum 22.5 hours per week contact time) limit;
- any in-school agreement cannot supersede the NASUWT industrial action, which remains in force.

The NASUWT has produced a specimen letter which NASUWT Representatives and members can use for this purpose. This is shown in Annex 1 and is available to download from the NASUWT website at www.nasuwt.org.uk/IndustrialActionScotland. If any school attempts to implement Appendix 2.17 and increase the 35-hour week, please inform the NASUWT Scotland Centre immediately.

If any school, despite opposition from the NASUWT, does adopt a Working Time Agreement which increases the 35-hour week (maximum 22.5 hours class contact time), NASUWT Representatives/members should make it clear that the NASUWT national action instructions will remain in force after 1 August 2016 and contact the NASUWT Scotland Centre for further guidance if this occurs.

Unacceptable levels of general workload

In many schools, teacher workload has reached uncontrolled levels and only the NASUWT national action gives teachers protection against excessive and unreasonable workload.

NASUWT members should ensure that their working hours are in accordance with their school's Working Time Agreement, which sets out annualised hours for collegiate activities, which should remain within the annualised 35-hour per week parameters. If the school's Working Time Agreement has been broken down, at school level, to an agreement on working hours which remains within the 35-hour limit on a weekly basis, this should be followed.

However, many schools may not have a weekly agreement on working hours. If this is the case, members should ensure that their own workload remains within the 35-hour weekly limit by prioritising their activities. For example, a priority order might be:

1. Qualifications assessment;
2. Examination classes;

3. Classes which are not taking examinations;
4. Teaching and learning activities which the member genuinely believes benefit pupils.

Members should record time spent on these activities in a way which is non-bureaucratic but provides a written record, for example: annotating their normal lesson planner; making a note in their diary.

When prioritising tasks within the 35 hours, members should not include tasks which teachers are not required to do. For example, the NASUWT has found an increase in instances of teachers being directed to carry out clerical and administrative tasks by schools since the removal of Appendix 2.6 (Annex E) from the SNCT Handbook. Members should refuse to carry out clerical and administrative tasks. This is covered in Instruction 4.

NASUWT Action Instruction 3

Planning, Preparation and Correction Time

Members should refuse to teach their timetabled lessons if they do not have one third of their class contact time as timetabled planning, preparation and correction (PPC) time.

Part 2, Section 3 of the SNCT Handbook states that: *'An allowance of no less than one third of the teacher's actual class contact commitment is provided for preparation and correction.'* This will remain the case after 1 August 2014, irrespective of the SNCT Pay and Conditions Agreement 2013-15. However, if any school attempts to reduce PPC time to below one third of class contact time, please contact the NASUWT Scotland Centre for immediate assistance.

NASUWT Action Instruction 4

Administrative and Clerical Tasks

Members should refuse to undertake any administrative and clerical tasks as defined in Annex E of the Teachers' Agreement.

Annex E of the SNCT Handbook was also known as Appendix 2.6 and was included following the McCrone Review which led the publication of 'A Teaching Profession for the 21st Century'. Appendix 2.6 was removed from the SNCT Handbook, following the implementation of the 2013-15 SNCT Agreement, which the NASUWT opposed.

The NASUWT believes that Appendix 2.6 gives crucial protection to teachers against being deployed to tasks which do not require their skills and abilities. This would increase workload at a time when workload has risen because of the Curriculum for Excellence (CfE) and qualifications reforms. Members should therefore continue to refuse to undertake the administrative and clerical tasks set out in Appendix 2.6, which is referenced on page 10 of this guidance.

NASUWT Action Instruction 5

Curriculum for Excellence

Members are instructed to refuse to comply with any Curriculum for Excellence (CfE)-related planning, monitoring, school improvement, self-evaluation, assessment and reporting systems that are inconsistent with the recommendations of the Curriculum for Excellence Working Group on Tackling Bureaucracy reports and the NASUWT's action instruction guidance.

Specifically, members are instructed not to participate in any CfE-related requirements in their school that:

1. require formative assessments to be recorded in a format imposed by the school;
2. impose forward planning templates or formats;
3. require daily and/or weekly plans to be submitted for internal scrutiny and audit;
4. involve the gathering of information and/or data for the purposes of school self-evaluation that has not been the subject of consultation and agreement with the NASUWT;
5. involve assessing, recording and reporting on the level of every Experience and Outcome;
6. require teachers to produce detailed folios of evidence to support assessment of pupil progress; and
7. have not been subject to consultation and agreement with the NASUWT in relation to their workload impact and where the agreed outcomes of this consultation have not been incorporated into school improvement plans.

In 2013, the Scottish Government published the outcomes and recommendations of the Curriculum for Excellence Working Group on Tackling Bureaucracy.¹ The Group's follow-up report was published in 2015.² The NASUWT was represented on the Working Group alongside the Scottish Government, Education Scotland, the Scottish Qualifications Authority (SQA) and other stakeholders.

The Working Group recognised that the implementation of CfE had led to excessive and unnecessary workload burdens for teachers and school leaders. It set out clear recommendations for schools, local authorities and national agencies on reducing these burdens. The Group's follow-up report reviewed progress towards its original recommendations and found that, while some progress had been made, more action needed to be taken to address the Group's concerns.

The NASUWT has continued to press the Scottish Government, other national bodies and local authorities to deliver on their commitments to exert downward pressure on CfE-related workload. However, members have continued to report that too many schools are failing to implement those recommendations of the Group that are within their control and influence. The purpose of the NASUWT action instructions on CfE is to ensure that all schools review and, where necessary, revise their policies and procedures to ensure that they are consistent with these recommendations.

The NASUWT instruction and guidance is to protect members on a daily basis within their school and should be used by members to evaluate whether policies and practices within their schools are consistent with the Group's recommendations.

¹ Scottish Government (2013). *Curriculum for Excellence Working Group on Tackling Bureaucracy*. Available at: (<http://www.gov.scot/resource/0043/00438617.pdf>), accessed on 07.04.16.

² Scottish Government (2015). *Curriculum for Excellence Working Group on Tackling Bureaucracy: Follow-up report*. Available at: (<http://gov.scot/esource/0047/00473538>), accessed on 07.04.16.

1. Formative assessment

The 2013 Working Group stated: **‘Professional dialogue is key to improving learning. Paperwork should be kept to the minimum required to support this process.’**

The NASUWT is concerned that, in too many cases, teachers are required to record formative assessment outcomes through burdensome and unnecessary record-keeping formats. This is not consistent with the recommendations of the Working Group. Schools should, therefore, establish policies and procedures that do not require formative assessments to be recorded in a format imposed by the school. It should be recognised that formative assessment is primarily a tool used by teachers to inform consideration and dialogue about future learning and that they should be given the scope to use their professional expertise to determine how formative assessment should be used.

Teachers should, therefore, not comply with imposed systems but should determine, themselves, how formative assessment should be used.

2. Forward planning

The Working Group recognised that CfE-related planning requirements in schools were adding significantly to teachers’ workload burdens.

The NASUWT is clear that planning is an essential professional activity. However, it is not necessary for this planning to be recorded in ways that are imposed on teachers and that do not allow them to make effective use of their professional skills and expertise to determine the approach to planning that suits their requirements. Schools should therefore not impose planning formats on teachers.

Teachers should not comply with imposed planning formats but should plan according to their own professional expertise.

3. Internal scrutiny and audit of lesson plans

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.

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

The Working Group confirmed **that the core purpose of forward planning is to assist teaching and learning rather than to fulfil an ‘audit function’**. Members should not submit their lesson plans for scrutiny and audit.

4. School self-evaluation

It is important that schools’ self-evaluation of their effectiveness considers the impact and effectiveness of the curricular offer made to pupils. However, the NASUWT is concerned that self-evaluation of this aspect of school activity is often burdensome and highly bureaucratic as a result of schools seeking to gather evidence on all areas of curriculum-related practice. This was recognised by the report of the Working Group which stated: **‘Self-evaluation should focus only on the key information to support improvement.’**

School improvement plans should therefore set out a limited number of clear priorities, and self-evaluation processes should focus only on evidence related to these priorities and no other areas of curriculum-related activity. The NASUWT should be consulted on the identification of curriculum priorities to be included in school improvement plans.

Members should not collect information or data which has not been the subject of consultation and agreement with the NASUWT and its members.

5. Assessing Experiences and Outcomes

The Working Group was clear that there is no need to assess, record and report on the level of every Experience and Outcome. The Group stated: **‘It is almost always better to group together related Experiences and Outcomes and focus on the most significant aspects of teaching and learning.’**

Schools should therefore not impose practices that are inconsistent with this recommendation.

Members should not assess, record or report on every Experience and Outcome.

6. Assessment folios

The Working Group stated: **‘Assessment judgements, particularly within broad general education but also in the senior phase of CfE, should be based on evidence drawn mainly from day-to-day teaching and learning.’** It reaffirmed that **‘assessment within CfE is based on the exercise of professional judgement.’**

Schools should therefore ensure that teachers are not required to produce detailed folios of evidence to support assessment of pupil progress and achievement.

Members should not produce detailed folios of evidence to support assessment of pupil progress and achievement.

7. Reducing workload and school improvement plans

In its follow-up report, the Working Group confirmed that tackling CfE-related bureaucracy effectively depends on schools taking a collegiate approach. It stated that: **‘Headteachers... should discuss with their staff how best to tackle bureaucracy and include agreed actions in School Improvement Plans.’**

Members should therefore refuse to participate in any CfE-related policies and practices imposed by schools that have not been the subject of consultation with the NASUWT in relation to their workload implications and where the agreed outcomes of this consultation have not been incorporated into school improvement plans.

Where any or all of the instructions above are not accepted by the school, immediate contact should be made with the NASUWT: tel: 0131 226 8480, e-mail: rc-scotland@mail.nasuwt.org.uk.

[Date]



Dear [Name of headteacher]

I am writing to advise you of the NASUWT's national industrial action instructions in the light of the Scottish Negotiating Committee for Teachers (SNCT) Pay and Conditions of Service Agreement 2013-15.

In 2011 the NASUWT implemented in schools pupil and parent-friendly industrial action to support high educational standards.

This action remains in force and will apply after 1 August 2014, when the provisions of the SNCT Pay and Conditions of Service Agreement 2013-15 come into force.

The following NASUWT industrial action instructions are currently in place in your school.

Cover

Members should not exceed the contractual 22.5 hours contact time to provide cover.

Working Time

Members should not exceed their contractual working time of 35 hours per week.

Planning, Preparation and Correction Time

Members should refuse to teach their timetabled lessons if they do not have one third of their class contact time as timetabled planning, preparation and correction (PPC) time.

Administrative and Clerical Tasks

Members should refuse to undertake any administrative and clerical tasks as defined in Annex E of the Teachers' Agreement.

The NASUWT strongly believes that teachers must enjoy working conditions which enable them to manage workload appropriately and focus on teaching and learning. Teachers are already facing excessive workload and the NASUWT believes that the SNCT changes will exacerbate this position. The NASUWT therefore strongly advises that schools should not take advantage of the SNCT Pay and Conditions Agreement 2013-15 to increase the teachers' working week beyond 35 hours (22.5 hours maximum class contact time).

In accordance with NASUWT industrial action instructions, NASUWT members in schools which do seek to increase hours, will not work any additional hours beyond 35 hours per week (22.5 hours maximum class contact time), including if schools try to implement in-school variations to increase working hours.

In order to ensure high standards of education, teachers should be focusing on tasks which require their skills and abilities. Teachers should continue to enjoy the protection of Appendix 2.6 of the SNCT Handbook.

NASUWT members will, therefore, continue to refuse to carry out the administrative and clerical duties as listed in Appendix 2.6.

I do hope that, in the interests of good employee relations and ensuring that teachers are able to enhance teaching and learning by standing up for standards, NASUWT members will not be directed to carry out any of these tasks.

Please don't hesitate to contact me if you wish to discuss this correspondence.

Yours sincerely

[Name of NASUWT school representative]

PART 2: APPENDIX 2.6 – ADMINISTRATIVE AND OTHER NON-TEACHING TASKS

The list of tasks (see below) should not routinely be carried out by teachers. The list is illustrative and not exhaustive. These tasks would generally be carried out by support staff, thereby allowing the particular skills and experience of the teacher to be deployed most effectively.

- Supervision of pupils within the school grounds, in dining and/or recreation areas during school hours but outwith scheduled teacher class contact time.
- Administration of the school meals service, including collection of money and issue of tickets.
- Collection/collation of data for the school meals service.
- Documenting and maintaining pupil disciplinary records.
- Administrative elements of pupil welfare requirements, including support of guidance staff with routine documentation and information dispersal.
- Reception and telephonist duties.
- First aid and administration of medication.
- Administration and documentation relating to out-of-school visits/work experience/visiting groups etc.
- Copy-typing/filing/photocopying.
- Administrative detail of register/absence procedures/issue of standard letters.
- Non-professional aspects of school reporting procedures, preparation of envelopes, transfer of information, photocopying, filing etc.
- Inputting of assessment data.
- Transmission of recorded data to external bodies.
- Organising and obtaining supply cover.
- Administrative aspects of resourcing, stocktaking, ordering, checking and invoice reconciliation.
- Property management.
- Repair and maintenance of IT and AV resources.
- Recording of educational broadcasts.
- Administration of after-school care.

If your school has not balloted to participate in NASUWT industrial action, or if you are unsure whether members are covered by the balloted national action, please contact the NASUWT Scotland Centre for further advice.



For more information:

Website: www.nasuwt.org.uk/IndustrialActionScotland

Action Advice Line: 0121 457 6292 E-mail: action@mail.nasuwt.org.uk