

Enterprise and Learning Committee

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Welsh Assembly Government

Enterprise and Learning Committee

Teacher Workload Agreement

1. The NASUWT welcomes the opportunity to submit this paper in support of the oral evidence to be given to the Enterprise and Learning Committee on 1st October 2008.
2. The NASUWT is the largest union representing teachers and headteachers in Wales and throughout the UK.
3. The NASUWT has, since 2003, working with the Westminster Government, Welsh Assembly Government and other social partners ASCL, ATL, GMB, NAHT, UNISON, UNITE, VOICE and the Local Government Employers, secured a series of agreements on teachers' and headteachers' pay and working conditions.
4. These agreements were designed to raise standards by tackling workload, creating capacity for teachers and headteachers to focus on their core role of teaching and leading and managing teaching and learning and recognising and rewarding teachers and headteachers as highly skilled professionals and are known collectively as The National Agreement: Raising Standards and Tackling Workload (National Agreement).
5. The agreements were underpinned by statutory regulatory and contractual provisions contained in the School Teachers' Pay and Conditions Document (STPCD).
6. In 2008, the NASUWT published the findings of a workload audit survey of teachers and headteachers across England and Wales, to which 16,500 responses were received. The survey found clear evidence that the workload and working hours of many teachers and headteachers remains excessive. It found that a key contributory factor in relation to excessive working hours is the failure of some local authorities and governing bodies to implement the statutory provisions arising from the National Agreement.
7. The members of the Committee will be aware that pay and conditions of service are not matters that are devolved to the Welsh Assembly Government.
8. The NASUWT has, however, written to the Minister for Education, Lifelong Learning and Skills, Jane Hutt AM, to advise her of the very serious issues relating to the enforcement of statutory provisions in Wales as the Assembly and the local authorities in Wales do have the responsibility for securing compliance.
9. The key contractual provisions from the STPCD were introduced between September 2003 and September 2005 and have been required by law since that time. They apply to all teachers and headteachers on permanent or temporary, full or part-time contracts.
10. The aim of the National Agreement was to create capacity in schools and to enable teachers and headteachers to teach and to lead teaching and learning. The signatories to the National Agreement, including the Welsh Assembly Government, committed themselves to the introduction of a range of statutory contractual measures to bring significant downward pressure on the working hours of teachers and headteachers.
11. Teachers cannot be required to undertake routinely 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 teacher.
12. Teachers in the leadership group and other teachers who have leadership and management responsibilities are entitled to a reasonable allocation of time within school sessions to support the discharge of their responsibilities. This should be marked clearly on the timetable and distinguished from planning, preparation and assessment time.
13. All teachers and headteachers are entitled to a satisfactory work/life balance, which helps the teachers combine their work with their personal interests outside work. Schools are expected to develop, monitor and evaluate appropriate policies and practical responses for ensuring the work/life balance of teachers and headteachers. This includes implementing all of the contractual entitlements and having strategies in place that bring downward pressure on working hours.
14. Headteachers are required to ensure that cover is shared equitably among teachers in the school (including the headteacher), taking into account their teaching and other duties and the desirability of not using a teacher at the school until all other reasonable means of providing cover have been exhausted. Individual teachers cannot be required to cover for more than 38 hours in any academic year. A record of the cover undertaken by each teacher should be kept by the school. This contractual change introduced in 2004 was the first step towards reaching a position where teachers rarely cover. The STPCD contains a provision which puts schools on notice that the date of implementation for rarely covering is 1 September 2009. In the meantime, schools should have set their own interim targets to ensure that they meet the objective of rarely covering by 2009.

15. Teachers (including headteachers who are timetabled to teach) are entitled to guaranteed PPA time, which should be a minimum of 10% of their timetabled teaching time. This time is under the direction of the individual teacher. PPA time be clearly marked on the timetable and must not be used for any other activity, including cover.
16. Teachers cannot be required to invigilate any public examination.
17. Headteachers with significant teaching loads, e.g. 50%, are entitled to time during the school sessions for dedicated headship time. They are also entitled to PPA time and leadership and management time.
18. The NASUWT, at its Annual Conference in 2008, secured a commitment from the Secretary of State for Children, Schools and Families (DCSF), Ed Balls MP, to ensure that all teachers and headteachers receive their full legal and contractual entitlements. During the past six months, the NASUWT has been working with the Social Partnership to agree strategies for ensuring the implementation of teachers' and headteachers' contractual entitlements.
19. On 23 September 2008, the DCSF announced the Government's intention to legislate in order to place a duty on governing bodies to manage their staff in accordance with their terms and conditions and with the STPCD; to provide a power to allow local authorities to issue warning notices to schools that are not complying with the statutory provisions set out in the STPCD; and to provide a power to enable the Secretary of State to direct a local authority to consider issuing a warning notice where a school is non-compliant.
20. These legislative powers will be accompanied by penalties to deal with schools that fail to implement statutory workforce provisions. It will ensure that where local authorities issue a warning notice, they will be able to follow them up, if necessary, by withdrawing the school's delegated budget or by appointing additional governors or an Interim Executive Board. The Secretary of State already has a reserve power to enable him to declare that a governing body is in default of a statutory duty and to direct the school to comply with the duty. The new provisions will help ensure, in a simple and non-bureaucratic way, that all teachers are able to benefit from their statutory rights and focus on high quality teaching.
21. The NASUWT notes that the Welsh Assembly Government has welcomed these compliance provisions. It is essential, however, that these statutory enforcement measures are applied in schools in Wales as well as England.
22. In the meantime, the NASUWT is continuing its campaign to ensure that schools in Wales are not breaking the law. As part of the campaign the NASUWT has written to the chairs of governing bodies and to the chairs of local authority scrutiny committees in Wales to request that audits are undertaken to ensure compliance with statutory workforce provisions.
23. The NASUWT is clear that governing bodies that fail to secure compliance deprive teachers and headteachers of their improved working conditions and undermine the quality of the learning experience for pupils which, in turn, impacts adversely on educational standards.
24. The NASUWT acknowledges the work that is being undertaken by the Welsh Assembly Government to support the revitalisation of the local WAMGs/Local Social Partnerships (LSPs). The evidence available to the Assembly confirms that the operation and effectiveness of the LSPs is patchy and some local authorities have failed to ensure that these bodies are actively engaged in the process of supporting and assuring the implementation of the National Agreement and school workforce remodelling. Indeed, the evidence from the recently published report by the NFER for the Welsh Assembly Government - School Support Staff in Wales - provides further confirmation of the need for effective and targeted intervention by the Welsh Assembly Government and local authorities to ensure that teachers are benefiting fully from their contractual entitlements, and that school support staff are not subject to exploitation and inappropriate deployment outwith the provisions of the national guidance issued by the Welsh Assembly Government and other members of the Social Partnership and the provisions of The Education (Specified Work and Registration) (Wales) Regulations 2004.
25. The NASUWT recognises the commitment shown by the Minister, Jane Hutt AM, to the work of the Social Partnership. However, there remains a critical outstanding issues relating to capacity for delivery on the ground. Too many local authorities have either a poor or no infrastructure to support schools to implement the remodelling reforms and the Welsh Assembly Government has similarly not established a national change management resource which could deliver support both to local authorities and to schools. The NASUWT believes strongly that the Welsh Assembly Government must look to either establish a national change management body or to explore with a body such as the Training and Development Agency for Schools (TDA) to establish a robust system to ensure the effective implementation of all the provisions arising from the National Agreement.
26. The NASUWT survey of teachers and headteachers in Wales referred to above, also confirmed that a major source of workload is actually being generated by schools themselves and by initiatives from the Welsh Assembly Government. Burdensome curriculum planning, assessment and inspection arrangements have been identified as key causes of excessive workload in schools.
27. The NASUWT is therefore concerned that the gains that should have arisen from the National Agreement are in danger of being eroded by the way in which schools and local authorities are adopting overly elaborate assessment and planning systems, particularly in relation to the implementation of the new Key Stage 2 and Key Stage 3 assessment arrangements.
28. The NASUWT is also disappointed that, since its inception, the School Workload Advisory Panel (SWAP) has not engaged sufficiently with the national Social Partnership. At the same time, there is little evidence of impact of the work of the SWAP in terms of the workload impact of new policies and initiatives from the Assembly.
29. The need to monitor all new initiatives against the National Agreement commitment to bring downward pressure on the working hours of teachers and headteachers is of paramount importance, if teachers in Wales are to enjoy fully their contractual rights and entitlements.

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