

England



Instructions for action short of strike action

**UPDATED
WINTER 2013**



For more information on the
Joint NUT/NASUWT Model Pay Policy,
go to **www.teachers.org.uk/node/18469**

Action short of strike action instructions

This guidance applies to members in all maintained schools, including community, foundation, trust, voluntary aided and controlled schools, and in academies.

SCHOOL PAY POLICY

Instruction 1: Members should not agree or participate in any arrangements for the implementation of any pay policy for teachers which does not conform to all the elements of the NASUWT/NUT pay policy checklist.

Where the employer fails to agree a policy which complies with all elements of the NASUWT/NUT checklist this should be referred to the NUT Divisional Secretary.

APPRAISAL/PERFORMANCE MANAGEMENT

Instruction 2: Members should not participate in any appraisal/performance management process which does not conform to all elements of the NUT/NASUWT Joint Appraisal/Performance Management Checklist and the Joint Classroom Observation Protocol.

Where the school's performance management/appraisal policy does not conform to all the provisions in the NUT/NASUWT joint checklist and classroom observation protocol (both these documents can be found at the end of this set of instructions), the NUT, with NASUWT representatives, should make representations to the head teacher to seek to secure changes. Where these representations fail, contact should be made immediately with the NUT for further support, advice and guidance on the implementation of the instruction.

CLASSROOM OBSERVATION

Instruction 3: Members should not 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 during 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. The NUT/NASUWT classroom observation protocol, which sets out an acceptable approach for undertaking classroom observations, can be found at the end of this set of instructions.

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 a Category 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 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 observations 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 the NUT immediately for advice.

Capability procedures

This instruction does not automatically apply to members on formal capability procedures who should be offered a defined amount of classroom observation with structured feedback as part of the support offered. 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 NUT 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 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.

Instruction 4: Members should not 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 NUT/NASUWT joint performance management checklist and classroom observation protocol, or where conducting the observation would breach the terms of the instruction on the limit on observation.

Instruction 5: Members should not organise or co-operate with any arrangements for observation which involve pupils commenting on the work of teachers or being involved in decision making about teachers' roles, responsibilities, pay and promotion.

This instruction covers for example:

- pupils observing teachers teach and providing either written or oral feedback on what they have observed; and
- 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.

Instruction 6: 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.

The exception is observation by Ofsted inspectors during a Section 5 or Section 8 inspection.

INSPECTION

Instruction 7: Members should not participate in mock inspections commissioned by the school, sponsor, provider or local authority.

Members should not 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 carry out such activities.

REPORTS TO PARENTS

Instruction 8: Members should produce only one written report annually to parents.

Teachers should only produce one report per year for each of the pupils they teach, either in writing or using an electronic comments bank.

EXISTING POLICIES AND WORKING PRACTICES

Instruction 9: Members should refuse to implement any existing management-led policies and working practices which have not been workload impact assessed and agreed by the NUT.

All teachers and head teachers 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.

Head teachers 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.

Head teachers have the responsibility for securing the work/life balance of staff. Governing Bodies have the responsibility for the head teacher's work/life balance. This provision can be found in Section 2, Part 10, paragraphs 56.12 and 63.4 of the School Teachers' Pay and Conditions Document (STPCD) 2012. It should be read in the context of paragraphs 62.4-62.11 on working time. Regular review of the workload impact of policies should also be a feature of good management practice.

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

Representatives should advise the head teacher 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 head teacher being notified, NUT members should no longer implement those policies and working practices from that date.

NEW INITIATIVES AND POLICIES

Instruction 10: 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 school 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 and NASUWT.

MEETINGS AND THE SCHOOL'S DIRECTED TIME CALENDAR

Instruction 11: Members should not 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 NUT

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 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.

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.

These provisions are found in Section 3, Statutory Guidance, paragraph 198 of the School Teachers' Pay and Conditions Document 2012.

If your school has not published a calendar for this academic year; or has published a calendar without a directed time budget or a calendar which has not been agreed with the NUT and NASUWT, members should not attend any meetings on the calendar which are outside school session times until there has been consultation with the NUT and NASUWT and the calendar has been agreed.

Detailed guidance on the calendar and directed time budget can be found in Teachers Working Time and Duties: An NUT guide, available at <http://www.teachers.org.uk/node/11020>.

Instruction 12: 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 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 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 the NUT.

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 13: 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 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 any lesson plan, whether individual lesson plans or weekly planning, 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 current Ofsted Inspection Handbook requires only that inspectors assess the degree to which 'leaders and managers ensure that the curriculum is effectively planned and taught' (p.44).

As the performance of teachers with regard to teaching and learning is central to evaluation of the effectiveness of their professional practice, it therefore follows that any considerations in relation to teachers' planning of teaching and learning should be reviewed in the context of arrangements for performance management/appraisal.

Members should also note that Ofsted has made clear that inspectors do not routinely scrutinise teachers' individual lesson plans. (Ofsted, 'Schools and Inspection'; December 2010).

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 their own professional judgement regarding the nature of their planning of lessons.

EMAIL CORRESPONDENCE

Instruction 14: 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 schools. However, of increasing concern to members is when 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 (PPA) TIME

Instruction 15: Members should ensure that they have on their timetable the minimum of 10 per cent guaranteed PPA time.

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

All teachers, including head teachers 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 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.

This provision can be found in Section 2, Part 10, paragraphs 63.5 to 63.8 of the School Teachers' Pay and Conditions Document (STPCD) 2012.

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 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 10 per cent PPA time for all teachers, union representatives should approach the head teacher 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 16: Members should only undertake in PPA time, planning, preparation and assessment activities which they determine are appropriate to support their timetabled lessons.

Instruction 17: Members should refuse to accept the direction of the head teacher 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 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 18: 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 Section 2, Part 10, paragraph 63.9 of the School Teachers' Pay and Conditions Document (STPCD) 2012.

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 head teacher 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 19: 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 that it will place too much pressure on the school budget if payment is made. None of these are valid reasons for denying appropriate payment.

The NUT and NASUWT believe 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 STCPD.

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 head teacher take full responsibility, or would the teacher be held 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 head teacher.

DEDICATED HEADSHIP TIME

Instruction 20: Head teacher members with 50 per cent or more timetabled teaching commitment should refuse to undertake their teaching commitment unless they have an allocation of dedicated headship time on their timetable.

Head teachers who teach are entitled to dedicated headship time during school sessions.

STPCD guidance on headship time refers to the problems faced by head teachers who teach more than 50 per cent of the timetable and do not have sufficient time to lead and manage their schools in addition to their teaching commitment. The guidance indicates that head teachers must have time to lead their school as well as manage it, and that this will effectively limit how much teaching a head teacher can be expected to undertake.

Dedicated headship time should be marked clearly on the timetable and distinguished from any PPA time.

This provision can be found in Section 2, Part 9, paragraph 57.2 of the School Teachers' Pay and Conditions Document (STPCD) 2012.

Head teachers with teaching loads clearly are lead practitioners in schools and, therefore, require 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 head teacher 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, that the head teacher will contact the NUT.

There is no definition of the amount of time which would be considered appropriate but the NUT and NASUWT believe that head teacher members would be able to identify what would be a reasonable allocation in the context of balancing their responsibilities.

COVER FOR ABSENCE

Instruction 21: Members should refuse to cover for absence.

Members (except those employed on a contract to wholly or mainly undertake cover) should refuse to provide cover, including being asked to take pupils into their class or group from other classes where the teacher is absent (split-classes). 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 22: 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) 2012.

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:

- 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 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.

This provision can be found in Section 4, paragraphs 76-77 of the School Teachers' Pay and Conditions Document (STPCD) 2012.

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 23: 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 Section 2, Part 10, paragraph 63.3 of the School Teachers' Pay and Conditions Document (STPCD) 2012.

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 NUT does not recommend that members enter into such contracts.

Whilst the NUT and NASUWT do 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 24: 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 Section 2, Part 10, paragraph 63.11 of the School Teachers' Pay and Conditions Document STPCD 2012.

Exam invigilation is not a productive use of teachers' time.

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 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 25: 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 26: Members should refuse to undertake administrative and clerical tasks as exemplified in Annex 4 of the School Teachers' Pay and Conditions Document (STPCD) 2012.

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 can be found in Section 2, Part 10, paragraphs 63.12 and 63.13 in the School Teachers' Pay and Conditions Document (STPCD) 2012.

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.

The tasks in Annex 4 of the STPCD 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 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.

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 head teacher 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.



Performance management/ appraisal checklist

Performance management/appraisal policies acceptable to the NUT and NASUWT will have all of the following key features.

- A clear statement that the performance management/appraisal process is developmental and supportive and intended to foster professional dialogue between colleagues.
- A clear timeline for the completion of the performance management/appraisal process in the annual cycle.
- No requirement to schedule formal meetings to review performance during the cycle.
- A designated appraiser who should normally have line management responsibilities for the teacher whose performance they are reviewing and who conducts all aspects of the review, including pay recommendations, for teachers who are eligible.
- Provisions stating what should be included in the planning statement.
- A right of appeal.
- Pay progression for eligible teachers as a result of the performance management/appraisal review where teachers have met or made significant progress towards meeting their objectives. The performance management/appraisal review statement at the end of the cycle must be the only source of evidence teachers require to support pay progression. The policy should enable teachers to submit additional evidence if they choose but they cannot be requested or directed to submit additional evidence or penalised if they choose not to do so.

- Clear statements that:
 - the Teachers' Standards will be used to inform the setting of the teacher's performance management/appraisal objectives;
 - the Teachers' Standards will not be used as a checklist against which the teacher's performance is assessed;
 - assessment against the Teachers' Standards will start from the premise that all teachers are meeting the Teachers' Standards and they will be assessed as meeting the standards unless clear, compelling written evidence to the contrary is provided.
- No more than three objectives will be set for any teacher.
- The teacher's objectives are the focus for the performance management/appraisal review.
- A clear distinction is made between performance management/appraisal and capability procedures with an informal stage before formal capability. If a teacher's performance is causing serious concern, the policy must state that a meeting with the teacher will be called to consider the evidence of serious concern. In addition, where the case for serious concern is made the policy must state that an appropriate period of support will be provided, at the end of which will be a further meeting to review progress. If the teacher is still experiencing difficulties then consideration may need to be given as to whether formal capability procedures should begin.
- The content of the performance management/appraisal review statement must be drawn up in discussion between the appraiser and appraisee.
- All performance management activities will take place within the teacher's directed time, but not within a teacher's PPA time.
- There should be a limit of a total of three observations for all purposes. Under no circumstances shall the total time occupied by all observations exceed three hours per year and the focus and timing must be agreed in the teacher's performance management/appraisal planning statement.
- Performance Management Review statements are confidential to the head teacher, appraiser and the appraisee.
- The operation of the performance management/appraisal policy and process has been workload impact assessed to ensure that it does not add to the workload of anyone involved.



Classroom observation protocol

Introduction

This governing body is committed to ensuring that classroom observation is developmental and supportive and that those involved in the process will:

- carry out the role with professionalism, integrity and courtesy;
- seek to reach agreement in advance on how classroom observations are to be carried out;
- evaluate objectively;
- report accurately and fairly; and
- respect the confidentiality of the information gained.

Planning and preparing for observation

In keeping with the school governing body's commitment to supportive and developmental classroom observation the head teacher will:

- consult teachers on the pattern of classroom observation which they can expect annually and seek agreement with teachers and union representatives on these arrangements;
- ensure that those being observed for all purposes will be notified at least five working days in advance;
- arrange, as far as possible, for all observations to take place at a time agreed between the teacher and the observer;
- ensure that there is a reasonable amount of time between classroom observations, irrespective of the purpose of those observations;
- ensure that classroom observation will be undertaken solely by persons with qualified teacher status (QTS) and the appropriate training and professional skills to undertake observation and to provide constructive oral and written feedback and support, in the context of professional dialogue between colleagues.

Planning for observation will take place at the start of the appraisal/performance management cycle and will include details of:

- the amount of observation;
- the focus of the observation;
- the duration of the observation;
- when during the performance management/appraisal cycle the observation will take place; and
- who will conduct the observation.

In order that classroom observation is kept to a minimum, and to support efforts to deliver the school's commitment to streamlining data collection and minimising bureaucracy and workload burdens on teachers, the information gathered will be used for multiple purposes, including informing school self-evaluation and school improvement strategies. This will enable the head teacher to discharge her/his duty to evaluate the standards of teaching and learning and to ensure that proper standards of professional performance are established and maintained.

Before any classroom observation is conducted, there will be an opportunity for the reviewer and teacher to meet within directed time in order that the context of the lesson to be observed can be discussed.

Conducting observation

There should be a limit of a total of three observations for all purposes. Under no circumstances shall the total time occupied by all observations exceed three hours per year and the focus and timing must be agreed in the teacher's performance management planning statement.

Neither pupils nor governors will undertake observations (although governors may, by specific agreement with the teacher concerned, visit a lesson to familiarise themselves with their link area).

Feedback and records

Oral feedback will be given as soon as possible after the observation and no later than the end of the following working day. It will be given during directed time in a suitable, private environment. Time for preparation and feedback for classroom observation will be made available, in addition to PPA time.

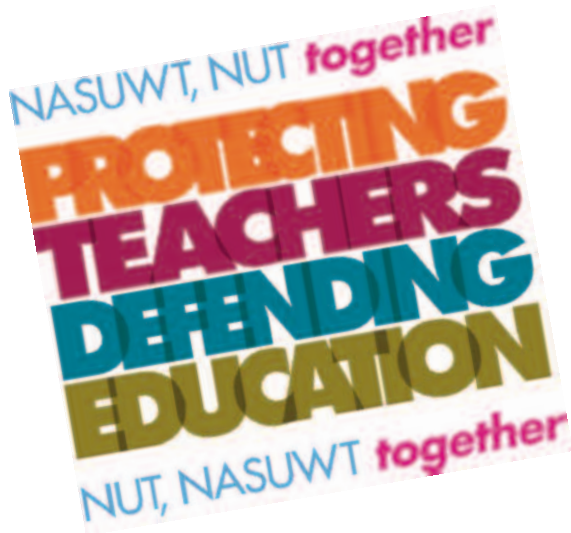
Written feedback will be provided within five working days of the observation taking place. If issues emerged from an observation that were not part of the focus of the observation as recorded in the planning and review statement, these should also be covered in the written feedback and the appropriate action discussed with the teacher.

The written record of feedback will include the date on which the observation took place, the lesson observed and the length of the observation. The teacher has the right to append written comments on the feedback document. No written notes in addition to the written feedback and teacher's comments will be kept. The reviewer will be given sufficient time within the school day to put in written form the conclusions agreed with the reviewee on the outcomes of the classroom observation.

Teachers will have access to all written accounts of the observation after their lessons and, if they request, copies will be provided.

Classroom observation and formal capability procedures

For teachers on a formal capability procedure an important part of the support offered to the teacher will be a clearly defined amount of classroom observation with structured oral and written feedback. The amount of classroom observation will be discussed with the teacher and their union representative who is supporting and advising them in the formal process.



School Pay Policies NASUWT/NUT Checklist

PURPOSE OF THE CHECKLIST

The NUT and the NASUWT believe that a fair, transparent and consistent pay policy, which recognises and rewards teachers as highly skilled professionals, is a key element in effective school improvement.

School pay policies which accord with the provisions in this checklist will help to recruit, retain and motivate teachers, provide the basis for sound financial and personnel planning and minimise the risk of grievance and discrimination.

The checklist sets out the minimum requirements for an effective pay policy and is entirely consistent with the revised statutory provisions for teachers' pay due to take effect from 1 September 2013.

The NASUWT and NUT model school pay policy incorporates all of the provisions of this checklist and is consistent and compliant with all statutory requirements.

The publication of the NUT and NASUWT joint checklist does not represent an acceptance of changes to the teachers' pay system introduced or proposed by the Department for Education.

The NASUWT and NUT are committed to securing a national pay structure in England and Wales which applies statutorily to all maintained schools and academies.

PAY DECISIONS FOR SEPTEMBER 2013

The revised procedures on pay progression do not take effect until September 2014. Applications for progression to the Upper Pay Scale from September 2013 (i.e. Round 13), progression on the Main and Upper Pay Scales and pay determinations for new appointees taking up posts prior to September 2014 will therefore be carried out in accordance with the provisions of the 2012 School Teachers' Pay and Conditions Document (STPCD).

Pay Awards

The school is committed to award a minimum one per cent pay uplift to all existing pay points and allowances for all teachers from September 2013 and to a greater award if that is the outcome of the School Teachers' Review Body (STRB) pay review process.

PAY DECISIONS FROM SEPTEMBER 2013

Performance management/appraisal of teachers

- Performance management/appraisal procedures at the school will operate in accordance with the joint NASUWT/NUT checklist.

Salary determination

- The school will determine the salary of a teacher on an annual basis and notify the teacher in writing of the salary determination by 31 October each year with effect from 1 September of that year.

Determining the pay of appointees/maintaining 'pay portability'

- The school is committed to the principle of pay portability and will apply this principle in practice when making all new appointments.

Determining the pay ranges for vacant teaching posts

- The school will not restrict the pay available for appointees to vacant classroom teacher posts, other than the lower limit of the Main Pay Range and the upper limit of the Upper Pay Range.

Main Pay Range – pay scale

- Teachers on the Main Pay Range will be paid on the six-point scale on the Main Pay Range attached.

Main Pay Range – pay progression

- Teachers will be awarded pay progression on the Main Pay Range following a successful performance management/appraisal review.
- Reviews will be deemed to be successful unless significant concerns about standards of performance have been raised in writing with the teacher during the annual performance management/appraisal cycle and have not been sufficiently addressed through support provided by the school by the conclusion of that process.
- Teachers in their induction year will be awarded pay progression on the successful completion of induction.

Moving from the Main Pay Range to the Upper Pay Range

- Teachers who apply to move to the Upper Pay Range from point six of the Main Pay Range will be awarded progression to that Range having regard to the two most recent performance management/appraisal reviews.

- Reviews will be deemed to be successful unless significant concerns about standards of performance have been raised in writing with the teacher during the annual performance management/appraisal cycle and have not been sufficiently addressed through support provided by the school by the conclusion of that process.

Upper Pay Range – pay scale

- Teachers on the Upper Pay Range will be paid on the three-point scale on the Upper Pay Range attached.

Upper Pay Range – pay progression

- Teachers will be awarded pay progression on the Upper Pay Range following two successful performance management/appraisal reviews.
- Reviews will be deemed to be successful unless significant concerns about standards of performance have been raised in writing with the teacher during the annual performance management/appraisal cycle and have not been sufficiently addressed through support provided by the school by the conclusion of that process.

Advanced Skills Teachers (ASTs)/Excellent Teachers (ETs)

- Existing ASTs/ETs will be assimilated to the Leading Practitioner Pay Range at a pay point or individual pay range which maintains as a minimum their existing pay entitlements.

TLR payments

- TLR1 and TLR2 payments will be allocated in accordance with the criteria attached.
- Teachers will not be expected to undertake permanent additional responsibilities without payment of a permanent TLR1 or TLR2 payment.
- Clear criteria for the award, level and duration of time-limited TLR3 payments will be set out. There will be full consultation with union representatives and agreement with the NASUWT and NUT before the decision is made to make any such payment.

Appeals procedures

- Teachers have the right to make representations and to appeal about any aspect of their pay or pay progression in accordance with an appeals procedure within the policy which meets, as a minimum, the statutory requirements on disputes resolution.

Monitoring and review of the policy

- The policy will be monitored and reviewed by the relevant body in conjunction with union representatives on an annual basis. An annual written report on the operation of the pay policy, recording pay decisions taken and equality impact, will be provided to union representatives.

PAY SCALES ON THE MAIN AND UPPER PAY SCALES

	E&W generally	Inner London	Outer London	Fringe Area
Main Pay Scale				
1	21,588	27,000	25,117	22,626
2	23,295	28,408	26,674	24,331
3	25,168	29,889	28,325	26,203
4	27,104	31,446	30,080	28,146
5	29,240	33,865	32,630	30,278
6	31,552	36,387	35,116	32,588
Upper Pay Scale				
1	34,181	41,497	37,599	35,218
2	35,447	43,536	38,991	36,483
3	36,756	45,000	40,433	37,795

The salary values contained in the above pay scales reflect the 2012 STPCD pay scales. A pay award is pending.

CRITERIA FOR TLR1 and TLR2 PAYMENTS

Before awarding a TLR1 or TLR2 payment, the school must be satisfied that the teacher's duties include a significant responsibility that is not required of all classroom teachers and that:

- (a) is focused on teaching and learning;
- (b) requires the exercise of a teacher's professional skills and judgement;
- (c) requires the teacher to lead, manage and develop a subject or curriculum area, or to lead and manage pupil development across the curriculum;
- (d) has an impact on the educational progress of pupils other than the teacher's assigned classes or groups of pupils; and
- (e) involves leading, developing and enhancing the teaching practice of other staff.

In addition, before awarding a TLR1, the school must be satisfied that the significant responsibility referred to above includes line management responsibility for a significant number of people.

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