

A S O S

How to win with
**Action Short of
Strike Action** and
**Escalation to
Strike Action**

Teacher workload has reached unprecedented levels. Whilst there is broad agreement about the need to tackle this, the Government has failed to act to change the high stakes accountability system that is the root cause. The NUT will of course continue to press for change at a national level to ease the pressure. In the meantime, until the Government starts to trust teachers, there are many improvements which can be brought in at school level, if members are willing to act together.

In March 2015 the Government published the findings of its three Workload Review Groups on reducing unnecessary burdens associated with marking, planning and data management. These can be viewed at [**www.teachers.org.uk/campaigns/stand-up-for-education/workload**](http://www.teachers.org.uk/campaigns/stand-up-for-education/workload) All three of the reports include some powerful recommendations designed to improve practice in schools.

NUT advice on how to make the most of these reports and ensure that the helpful recommendations are actually implemented is available at [**www.teachers.org.uk/campaigns/stand-up-for-education/workload**](http://www.teachers.org.uk/campaigns/stand-up-for-education/workload)

Where this approach isn't sufficient to bring about change, the Union is able to authorise members in schools to take action short of strike (ASOS) – action which has the legal backing of a national industrial action ballot. The NUT is also willing to ballot members for strike action as an escalation of ASOS, where necessary to resolve matters. This NUT document sets out the areas covered by the ASOS, how you can take ASOS in your school and approach the NUT for support for escalation.

How can ASOS be used?

If any of the issues covered by the ASOS are an issue in your school, the NUT has put in place the following strategy to support you and improve your working lives. NUT members in many schools have won better working conditions using this strategy. The more members who participate, the greater the impact.

1. Talk about the issue with your colleagues and share your concerns.
2. Ask your NUT rep to arrange a meeting of members to discuss the issue(s) or, if you don't have a rep, organise a meeting yourself.
3. If the majority of members are willing to ask for issues to be addressed and working conditions improved, your rep or spokesperson – accompanied by other members if additional support is needed – should ask to meet the head teacher/principal and explain that the NUT members have met and discussed the issue and do not want to continue undertaking the work which is causing concern. The NUT can provide you with both trade union and educational arguments to support you in this discussion.
4. If your head teacher/principal accepts this, you should all congratulate yourselves on improving your working conditions.
5. If the head teacher/principal doesn't accept this and insists that members will be required to continue undertaking excessive work, your rep or spokesperson should contact your local NUT association or division. One of its officers will arrange to come into school and meet with you all. They will want to assess how strongly you all feel and particularly whether you are prepared to escalate to strike action if necessary to win your case. Once they have met with you, they will arrange to meet with your head teacher/principal together with your rep or spokesperson and seek to persuade them that it would be sensible to respect your concerns about workload and the impact this is having on your pupils' education.
6. If that approach is successful, you can congratulate yourselves on joining the many other NUT members who have improved their working lives by agreeing to act collectively.
7. If, however, your head teacher/principal still insists they will require you to do this work, your local NUT officer will meet with you again and, if the majority of you wish to resolve your issues, discuss a strategy for strike action. In the vast majority of schools where members have threatened strike action the situation has been resolved without the action taking place. The NUT always makes every effort to resolve disputes before strike action becomes necessary.
8. If it is necessary for you to take strike action any loss of pay will be reimbursed by the NUT in these circumstances.

Which workload/accountability issues can be addressed through this programme?

NUT members can use ASOS to tackle a wide range of workload issues concurrently, or choose to focus on the issue causing the greatest concern, or gradually address issues one by one. ASOS involves refusing to engage in particular tasks or activities which are unnecessary and have no particular education benefit. It is about freeing teachers from unreasonable workload but also about enhancing teaching and learning.

As described above, ASOS can rapidly be escalated to strike action, with pay. In many cases the mere threat of this is enough to force a climb-down from management and the NUT always seeks to resolve matters without strike action if possible.

Here are some of the workload/accountability problems which commonly arise in schools and where progress can be achieved using ASOS.

Is there too much interference from management in weekly individual lesson planning?

Planning lessons is an essential part of every teacher's role, contributing to effective teaching and learning. Teachers constantly review and amend their planning and their teaching to support pupils' learning. They do not regard lesson plans as scripts but instead as a key element of teachers' professional practice. It is simply not acceptable for teachers' weekly lesson plans to be subject to regular scrutiny and a prescribed format. This does not benefit children. Ofsted is interested in the effectiveness of planning rather than the form it takes. (See Ofsted Clarification for Schools at www.teachers.org.uk/ofsted-inspections-clarification). NUT members should be confident that objecting to unreasonable prescription and scrutiny in this area is consistent with maintaining the highest standards of professional practice.

Are there unreasonable expectations in relation to emails?

Email is of course a useful tool that no teacher would be without. However, teachers can end up spending a disproportionate amount of time responding to emails, time which could otherwise be more efficiently used in directly supporting teaching and learning. It is unreasonable to expect teachers to read and respond to emails with unrealistically tight deadlines, or during evenings, weekends and holiday periods. Any expectation to respond to emails outside of the normal working day will inevitably impact on the quality of education, as teachers need time to rest and switch off in order to be ready to face the challenges of the following day. This is an area where it should be relatively straightforward to encourage the introduction of reasonable boundaries to protect everyone's work/life balance.

Are there too many meetings and/or are meetings not planned in advance and set out in a directed time calendar?

Sensible arrangements for meetings are important to prevent them from encroaching on the time teachers need to complete their other professional duties. All meetings must take place within the allocation of the contractual 1265 hours of directed time for which teachers, other than those on the leadership spine, are required to be available for work. To keep track of directed hours, all schools need to have a directed time budget/calendar. NUT policy is that on average there should be no more than one after-school meeting per week lasting no more than one hour, with a maximum of two evenings in any week, including parents' evenings. Adopting these measures will help schools to operate more efficiently for all concerned.

See also 'Teachers Working Time and Duties – an NUT Guide' at www.teachers.org.uk/pay-pensions-conditions/conditions.

Are teachers subject to mock inspections?

Inspection by itself does not improve teaching or learning and the process of, and preparation for, mock inspections can be disruptive and take teachers away from the key focus of meeting the educational needs of children. There is no statutory requirement to participate in such 'mocksteds', which can cause unnecessary stress and workload for teachers. By acting collectively NUT members can change the culture in their school and prevent mock inspections from taking place.

Is the appraisal process unfair?

The NUT advocates an appraisal process which is both developmental and supportive and intended to foster a professional dialogue, which has the ultimate purpose of improving teaching and learning. If the appraisal process in your school is unfair or over-burdensome then collectively you can bring about change. Go to www.teachers.org.uk/campaigns/stand-up-for-education/appraisal for an appraisal checklist, classroom observation protocol and guidance on what constitutes reasonable objective setting, then compare this to what is happening in your school.

Does too much lesson observation take place?

Good practice in lesson observation requires a professional dialogue, proper planning and the allocation of sufficient time. In meeting these criteria, it would be very difficult to undertake more than three observations per teacher in any one year. Excessive classroom observation is one of the biggest sources of stress for teachers and does not of itself lead to better classroom practice. For this reason Ofsted does not require schools to undertake a specific amount of observation. See Ofsted Inspections – Clarification for Schools at www.teachers.org.uk/ofsted-inspections-clarification.

NUT policy is that for all purposes teachers should not be subject to more than three observations per year, with the total time spent on these not exceeding three hours. Teachers should only be observed by those with qualified teacher status.

See NUT classroom observation protocol at www.teachers.org.uk/campaigns/stand-up-for-education/appraisal.

Excessive requirements in relation to lesson observation also, of course, impact on those who are undertaking the observations, adding unnecessarily to their workload as well as promoting an atmosphere of distrust – so this is an issue that can be addressed from two angles.

Are teachers expected to write too many pupil reports for parents?

Most schools produce just one written narrative report for parents per year. One report per year per pupil is sufficient for parental accountability, alongside parents' evenings and individual discussions with parents where necessary. Spending too much time on report writing can distract from effective formative assessment and feedback to learners. Acting collectively to bring about change in this area can free up many hours of teachers' time.

Is there excessive or unnecessary workload and bureaucracy resulting from current working practices or new initiatives?

All teachers are entitled to a reasonable work-life balance and a regular review of the workload impact of existing working practices should be a feature of good management practice. It is also vitally important that new initiatives should have buy-in from teachers. With many teachers working 60 hours a week or more and surveys showing increasing numbers wishing to leave the profession, now more than ever it is in the interests of pupils' uninterrupted learning to scrutinise what is being asked of teachers and remove what is of questionable educational value and/or excessively burdensome. This is one of the most flexible ways in which the ASOS programme can be used, as many workload issues will fall into this category. An example of this could be an over-burdensome marking policy. (See www.teachers.org.uk/marketing-which-leads-excessive-workload for NUT guidance on what is reasonable marking). In

the following areas, protection is offered by the School Teachers' Pay and Conditions Document (STPCD). This applies in all LA maintained schools. Many academies include its terms in teachers' contracts and it will continue to apply to teachers who worked at the school before it adopted academy status. For more information on all the areas below see 'Teachers Working Time and Duties – an NUT Guide' at www.teachers.org.uk/pay-pensions-conditions/conditions. Despite the protection afforded by the STPCD, it may be that NUT members are not receiving their proper entitlements. If this is the case, using ASOS is the best way forward. Again, the NUT is willing to ballot members for strike action as an escalation of ASOS where necessary to resolve matters.

Have PPA entitlements become eroded?

Planning, preparation and assessment are essential elements of a teacher's role and support effective teaching and learning. The STPCD provides that all teachers are entitled to at least 10 per cent of their timetabled teaching time for planning, preparation and assessment and that teachers cannot be required to carry out other duties during their PPA time. This is therefore non-negotiable for teachers who are covered by the STPCD. PPA time should be clearly marked on the timetable and distinguished from other kinds of non-contact time. It should be for teachers to determine how this should be used.

Are there inadequate levels of leadership and management time, or headship time? Are there onerous responsibilities for leadership and management without payment on the leadership spine, or a TLR?

For those with leadership responsibilities workload pressures can be acute. The focus should be on undertaking work which enhances teaching and learning. This requires dedicated time to support the discharge of these responsibilities and enhance teaching and learning.

All teachers with leadership and management responsibilities should receive payment in accordance with the provisions of the STPCD. Teachers paid on the leadership spine and other teachers with leadership and management responsibilities are also entitled to a reasonable allocation of time within school sessions to support the discharge of those responsibilities.

Head teachers are entitled, under the STPCD, to a reasonable amount of time during school sessions, having regard to their teaching responsibilities, for the purpose of discharging their leadership and management responsibilities.

Is cover for absent colleagues required on a regular, rather than a rare, basis?

Covering for absent teachers is not a good use of any teacher's time and leaves less time available for their own planning and preparation, which is not in the interests of their regular timetabled classes. The STPCD requires teachers to cover 'rarely, and only in circumstances that are not foreseeable'. This very limited requirement, which should only be used in genuine emergencies, can be abused by schools, with teachers being asked to cover up to a certain number of times per year for example, or for planned absences. If this is the case, it's time to assert the contractual provisions of the STPCD and ensure that teachers receive their proper protections.

Are teachers routinely required to undertake administrative and clerical tasks?

Any requirement that teachers should routinely undertake clerical and administrative tasks not only creates additional and inappropriate workload but also diverts them from their core teaching and learning role and is not, therefore, a good use of their time.

The STPCD provides that teachers cannot be required routinely to carry out such tasks, for example bulk photocopying and filing. This provision has been in place since 2003 and, although the illustrative list of clerical tasks no longer features in the STPCD, the contractual protection from undertaking this work is still in place. Reasserting this where necessary will offer relief to teachers from time-consuming tasks which do not require their professional expertise and are more appropriately undertaken by support staff.

Are teachers required to invigilate public examinations?

Exam invigilation is not a productive use of a teacher's time. Most schools have procedures in place for exam invigilation which do not require the involvement of teachers. Under the STPCD, with a few exceptions, teachers cannot be required to invigilate public examinations, including GCSEs, A levels and SATs. Although this is a long-standing STPCD provision, it may be that some schools have slipped back into using teachers. If this is the case, it's time to address this issue in time for the next exam season.

Are teachers being required to undertake inappropriate and burdensome activities during gained time?

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'. The School Teachers Pay and Conditions Document (STPCD) previously said that only certain activities could be required of teachers during gained time. Members should not accept direction to undertake any activities in gained time other than those contained in the list below:

- Developing/revising department/subject materials, schemes of work, lesson plans and policies in preparation for the new academic year, including 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.

List of ASOS instructions

- 1 Members should not submit weekly lesson plans to members of the senior management team or anyone acting on behalf of the senior management team.
- 2 Members should not attend any meetings outside school session times which are not within directed time, which do not conform to the limit of an average of one after-school meeting per week, lasting no more than one hour and where there is no published directed time calendar for the academic year which has been agreed with the NUT.
- 3 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.
- 4 Members should send and respond to work-related emails only during directed time.
- 5 Members should not participate in any appraisal/performance management process which does not conform to all elements of the NUT Appraisal/Performance Management Checklist and the Classroom Observation Protocol.
- 6 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.
- 7 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.
- 8 Members should refuse to be observed teaching by anyone who does not have qualified teacher status (QTS)

- 9 Members should produce only one written report annually to parents.
- 10 Members should only undertake in PPA time, planning, preparation and assessment activities which they determine are appropriate to support their timetabled lessons.
- 11 Members should refuse to accept the direction of the head teacher to undertake any other activity, including cover, in PPA time.
- 12 Members should refuse to undertake leadership and management activities without being paid a TLR – or on the leadership spine – and having adequate timetabled time to support the discharge of those responsibilities.
- 13 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.
- 14 Members should refuse to cover for absence.
- 15 Members should refuse to undertake administrative and clerical tasks.
- 16 Members should refuse to invigilate any public examination, including GCSEs and SATs or any ‘mock’ examinations where the school reorganises the timetable to replicate the external examinations process.
- 17 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 other than the list set out on page 9 of this document.
- 18 Members should refuse to implement any existing or new management-led policies and working practices which have not been workload impact-assessed and agreed by the NUT.

For more on our campaign

[www.teachers.org.uk/campaigns/
stand-up-for-education/workload](http://www.teachers.org.uk/campaigns/stand-up-for-education/workload)

To join us or upgrade to full membership,
ring our hotline **020 7380 6369**
or join online www.teachers.org.uk/join

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