

SIXTH FORM COLLEGES



NATIONAL ACTION AUTUMN TERM 2012

Action short of strike action instructions Phase 1



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This guidance applies to members in all sixth form colleges in England.

EVALUATION BY STUDENTS

Instruction 1. Members should not organise or co-operate with any arrangements for observation which involve students commenting on the work of teachers or being involved in decision making about teachers' roles, responsibilities, pay and promotion.

This instruction covers for example:

- students observing teachers teach and providing either written or oral feedback on what they have observed; and
- the distribution of questionnaires to students which elicit comments on teachers' performance or attitudes, the conduct of lessons, or the way in which teachers discharge their responsibilities.

INSPECTION

Instruction 2. Members should not participate in mock inspections commissioned by the college.

Members should not undertake, or co-operate with, any preparation for an inspection commissioned by the college.

There is no statutory requirement for teachers to participate in such mock or commissioned inspections, so members should not carry out such activities.

REPORTS TO PARENTS

Instruction 3. Members should produce only one written report annually to parents.

Teachers should only produce one report per year for each of the students they teach, either in writing or using an electronic comments bank. Given the brevity of college courses, this does not exclude the provision of a brief termly update giving attendance data and an assessment of progress expressed as a grade.

EXISTING POLICIES AND WORKING PRACTICES

Instruction 4. Members should refuse to implement any existing management-led policies and working practices which have not been workload impact assessed and the subject of consultation and agreement with the NUT.

All teachers and principals are entitled to a satisfactory work/life balance, which helps them to combine their work with their personal interests outside work. They are entitled to enjoy time away from work which is not encroached upon by work-related activities.

Principals and governors have statutory and common law duties to have regard to the health and welfare of employees. They are also required to have regard to the Working Time Regulations.

Principals have the responsibility for securing the work/life balance for staff. Governing Bodies have the responsibility for the principal's work/life balance. The NJC for Sixth Form Colleges has published nationally agreed joint guidance on work life balance and on workload and working time for teaching staff, both of which form part of the Red Book national agreement for teachers in sixth form colleges. (Appendices 6 and 10 refer).

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

NUT representatives should advise the principal of the policies and working practices identified and request that the issues identified be addressed as a matter of urgency.

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

NEW INITIATIVES AND POLICIES

Instruction 5. Members should 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 NUT.

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 college, then members should refuse to implement the policy until it has been workload impact assessed and been the subject of consultation and agreement by the NUT.

MEETINGS AND THE COLLEGE CALENDAR

Instruction 6. Members should not attend any meetings outside college 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 NUT.

The nationally agreed joint guidance on workload and working time for teachers in sixth form colleges (Appendix 10 of the Red Book) addresses the need for colleges to have a calendar of meetings and other activities involving teachers and directed time calendars, to plan the allocation of each teacher's directed working time.

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. Meetings outside session times should be held on average no more than once a week.

All activities in the calendar which fall outside college session times should be within the allocation of the contractual 1,265 hours of directed time in which teachers are required to be available for work.

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 college has not published a calendar for this academic year, has published a calendar without also publishing a directed time budget, or has a calendar which has not been agreed with the NUT, members should not attend any meetings on the calendar which are outside college session times until there has been consultation with the NUT and the calendar and directed time budgets have been agreed.

Detailed guidance on the calendar and directed time budgets can be found in Appendix 10 to the Red Book national agreement and in *Workload and Working Time – NUT Guidance*, available at www.teachers.org.uk/node/13277.

Instruction 7. Members should refuse to agree to timetable changes where no sound educational reasons have been given for the change.

Timetable variations which have not been requested should only be made to the teaching timetable where there are sound reasons for doing so. For example, the long-term absence of a member of staff who teaches classes scheduled to take public examinations may necessitate a change of timetable for those classes to be taught by a teacher on the staff of the college 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 reasons are given for the change, members should not accept the changes.

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

Where sound reasons are given, members should ensure that the changes have been evaluated to identify the impact on their workload and working hours.

LESSON PLANS

Instruction 8. Members should not 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 students' 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 accountable for their work.

The current Ofsted Inspection Handbook for further education and skills – which applies to sixth form colleges – requires inspectors to “evaluate the extent to which staff use their skills and expertise to plan and deliver teaching, learning and support to meet each learner’s needs”. The Handbook makes clear, however, that in making this judgement “inspectors will consider how learning is planned” and does not anticipate that inspectors should scrutinise teachers’ individual lesson plans.

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 students continues to represent their key professional priority.

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

EMAIL CORRESPONDENCE

Instruction 9. Members should send and respond to work-related emails only during directed time

Emails can be a very efficient and effective way of exchanging information between staff in colleges. However, of increasing concern to members is where this is abused and emails are used to hold teachers to account, having requirements that they should be read and answered in a specific time and 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 and responding to emails to directed time. Members should neither respond to, nor send, emails outside that time.

PLANNING, PREPARATION AND ASSESSMENT TIME

Instruction 10. Members should ensure that they have on their timetable a reasonable allocation of guaranteed non-contact time for planning, preparation and assessment (“PPA time”).

Members will refer any failure to provide the time to the NUT.

All teachers, including principals who are timetabled to teach, should have guaranteed time within college sessions to plan and prepare for their lessons and to assess students’ work.

The nationally agreed joint guidance on workload and working time for teachers in sixth form colleges (Appendix 10 of the Red Book) states that it is “important that an appropriate level of non-contact time should be allowed for purposes such as planning, preparation and assessment which would otherwise be carried out during the teacher’s own time, possibly to the detriment of work-life balance”.

School teachers are entitled to a minimum of 10 per cent of their timetabled teaching time and the time should be clearly marked on the timetable. The use of this time is determined by the individual teacher and it is guaranteed. It cannot be used for any other activity, including cover.

Teachers’ professional duties include the requirement to plan and prepare lessons and to assess students’ work. It is therefore necessary that in order for teachers to teach effectively, they are allocated adequate time for planning, preparation and assessment 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 reasonable non-contact time for PPA purposes for all teachers, union representatives should approach the principal and request that this be addressed as a matter of urgency. If the issue is not resolved, NUT representatives should refer the matter to the NUT for further support.

Instruction 11. Members should only undertake in PPA time, planning, preparation and assessment activities which they determine are appropriate to support their timetabled lessons.

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 workload more effectively by being able to plan the use of the guaranteed time available to undertake any PPA activities.

LEADERSHIP AND MANAGEMENT TIME

Instruction 12. Members paid on the Leadership and Management Ranges should refuse to undertake any leadership or management responsibilities unless they have a reasonable additional allocation of guaranteed non-contact time to support the discharge of these responsibilities.

Teachers paid on the Leadership and Management Ranges should receive a reasonable additional allocation of time within college sessions to support the discharge of their responsibilities. This time should be distinguished on the timetable from any PPA time.

The nationally agreed joint guidance on workload and working time for teachers in sixth form colleges (Appendix 10 of the Red Book) states that “consideration should also be given to appropriate additional non-contact time for those with additional management or leadership responsibilities”.

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 10 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 principal 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 NUT immediately.

Instruction 13. Members should refuse to undertake leadership and management activities without being paid on the Leadership and Management Ranges.

In too many colleges, members are being given onerous responsibilities for leadership and management without the associated payment on the Leadership and Management Ranges.

Members are commonly told that undertaking these roles ‘voluntarily’ will enhance their career progression, is good professional development or that it will place too much pressure on the college budget if payment is made. None of these are valid reasons for denying appropriate payment.

The NUT believes that if these responsibilities are valued by the college, they will attract both the entitlement to leadership and management time and payment in accordance with the provisions of the Red Book national agreement.

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 were received, would the principal take full responsibility or would the principal hold the teacher accountable for the outcome. There is no doubt that the latter would be the case.

To determine whether payment should be sought, members should consider whether they are accountable for the particular area of work. If this is the case then the matter should be pursued with the principal.

COVER FOR ABSENCE

Instruction 14. Members should refuse to cover for absence.

Sixth form college teachers' contractual cover obligations are set out in para 8 of Appendix 4 of the Red Book national agreement. Members (except those employed on a contract to wholly or mainly undertake cover) should refuse to provide cover, including being asked to take students into their class or groups from other classes where the teacher is absent. Covering for teacher absence is not a good use of a teacher's time.

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 15. Where teachers are released from timetabled teaching commitments as a result of students being on study or examination leave, members should refuse to undertake any activities during that time other than as set out below.

During the year, teachers may be released from some of their timetabled teaching commitments as a result of students being on study or examination leave. Such time is known as gained time.

During gained time, teachers should only undertake activities from the list below:

- developing/revising departmental/subject curriculum materials, schemes of work, lessons 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 students to provide additional learning support;
- supporting selected students with coursework;
- undertaking planned activities with students transferring between year groups.
- where the college has a policy for all staff to release them for continuing professional development (CPD) during college sessions, gained time may be used.

Defining the use of gained time will avoid teachers being directed to undertake 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 16. Members should refuse to undertake supervision of students during the lunch break.

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

This provision is found in Section 2 paragraph 24 of the Red Book national agreement.

Members should not undertake any supervision of students during the lunch break, unless they have entered into a second contract in addition to their teaching contract. The NUT does not recommend that members enter into such contracts.

Whilst the NUT does not recommend that members carry out voluntary, extra-curricular activities during the lunch break, this instruction does not preclude these continuing. (See the section on voluntary activities at the end of this guidance.)

INVIGILATION OF EXAMINATIONS

Instruction 17. Members should refuse to invigilate any public examination.

The nationally agreed joint guidance on workload and working time for teachers in sixth form colleges recognises that exam invigilation is not a productive use of teachers' time and states that "consideration should in all cases be given to means of minimising any requirement to invigilate".

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

The exceptions are:

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

Instruction 18. Members should refuse to undertake the invigilation of any 'mock' examinations where the college 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 19. Members should refuse to undertake administrative and clerical tasks as described in the nationally agreed joint guidance on workload and working time for teachers in sixth form colleges.

The nationally agreed guidance (Appendix 10 of the Red Book) states that "it is important that teaching staff have satisfactory support in administrative and technical functions" and that "teachers should not have to spend time on tasks that do not require their professional expertise".

It goes on to advise that:

“In relation to administrative and technical functions, the key tests should be:

- a) does it need to be done at all?
- b) is it of an administrative or clerical nature?
- c) does it call for the exercise of a teacher’s professional skills or judgment?

If the answers to a) and b) are yes but the answer to c) is no, then teachers should not be required to carry out such 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.

There is a dual purpose to this advice. 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.

Some common tasks are 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 exercise of a teacher’s professional skills or judgment.

1. Collecting money from students and parents.
2. Investigating a student’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 students.
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 student reports.

12. Administration of work experience (but not selecting placements and supporting students 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, college status and the like) using contributions by teachers and others.
20. Transferring manual data about students not covered by the above into computerised college management systems.
21. Managing the data in college management systems.

VOLUNTARY ACTIVITIES OUTSIDE COLLEGE 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 student, parent and public-friendly.

Therefore, where members have volunteered freely to undertake extra-curricular 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.

Extra-curricular activities include college teams, music/drama productions and clubs.

Where members have made a professional judgement and have volunteered freely to provide extra support for certain students outside college sessions, these can also continue.

However, where any of the above activities have been imposed on a member, then the action short of strike action instructions enable the member to withdraw from these activities. In these circumstances, members should inform the principal in writing, in sufficient time before the next activity is scheduled to take place, so that any notification that the activity will no longer take place can be given to students and parents.

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