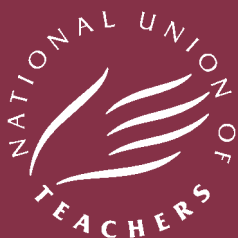


TEACHERS' WORKLOAD AND WORKING TIME POLICY

**GUIDELINES FOR NUT
REPRESENTATIVES**



INTRODUCTION

The NUT has campaigned tirelessly over the years to seek to establish effective limits to teachers' workload and working time. There is no shortage of evidence about the extent of the problem. Most recently, the School Teachers' Review Body undertook a further diary survey to obtain a picture of the average total hours worked by full time teachers in a particular week in March 2006.

The findings were alarming – classroom teachers in the primary sector were working on average 50.1 hours per week. The figure for secondary classroom teachers was 49.1 hours. The figures for head teachers were even higher, with primary head teachers working an average of 53.5 hours and secondary head teachers 65.1 hours.

They found that despite some important changes to the conditions of service of teachers; the provision of PPA time; and a limitation on cover, there had been "no statistically significant changes in the number of hours worked by full-time teachers between 2005 and 2006". Indeed for some, especially head teachers and deputy head teachers there had been an increase in the overall working hours.

It is against this background of excessive workload and the NUT's campaign to reduce the workload of teachers that changes to their statutory conditions of service in England and Wales were introduced.

These include:

- from September 2003 no requirement routinely to undertake tasks of a clerical or administrative nature;
- from September 2004, a limit of 38 hours on the amount of cover that can be required of an individual teacher in each academic year; and
- from September 2005 an entitlement to at least 10 per cent of timetabled teaching time for planning, preparation and assessment (PPA).

In addition to these recent provisions, the working time of teachers has for many years been governed by the working time provisions of the School Teachers' Pay and Conditions Document (STPCD).

These guidelines¹ include both a detailed summary of teachers' conditions of service, as set out in the STPCD; their entitlements under regulation and legislation; and NUT policy and advice.

¹ These guidelines supersede all other guidance and advice.

THE SCHOOL TEACHERS' PAY AND CONDITIONS DOCUMENT (STPCD)

1. Where the STPCD applies, there is a legal obligation upon school management to give NUT school representatives access to it. This is best effected by schools keeping up-to-date copies for reference purposes. Additional copies can be downloaded from www.teachernet.gov.uk/management/payandperformance/pay.

The provisions are statutory and schools cannot choose to ignore them.

2. The STPCD contains the statutory requirements for the pay and conditions of teachers employed in maintained schools in England and Wales. Local authorities and schools must abide by these. The STPCD applies to teachers employed by a local authority or by the governing body of a foundation or voluntary aided school. Academies and independent schools may have different arrangements.
3. The STPCD further contains guidance on salaries and conditions of service issues. Local authorities and governing bodies are required to have regard to the guidance. A court or tribunal may take any failure to do so into account in any legal proceedings. In effect, this means that any school not following the guidance would need to have good reason not to do so and would need to be able to justify any departure from it.



SECTION 1

TEACHERS' WORKING TIME

4. The provisions described below apply to teachers **other than** head teachers, deputy head teachers, assistant head teachers and advanced skills teachers or fast track teachers.

How Many Days?

5. Paragraph 78.2 of Section 2 of the 2006 STPCD states that a full-time teacher, "shall be available for work" for 195 days in any school year of which 190 days shall be days on which the teacher, "may be required to teach pupils in addition to carrying out other duties". The 195 days shall be specified by the employer or, if the employer so directs, by the head teacher.
6. The STPCD states that teachers must be *available* for work for 195 days in any school year. It does not state that teachers must be *present* at school for 195 days. There is room for employers and for head teachers to exercise flexibility.
7. A head teacher cannot direct a teacher to undertake duties on any of the 170 calendar days, 171 in a leap year, not specified as working days by the employer.
8. The NUT believes that there should be no variation from the working days specified by the employer for schools generally or within individual schools without consultation with the teachers concerned. NUT members facing variations which do not meet with their ready agreement should consult the Union.
9. Paragraph 78.3 of Section 2 of the 2006 STPCD states that a full time teacher, "shall be available to perform such duties at such times and such places as may be specified by the head teacher ... for 1265 hours in any school year," those hours to be "allocated reasonably" throughout those days in the school year on which the teacher is required to be available for work. It is important to remember that the 1265 hours is an absolute maximum and that teachers do not have to be directed to work right up to that limit.

Flexibility Within Limits – A Summary

10. To summarise, under the terms of the STPCD, the contractual working time of teachers is subject to specific limits:
- the number of days on which teachers shall be available for work in any school year is 195;
 - the number of days on which teachers may be required to teach pupils is 190, i.e. 5 days as non-contact;
 - teachers cannot be **directed** to undertake duties on any of the 170 calendar days, 171 in a leap year, not specified as working days by the employer – this includes holidays and weekends; and
 - the number of hours within which teachers can be directed to undertake teaching or other professional duties is subject to the absolute limit of 1265.

11. Under the STPCD, the 195 specified days do not have to be identical for all teachers in the school. If they are different, however, individual arrangements must be made for the time to score against the 1265 hours and 195 day limits.
12. These limits must not be exceeded. Where NUT members are called upon to undertake directed time which would exceed these limits, the NUT should be consulted as soon as the situation arises or, preferably, seems likely. It is essential that schools keep accurate records of the demands in directed time upon their teachers. In advance of each academic year, teachers should each be provided with a directed time calendar or diary, setting out their time commitments to teaching, PPA time, leadership and management time and meetings. NUT school representatives should contact the Union if they believe that their members are likely to exceed 1265 hours of directed time or pro-rata if part-time. An example of such a calendar is set out overleaf.

Example of a directed time budget for a full-time classroom teacher in the primary sector without TLR responsibilities

Please note this is simply an example. The way in which the time is allocated for different aspects of a teacher's working day will vary between schools, e.g., between primary and secondary. What is important is that the issue is given careful consideration and that the total of directed hours, including contingency time, does not exceed 1265 hours. Note that the teaching time figure is what remains after PPA time has been allocated. Prior to the introduction of PPA time, teachers in this school taught for 22.5 hours per week. Their allocation of PPA time is slightly over 10 per cent of this figure

Please note that the head teacher in this school has not allocated 1265 hours of directed time to this teacher. A cushion of just over 18 hours has been reserved for emergencies and unplanned events.

Use of Hours		Number of Hours per Year
Registration/Assembly	1/2 hr x 190 days	95
Mid-Session Break	1/4 hr x 190 days	47 hrs 30 mins
Teaching Time	20 hrs per week (4 hrs x 190 days)	760
PPA Time	2 1/2 hrs per week	95
INSET days	5 hrs x 5 days	25
Supervisory duties <i>(includes 10 minutes before the start of the morning session, 5 minutes at either end of the lunch break and 10 minutes at the end of the school day.)</i>	30 mins x 190 days	95
Parents' meetings and Open evenings	3 hrs x 4 days	12
Staff meetings	1 hr x 38 days	38
Other duties of the Teacher <i>(e.g. individual pupil issues)</i>	25 mins x 190 days	79 hrs 10 mins
		TOTAL 1,246 hrs 40 mins
Contingencies <i>(a cushion of time available for unforeseen circumstances.)</i>	18 hrs 20 mins	18 hrs 20 mins

13. Head teachers have the power to direct teachers in the school on every one of the 195 specified days to undertake duties, “at such times and in such places as specified”. This is the significance of the word “directed”. Hours devoted to all such duties qualify as directed time and count towards the overall limit of 1265.
14. Thus teachers may accrue hours of directed time and reach the limit of 1265 hours within fewer than the 195 days when teachers must be “available” for work. In these circumstances, head teachers, according to DfES advice, may conclude that an individual teacher or group of teachers need undertake no duties on one or more of the 195 days, in recognition of the professional duties undertaken at other times. This has particular relevance to the deployment of the five non-contact or INSET days, some of which, subject to staff agreement, can take place in ‘twilight sessions’ after school. For example, a session beginning at the end of a school day and continuing until 6pm could count as half a day’s INSET. In a week during which twilight INSET sessions are held, there should be no other evening meetings.
15. Time spent in these sessions will accrue and score against the 1265 hours. The teachers involved in these sessions cannot be required to attend on all of the five non-contact days if such a requirement would mean exceeding the 1265 hours limit.

Discharging Professional Duties

16. Paragraph 78.7 of Section 2 of the 2006 STPCD requires that a teacher undertakes to work, “such reasonable additional hours as may be needed to enable him, (sic) to discharge effectively his professional duties.” This includes, in particular, the

marking of work carried out by pupils assigned to the teacher, the writing of reports for those pupils and the preparation of lessons, teaching materials and teaching programmes. Although this may be time spent doing work under the general direction of the head teacher, it is not “directed time” within the 1265 hours.

The Teacher Decides

17. Paragraph 78.7 of Section 2 of the 2006 STPCD provides that the amount of time for professional duties beyond the 1265 hours of directed time, “shall not be defined by the employer”
18. The teacher will decide, under paragraph 78.7, the number of additional hours necessary and where and when such duties will be performed.
19. Neither the place where the work is undertaken nor the number of hours required to discharge the teacher’s professional duties under paragraph 78.7 and outside the 1265 hours of directed time can be determined by the head teacher, the governors, any relevant voluntary body or the local authority.
20. The duties undertaken in additional hours will be those that are necessary for the individual teacher and which can be undertaken by that teacher alone. They include marking and preparation; will relate solely to the teacher’s own teaching; and will exclude activities which require the involvement either of staff or pupils. They will exclude duties that the teacher is required to undertake at a time determined by the head teacher, which would be part of directed time.

21. This element of the STPCD is not a licence for head teachers to require teachers to undertake additional work or activities outside directed time. Though evidently this is work done as part of the teacher's whole job, and is a consequence therefore of general direction by the head teacher, the time spent on professional duties cannot be subject to the head teacher's specific direction. All work undertaken in this period of non-directed time must be determined by, and be relevant to, the teaching commitments and duties of the individual teacher.

Work/life Balance

22. Head teachers are required to ensure that teachers experience a reasonable work/life balance (paragraph 63.3.1 'Management of Staff', Section 2 of the 2006 STPCD refers). The head teacher has a duty to maintain, for each teacher, a reasonable balance between work carried out in school and work carried out elsewhere. Head teachers further have a duty to have regard to the desirability of teachers at the school being able to achieve a satisfactory balance between the time required to discharge their professional duties and the time required to pursue their personal interests outside of work. There is no requirement that all the available hours and days must be called on. Indeed in many cases of teachers with substantial marking and preparation responsibilities, heads should adjust their demands on directed time.

Absence

23. Teachers cannot be required to make up any directed time not worked as a result of absence through illness, or absence for any other reason.

Morning and Afternoon Breaks

24. Morning and afternoon breaks count as directed time. A small proportion of the staff might be on duty on a rota basis but, in an emergency, staff would be expected to respond and clearly they are available for work at such a time.

Travel To/From Work

25. Time spent in travelling to or from the place of work is not included within the 1265 hours, except in the case of peripatetic teachers or those who work at a split-site school.

Mid-Day Break

26. A teacher cannot be required to undertake midday supervision and “shall be allowed a break of reasonable length either between school sessions or between the hours of 12 noon and 2.00 p.m.” Paragraph 78.6 of Section 2 of the 2006 STPCD refers. Any teacher who volunteers to undertake mid-day supervision is entitled to a free school lunch (DES circular 16/68: Teachers and the School Meals Service). This includes situations where teachers have no facilities to consume their lunch other than the dining room with children. If they eat with the pupils they cannot avoid supervision. It includes lunchtime games, clubs and societies. Teachers may leave school premises at lunchtime, if they choose to do so.
27. Head teachers, deputy head teachers, assistant head teachers, advanced skills and fast track teachers are all entitled to a break of reasonable length. NUT policy is that teachers can volunteer to supervise activities and that if they do so, they are entitled to a lunch without payment. Midday supervision can otherwise be undertaken by lunchtime supervisors.

28. The NUT's view of the "break of reasonable length" is that teachers should have an entitlement of at least one hour when they cannot be required to undertake duties, attend meetings or remain on school premises. The lunch break cannot be included in the 1265 hours of directed time.
29. NUT school representatives can advise members that they cannot be required to attend meetings convened by management during their lunch break. Such attendance is voluntary. They may, however, prefer to attend a meeting at lunchtime, rather than at the end of the afternoon session.

Non-Contact Time/Planning, Preparation and Assessment Time

30. As of 1 September 2005 a teacher with timetabled teaching commitments has a contractual entitlement to planning, preparation and assessment (PPA) time, set as a minimum of at least 10 per cent of the teacher's timetabled teaching time. (Paragraph 79.1 to 79.5 of Section 2 of the 2006 STPCD refers.) This time counts towards the maximum 1265 hours of directed time. Any teacher who is already in receipt of more than this amount of time must not have his or her existing allocation reduced to 10 per cent. Paragraph 86 of Section 4 of the 2006 STPCD refers. PPA time must be allocated in blocks of no less than 30 minutes. It should take place during the time in which pupils are taught at the school and must not be bolted on before or after pupil sessions. PPA time must not be used for provision of cover. Newly qualified teachers are entitled to a reduced teaching timetable, equivalent to no more than 90 per cent of the time other teachers without management responsibilities spend in the classroom. Such teachers are entitled to PPA time, equivalent to 10 per cent of their reduced teaching timetable.

31. The NUT's position on the use of support staff in relation to PPA time, along with general advice on the implementation of PPA time, is set out in the NUT guidance document 'Planning, Preparation and Assessment Time; Leadership and Management Time', available from the NUT website at www.teachers.org.uk. It is important to note that teachers cannot be required to set or mark work for support staff who cover their classes while they are taking their PPA time.

Leadership and Management Time

32. There are major issues of workload affecting the Leadership Group. To already onerous burdens have been added: their direct responsibilities for responding to Ofsted/Estyn school self-evaluation forms; any new requirements in relation to the 'Every Child Matters' agenda; responsibilities with respect to TLR staffing reviews; monitoring the application of school policies; and taking on excessive additional workload as a result of having to respond to funding shortfalls for PPA time.
33. Every teacher with leadership and management responsibilities is entitled to Leadership and Management Time. This includes members of the leadership group and those outside the leadership group with some form of leadership and management responsibility, including subject leaders and coordinators, heads of department, SEN coordinators and advanced skills teachers. Unlike PPA time, there is no minimum entitlement but the NUT would expect schools to provide adequate amounts of time, commensurate with levels of responsibility. For such teachers with a teaching timetable, Leadership and Management Time must be allocated in addition to PPA time.

34. Further information on Leadership and Management Time is contained in the NUT guidance document 'Planning, Preparation and Assessment Time: Leadership and Management Time', available from the NUT website at www.teachers.org.uk.

Headship Time

35. Head teachers must have dedicated time to lead their schools as well as manage them. From September 2005, governing bodies are expected to ensure that head teachers have 'dedicated headship time'.
36. The amount of 'headship time' is not specified in the STPCD but reference is made to those head teachers with significant teaching loads defined as those who teach for more than 50 per cent of the school timetable. As of September 2005 head teachers' teaching load should be reduced by 10 per cent in order to provide PPA time. Dedicated leadership time should be allocated in addition to time for PPA.



SECTION 2

PROFESSIONAL DUTIES

37. This section lists the professional duties of teachers as currently set out in the STPCD. It includes details of NUT policy which relates to those duties. Italics are used to indicate the professional duties of teachers as they appear in the STPCD.
38. The School Teachers' Pay and Conditions Review Body suggested in its 2005 report, that there should be a reconsideration of the value of including lists of duties within the STPCD. The NUT in response, has sought to protect the interests of NUT members and the professionalism of teachers generally.

The letters DT are placed against the duties identified below which may be required within the specified 1265 hours of directed time. The unmarked duties may be undertaken either within the specified 1265 hours (including PPA time) or during additional hours under paragraph 78.7 of Section 2 of the 2006 STPCD.

Reasonable Direction

39. The STPCD sets out the professional duties of teachers. They are to be carried out, "as circumstances require" under the "reasonable direction of the head teacher". It would not be reasonable for any teacher to be required to undertake all of the duties set down below.

Professional Duties – Teaching (paragraph 76.1 of Section 2 of the 2006 STPCD)

40. *In each case having regard to the curriculum of the school, the professional duties of teachers include:*
planning and preparing courses and lessons.

Note that the guaranteed minimum of at least 10 per cent of each teacher's timetabled teaching time for planning, preparation and assessment is included in directed time. Paragraph 76.1.1 of Section 2 of the 2006 STPCD refers.

NUT Policy on Schemes of Work and Lesson Plans

41. Despite the Introduction of Planning, Preparation and Assessment (PPA) time, lesson planning still generates excessive workload in some schools.
42. Much of this workload has been driven by the fear that teachers will be called to account by Ofsted/Estyn and must have evidence of what has been taught. Local authority advisors, inspectors and School Improvement Partners (SIPs) can place immense pressure on head teachers to require of teachers detailed planning which is unnecessary. Head teachers themselves can sometimes misinterpret what is expected of schools.
43. Joint guidance on planning by the DfES, Ofsted and the QCA was published in 2002. It was written in response to NUT concerns about demands for excessive planning. While it is written for primary teachers, it applies equally to teachers in secondary and special education. It can be downloaded from the Teachernet website <http://www.teachernet.gov.uk/docbank/index.cfm?id=3179> or ordered from DfES Publications (0845 60 222 60), quoting reference DfES/0751/2002. This document has been used to inform the NUT's advice.
44. A whole-school policy on planning could usefully be developed by head teachers in consultation with staff and their Union representatives, in order to set out clearly the approach to

planning taken by the school and to make staff aware of the school's expectations of them.

45. The NUT believes that any such policies should include the provisions set out below.
- Planning is the professional responsibility of all individual teachers, who plan by taking into account the particular needs of their class or groups.
 - Plans should be 'fit for purpose'. They should be useful to individual teachers and reflect what they need to support their teaching of particular classes.
 - Plans should not be very long or complex. They can be set out in the form of bullet points or notes, including how learning objectives will be achieved. This is a matter of professional judgement.
 - Plans should be updated when necessary and not more than once a year, for example, to adjust long or medium-term plans in light of their usefulness in the previous year.
 - Plans are working documents and do not need to be beautifully presented or copied out for others. Teachers should not be asked to plan accordingly to prescribed formats.
 - Short term plans such as separate weekly and daily lesson plans are not necessary. Any further 'plan' will develop as teaching progresses. This relies upon teachers' professional skills of interacting with pupils and adapting as necessary.
 - With the exception of some children with specific needs, lesson plans for individual pupils are not necessary. Differentiation or "personalised learning" approaches for individual or groups of pupils does not require individualised planning. This can be highlighted on teachers' main planning documents.

- Planning can involve all staff in a Key Stage or phase working together to ensure coherence and curriculum continuity. Individual teachers should not be expected to produce all such plans independently.
46. Planning should be perceived by teachers to be useful to them in their teaching. Further, the NUT believes that there should be no requirement for teachers to prepare plans in retrospect in order to reconcile intentions with the course of lessons in practice.
 47. **The NUT has published separate advice in regard to the requirements of teachers during induction.**
 48. Teachers' lesson plans should be treated with respect. Other teachers should not write comments on them or annotate them without consulting the teacher concerned.
 49. It is not reasonable for teachers to be asked for lesson plans at short notice, for example, at weekends prior to the next working week.

Professional Duties – Other Activities (paragraph 76.2 of Section 2 of the 2006 STPCD)

50. The professional duties of teachers include:
 - DT promoting the general progress and well being of individual pupils and of any classes or groups of pupils assigned to them;*
 - DT giving guidance and advice on educational and social matters and on careers;*
 - DT making records and reports on pupils' personal and social needs;*

- DT communicating and consulting parents;*
- DT communicating and co-operating with outside bodies or individuals; and*
- DT participating in meetings arranged for any of the purposes described above.*

Professional Duties – Staff Meetings (paragraph 76.8 of Section 2 of the 2006 STPCD)

51. The professional duties of teachers may include:
- DT participating in meetings at the school which relate to the curriculum or the administration or organisation of the school, including pastoral arrangements.*
52. Attendance at meetings can be required only in the context of STPCD. Meetings must be within the 1265 hours annual maximum of directed time and within the 195 days when the teacher is required to be available for work.

NUT Policy on Meetings

53. The Government issued advice in 1998 addressing the issue of meetings in the context of management convened meetings other than those arranged for the purpose of communicating with and consulting parents:

“Well-run meetings are essential to the internal management of and communications of a school. Schools need to have flexibility to determine the pattern and number of meetings. These are matters for sensible professional judgment. But schools do need to establish a pattern of meetings that is fully justified”.

54. In its December 2004 report 'Remodelling the School Workforce – Phase 1', Ofsted commented on the number of meetings teachers were required to attend during the year and noted that it was rare for anyone to "review the rationale for this significant investment of time".

Making Meetings Effective

55. The Union believes that it is the responsibility of those who call and direct meetings to organise the meetings with proper attention to sound time management.
56. Meetings must be 'well-run', having a clear focus. Only those staff whose presence is essential should attend. Agendas must be prepared and circulated in advance. There should be clear options for decisions.
57. Only recommendations or action points should be recorded, rather than full minutes. Support staff, rather than teaching staff, should, wherever possible, undertake this role.
58. The prioritisation of issues should enable all essential business – including items of urgency – to be covered adequately within a limited time.
59. Meetings should not be called simply to conform to a pre-arranged calendar. Each meeting should have a purpose and should terminate when that purpose has been achieved.

Limiting the Number of Meetings

60. **Adherence to these principles facilitates the achievement of NUT policy in respect of meetings. The NUT believes that meetings should last no more than 60 minutes, being held on no more than an average of one evening per week during a term, with a maximum of two evenings in any one week.**

61. Evening meetings may be conducted in a single session or sub-divided sessions for teachers in pre-defined groups but in the NUT's view the total duration should not exceed 60 minutes on that evening.
62. Where the pattern of meetings includes two meetings in a particular week, the NUT's view is that there must be one week without meetings to ensure that the average of no more than one meeting per week is maintained. See section below on parents' evenings.

Agreeing the Pattern

63. It is the duty of the head teacher to ensure that the overall workload of each teacher, made up of directed time and time as defined under paragraph 78.7 of Section 2 of the 2006 STPCD, is reasonable. Meetings are the main consumers of directed time outside the pupil day. It follows that effective management of time allocated to meetings is central to the head teacher's obligation and will be of significant benefit to teachers. The use of calendars to record directed time will assist in this respect. See paragraph 12 of this document for further information and an example of a directed time calendar.
64. Head teachers must consult their teaching staff on the pattern and number of meetings. The pattern and number of meetings should be agreed, within the limits explained above.
65. Attendance at meetings should be required of only those staff who are involved in, or affected by, the business at hand. If evening meetings involve movement between groups or venues, the time for movement must be included within the 60 minute maximum.

66. Attendance at meetings can be required, only in the context of the STPCD. Meetings and parents' consultations must be within the 1265 hours annual maximum directed time within the 195 days when the teacher is required to be available for work. Teachers cannot be required to attend meetings during their lunch break. Where meetings do not start immediately at the end of the school day, any 'trapped time' before the meeting starts should count as directed time.

Pre-School Briefings

67. Pre-school briefings, prior to the pupil day, have become a feature of the organisation of some schools. Some teachers may consider them unproductive and not supportive of their preparation for teaching. Other teachers consider them helpful in ensuring good internal communication with limited disruption.
68. The NUT will support NUT members who do not wish to take part in pre-school briefings which they believe to be unnecessary. The school briefings should be included in any pattern of meetings and directed hours. Time devoted to pre-school briefings should be within the 60 minutes maximum for meetings.
69. Pre-school briefings are subject to the criteria in the Government's Circulars on Bureaucracy in Schools as regards justification, purpose, attendance and procedures.

Parents' Evenings

70. Evenings for parental consultation have a structure and purpose different from other evening meetings. They cannot

be limited to a maximum of 60 minutes. They should be few in number during the school year. They must be included in any agreed pattern of meetings.

71. If, in any one week, there is one parents' evening, then in that week there should be no more than one further evening call on teachers, whether for parental consultations or otherwise. Parents' consultation evenings should be taken into account when calculating whether there will be more than one evening meeting per week averaged out over a term.

Attendance at Meetings/INSET: Part-Time Teachers

72. Part-time teachers often experience problems in relation to attendance at activities outside the classroom, such as staff meetings and INSET, on days when they do not normally work. Many part-time teachers find that their head teachers expect them to attend all staff and parents' meetings and all INSET days. Where this is not taken into account in the terms of their contracts then part-time teachers are likely to find that their salaries do not reflect the actual time which they work in comparison to full-time teachers.
73. Due to other commitments, part-time teachers may be unable to work on those days when they do not teach. The NUT believes that head teachers should respect this position. Head teachers may not direct teachers to work in circumstances where such a direction would be unreasonable.

74. For professional development reasons, part-time teachers should be offered the opportunity to attend all INSET days, including those which take place on days when they do not normally teach. Where they agree to do so, they should receive additional pay. Failure to allow part-time employees the opportunity to attend training available to full-time employees is unlawful.
75. The NUT supports the right of part-time teachers to access the full extent of professional development opportunities available to their full-time colleagues. Where part-time teachers attend INSET on days when they do not normally work, their total contractual working hours should be reflected in their salary. Where this is not the case, part-time teachers should be paid on a supply basis for attending INSET on days when they do not normally teach.
76. Further guidance on how the contracts of part-time teachers should be set out is included in the NUT briefing document. 'Part-Time Teachers: Pay and Conditions', available from the NUT website at www.teachers.org.uk.

Professional Duties – Assessments and Reports (paragraph 76.3 of Section 2 of the 2006 STPCD)

77. The professional duties of teachers include:
providing or contributing to oral and written assessments, reports and references relating to individual pupils and groups of pupils.

NUT Policy on Writing Reports

78. NUT policy is that teachers should not be expected to write more than one report on each pupil in each academic year.

Reports include written documents and pro formas with tick boxes. Unless the reports are computer-generated, the targets for the maximum number of words should be:

- whole reports: 400 words
- individual subjects: 40 words

79. The 2006 STPCD does not require teachers to routinely collate and photocopy reports.

Professional Duties – Appraisal, Further Training, Educational Methods, Discipline, Health and Safety (paragraphs 76.4, 76.5, 76.6 and 76.7 of Section 2 of the 2006 STPCD)

80. The professional duties of teachers include:

DT participation in arrangements for the appraisal of their own performance and that of others;

DT reviewing, from time to time, their individual methods of teaching and programmes of work;

DT participating in arrangements for their further training and professional development as teachers;

DT advising and co-operating with the head and other teachers on the preparation and development of courses, materials, teaching methods and on assessment and pastoral arrangements;

DT maintaining good order and discipline amongst pupils; and

DT safeguarding the health and safety of pupils both when they are authorised to be on the school premises and when they are engaged in authorised school activities elsewhere.

NUT Policy on the Workload Implications of Performance Management – England

81. The Government has published new performance management regulations for schools in England. The regulations replace the existing 'Education (School Teacher Appraisal) (England) Regulations 2001'. They require school governing bodies to establish performance management policies and classroom observation protocols and to review them annually. As part of this requirement, head teachers can either themselves conduct performance management reviews of their teacher colleagues or delegate this responsibility to identified teachers ('reviewers') who will conduct performance reviews of other teachers (the 'reviewees'). For head teachers, school governing bodies have been designated as reviewers.
82. Government guidance specifies that "in order to minimise the workload on individuals, schools may wish to place a limit for each reviewer on the number of teachers for which reviews have to be carried out". The performance management policy in each school should specify that where the reviewer is neither the head teacher nor on the leadership spine, then as far as reasonably possible, each reviewer should be allocated no more than three reviewees. Additionally, limits should be agreed with teachers in the Leadership Group on the number of reviewees for whom they are responsible.
83. The regulations require that the "plan" agreed between the reviewer and the reviewee be recorded in a "planning and review statement". This must be completed by 31 October for teachers and 31 December for head teachers. For most teachers, therefore, performance review planning meetings which are determined by the new regulations will take place in

the first half of the autumn term 2007 with “plans” for performance review being completed by 31 October 2007. For head teachers, such “plans” have to be completed by 31 December 2007. According to Government guidance:

*“The first full planning and review statements which record the **outcomes** of an assessment of performance and, where a teacher is eligible, including a pay recommendation, must be completed by 31 October 2008 for teachers and 31 December 2008 for head teachers.*

84. Government guidance says that there is no requirement on the reviewee to put in writing any views prior to the planning meeting. The NUT advises reviewees not to put in writing, material for the review meeting; it is the outcomes of the meeting, set out in the draft planning statement, which will be the focus of discussion and negotiation between reviewers and reviewees.
85. Planning and review meetings should be scheduled as far in advance as possible. There should be at least five working days’ notice prior to any planning meeting. For teachers in part-time employment notice of planning and review meetings should be reasonable and should conform to the intention of the advice for teachers in full-time employment. Planning meetings should take place within the timetabled school day. Lunch breaks and PPA time must not be used for this purpose. Unannounced drop-ins for the purposes of monitoring teaching and learning are unacceptable.
86. A minimum of one hour should be allocated for the planning meeting at the beginning of the cycle. There should be a further one hour minimum for the review meeting at the end of the cycle. Cover should be available for planning and review meetings.

87. Where it is proposed that some of the five annual professional days are used for performance management, planning and review meetings, this should be with the agreement of reviewers and reviewees and not at the expense of other important activities, such as professional development.
88. The performance management regulations emphasise the importance of the review being able to achieve a satisfactory work/life balance. Government guidance emphasises that, “objectives should focus on priorities”, and that, “plans should focus on priorities and areas where specification is required”. In order that the needs of reviewees are targeted and practical support is delivered, and in order further that the work/life balance of reviewers and reviewees is not detrimentally affected, each reviewer and reviewee should agree no more than three objectives within each cycle.

NUT Policy on the Workload Implications of Performance Management and Classroom Observation – Wales

89. The Welsh Assembly Government has not published new performance management regulations. It will review the current regulations when it is time to do so as part of its normal cycle of work. Thus, the School Teacher Appraisal (Wales) Regulations 2002 remain in force, as does the NUT’s current guidance in Wales, on classroom observation.
90. At the date of publication of this document, therefore, the advice of the NUT is unchanged. The key points are as follows:

- Classroom observation should be limited to one classroom observation of up to a maximum of 60 minutes in the review cycle, unless the teacher requests one further session.
- There should be financial provision for cover for teachers and teaching heads acting as team leaders with:
 - no ‘doubling up’ of classes or any other increases in the class or group size of other colleagues;
 - no reduction in teaching support time for other colleagues.
- There should be proper consultation on when classroom observation should take place.
- Information about the work of a teacher should not be sought without the prior agreement of the teacher.
- School governors must not be involved in evaluating the work of teachers.
- No more than three objectives should be set for each teacher.
- There should be additional staff time to provide cover for the team leader and teacher to meet and for the team leader to conduct classroom observation.
- Performance review meetings for teachers should take place within the definition of directed time for teachers, set out in the *School Teachers’ Pay and Conditions Document*.
- There should be provision of directed time to write each performance review within ten days of the final performance review meeting.

Teachers' Professional Duties – Cover (paragraph 76.9 of Section 2 of the 2006 STPCD)

91. The professional duties of teachers include:

DT supervising and “so far as is practicable”, teaching any pupils whose teacher is not available to teach them.

- There is, however, an absolute limit of 38 hours on the amount of time for which a teacher can be required to provide cover each year. The sole exception is where a teacher is employed wholly or mainly for the purpose of providing cover.
- The 38 hour limit applies to all teachers, including head teachers, those on the leadership spine and ASTs, whether they are on permanent, fixed term or temporary contracts. It applies on a pro-rata basis to part-time teachers.
- Head teachers are required to seek to ensure, as far as practicable, an even spread of cover throughout each term. They have a duty to ensure that cover is shared equitably among all teachers.
- Notwithstanding the introduction of the 38 hour limit, paragraph 46 of Section 4 of the 2006 STPCD, recognises that covering for absences is not an effective use of teachers' time and that schools should continue to aim for a situation where teachers, other than supply or cover teachers, rarely cover for absent colleagues.

92. The NUT believes that any requirements on teachers to provide cover should be limited to where the absence is not known in advance and should be for no more than the first day of such absence.

Gained Time

93. During the academic year, particularly in the summer term, teachers with examination classes are often released from some of their timetabled teaching commitments as a result of pupils being on examination or study leave. This time is known as 'gained time'. The 2006 STPCD, Section 4, paragraph 56, makes it clear that if teachers are directed to cover during gained time, it must count towards the 38 hour limit. There are, however, certain activities which a head teacher can reasonably direct a teacher to undertake in 'gained time'. Paragraph 55 of Section 4 of the 2006 STPCD lists these activities. They are:

- developing/revising departmental/subject curriculum materials, schemes of work, lesson plans and policies in preparation for the new academic year including the identification of 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; and
- where the school has a policy to release staff for CPD during school sessions, gained time may be used for such activities.

Duties of Head Teachers as They Affect Teachers

94. The STPCD sets out the professional duties of head teachers, some of which directly affect the duties of teachers:
- Head teachers have a duty to provide teachers with information they need to carry out their professional duties effectively.
 - Head teachers have a duty to maintain relationships with organisations representing teachers and other persons on the staff of the school.
 - Head teachers have a duty to ensure that all staff have access to such advice and training as is appropriate to their needs, in accordance with the policies of their local authorities and governing bodies.
 - Head teachers have a duty to ensure that the duty of providing cover for absent teachers is shared equitably among all teachers in the school, including the head teacher, taking account of their teaching and other duties and of the desirability of not using a teacher at the school until all other reasonable means of providing cover have been exhausted.
 - Head teachers have a duty, under paragraph 25 of Section 4 of the 2006 STPCD to “have regard to the desirability of teachers at the school being able to achieve a satisfactory balance between the time required to discharge their professional duties ... and the time required to pursue their personal interests outside work”. This is known as the ‘work life balance clause’.

Tasks Not Included in the Professional Duties of Teachers

Invigilation of Examinations

95. Teachers are not required to invigilate external examinations such as national curriculum tests, GCSE and AS/A2 examinations. This applies to mock examinations and other tests requiring alterations to the normal school timetable. Section 4, paragraphs 76-80, of the 2006 STPCD, sets out the principle underlining this change, namely that 'invigilating examinations is not a productive use of teachers' time'.
96. The DfES argues that it is reasonable to expect that teachers should be present at the beginning of external examinations in their subject areas and possibly at the end of examinations to ensure their efficient conclusion (paragraph 79). Teachers may continue to be required to conduct practical and oral examinations in their subject areas and to undertake the preparation of pupils and those aspects of assessments, recording and reporting associated with external examinations which required the professional input of a qualified teacher (paragraph 77). Detailed guidance on the provisions of the STPCD relating to the invigilation of examinations is available in the briefing 'NUT Guidance on Arrangements for Examination Invigilation' available on the NUT website at www.teachers.org.uk.

Administrative and Clerical Tasks

97. Such tasks are not part of the professional duties of a teacher. Paragraph 76.12.3 of Section 2 of the 2006 STPCD specifies that teachers are not required routinely "to undertake tasks of a clerical or administrative nature which do not call for the exercise of a teacher's professional skills and judgment".

98. A list of such tasks is contained at Annex 5 to Section 2 of the 2006 STPCD and is set out below. This list is indicative only. Teachers cannot be routinely required to undertake **any** clerical tasks, not just those on the list of examples set out below.

- Collecting money from pupils and parents.
- Investigating a pupil's absence.
- Bulk photocopying.
- Typing or making word-processed versions of manuscript materials and producing revisions of such versions.
- Word-processing, copying and distributing bulk communications to parents and pupils.
- Producing class lists on the basis of information provided by teachers.
- Keeping and filing records, including records based on data supplied by teachers.
- Preparing, setting up and taking down classroom displays in accordance with decisions taken by teachers.
- Producing analyses of attendance figures.
- Producing analyses of examination results.
- Collating pupil reports.
- Administration of work experience but not selecting placements and supporting pupils by advice or visits.
- Administration of public and internal examinations.
- Administration of cover for absent teachers.
- Setting up and maintaining ICT equipment and software.
- Ordering supplies and equipment.
- Cataloguing, preparing, issuing and maintaining materials and equipment and stocktaking the same.

- Taking verbatim notes or producing formal minutes of meetings.
 - Co-ordinating and submitting bids, for funding, school status and the like, using contributions by teachers and others.
 - Transferring manual data about pupils not covered by the above into computerised school management systems.
 - Managing the data in school management systems.
99. NUT advice is that teachers should exercise their professional judgment in deciding whether a particular task requires their input. For example, it is up to individual teachers to decide whether putting up and maintaining displays is a task which involves their professional skills and judgment, or whether it is an administrative task that should be transferred to support staff. The time saved by the transfer of administrative and clerical tasks should not be replaced by additional teaching time.
100. In respect of the September 2003 changes to the STPCD, the NUT advises members to limit workload by applying the Government's 'key questions approach'.
- (a) Does the task need to be done at all?
 - (b) Is the task of an administrative or clerical nature?
 - (c) Does it call for the exercise of a teacher's professional skills and judgement?

If the answers to (a) and (b) are 'yes', and the answer to (c) is 'no', then the task should be transferred from teachers.



SECTION 3

OTHER PROFESSIONAL ISSUES AFFECTING WORKLOAD

NUT Advice on Classroom Observation Arrangements in England

101. For classroom observation in Wales, see paragraphs 89-90.
102. Classroom observation of qualified teachers should be conducted by other qualified teachers. All those who act as observers for classroom observation purposes should have adequate preparation and the appropriate skills to undertake observation and to provide constructive feedback and support.
103. Sufficient timetabled release time should be provided to enable the reviewer or observer to give sufficient time to the task and to enable verbal feedback to be provided as soon as possible. Verbal feedback by the reviewer should be given immediately and in any case no later than the end of the next school day. Planning, Preparation and Assessment time should not be used for this purpose.
104. The reviewer should complete a short written record of the observation, feedback and any subsequent follow up work. The observation record should be sufficient to meet the needs of each teacher and the school. It should summarise the focus, what was learned from the observation, the feedback given and any subsequent actions or other follow up. The record should not lead to unnecessary workload for either the reviewer or reviewee. The record of the observation should be made available to the reviewee within five working days of the observation. The reviewee should make, and where necessary, record any comments he or she may have on the record of the observation.
105. Classroom observation can be conducted in such a way as to achieve a range of objectives at the same time. Often there is no need for classroom observation to be conducted separately

for different purposes. In particular, both classroom observation for the purposes of fulfilling performance management requirements and the requirements on the head teacher to ensure that teaching and learning is evaluated can be conducted at the same time.

106. Local authority advisers, inspectors and consultants may be invited into schools by head teachers to conduct classroom observations. The purpose of these observations should be made clear to the teachers who are being observed and agreement sought with the teachers on when and whether they should take place. If they are invited in to provide information to head teachers on the quality of teaching and learning then such observations are covered by the protocol's time limits set out below.
107. It should be noted that the performance regulations specify that the total period of classroom observation arranged for performance management purposes *"shall not exceed three hours per cycle"*. The Government's guidance emphasises that the amount of classroom observation *"should be regarded as a maximum not a standard"*. The Government's guidance states further that, *"performance management arrangements are integral to fulfilling this duty, (e.g., the head teacher's duty to evaluate the standards of teaching and learning within the school) and head teachers may consider the classroom observations they agree for performance management are sufficient and that drop-in should not be needed"*.
108. Classroom observations should be multi-purpose. Classroom observation for the purposes of performance management and evaluating the standards of teaching and learning should not exceed a total of three hours within each performance management cycle.

109. Classroom observation for the purposes of performance management should be limited to one observation of a maximum of 60 minutes in length per performance management cycle, subject to the reviewee choosing to request a further observation within the three-hour maximum.
110. Classroom observation conducted by head teachers or delegated to other staff for the purposes of carrying out the statutory duties of head teachers to evaluate standards of teaching and learning, should be limited to a maximum of two additional observations per year. The maximum number of times each teacher experiences classroom observation for the purposes of performance management and the evaluation of standards of teaching and learning should be three per performance management cycle.
111. The performance management regulations indicate that if concerns arise during the review cycle or the circumstances of the reviewee change, then the amount of classroom observation agreed at the beginning of the cycle can be revisited. Any additional classroom observation should be agreed between the reviewer and reviewee. It should be recorded in a written addition to the review statement. Classroom observation for performance management purposes should not exceed a total of three hours in any event. The amount of classroom observation for evaluating the standards of teaching and learning would be reduced to fit within the three-hour maximum in these circumstances.
112. Advice in respect of the notice which the NUT believes should be given prior to planning and review meetings is set out in paragraph 85.

113. Teachers carrying out classroom observations for the purposes of performance management should carry out one lesson observation only per year for each member of staff within the area of their responsibility.
114. Teachers and head teachers who have been given the responsibility for carrying out classroom observations for the purposes of performance management should receive sufficient and appropriate training before carrying out those responsibilities.
115. There should be a reasonable amount of time between classroom observations irrespective of the purpose of those observations. Classroom observations generated by requirements on the school should not take place immediately after an inspection conducted by Ofsted, for example. A bunching of classroom observations, albeit for different purposes, is unacceptable. The primary purposes of each classroom observation should be specified as should any specific aspects of the teaching performance of the reviewee that should be evaluated during each observation.
116. The head teacher should consult on the pattern of classroom observations which teachers can expect annually. Agreement should be sought by head teachers with their teaching staffs and their recognised organisations on these arrangements.
117. Teachers should be observed on an equitable basis. In any one school, the number of classroom observations per year within each performance cycle should be the same for every teacher.

118. Feedback may take a number of forms. In the case of classroom observation which falls outside the requirements of performance management, a brief discussion after the class has been dismissed should be sufficient. In the case of classroom observation for the purposes of performance management, feedback should take place within the normal school day, and in an appropriate environment which ensures confidentiality. Timetabled release time should be provided as soon as possible to enable the reviewer and reviewee to organise time for a discussion on the outcomes of classroom observation. In addition, the reviewer should 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. Time for preparation and feedback for classroom observation for performance management purposes should be made available in addition to, and not part of, PPA time.
119. Classroom observations initiated by Ofsted, or by a local authority that has identified a need to intervene to carry out its statutory duties, may take place. Such observations should, however, be proportionate, reasonable and fit for purpose. Classroom observations which fall within the protocol should not take place within ten working days after a classroom observation conducted by Ofsted inspectors or after an observation conducted for statutory purposes by a representative of a local authority.
120. Developmental peer observation and observations for professional development purposes agreed between teachers should not involve judgements of teacher performance. In these circumstances no clip-board is required; just a friend. Peer observation involves a teacher observing the practice of another teacher and each learning from the other. It is a practical way of teachers supporting each other's practice and knowledge

about teaching and learning. Peer observation should take place on a voluntary basis with teachers choosing to work together. Such observations should not involve the fulfilling of statutory requirements to complete performance management reviews or the carrying out of the head teacher's duty to evaluate teaching and learning. If peer observation is being used for these purposes, it falls within the three-hour maximum.

121. Classroom observation may be part of a programme of professional development provided by a local authority to schools as part of improvement programmes, such as the Primary and Secondary Strategies. Head teachers may also consider classroom observation as being part of their own professional development. Where such professional development is converted into observations of the quality of teaching and learning within a school, this does not fall within the definition of professional development for the purpose of this protocol. The amount of time for such observations fall within the protocol's classroom observation time allocations instead.

Written Documents/Policies/Reports

122. Documents should be kept to the minimum length necessary. Professional judgement should be applied in determining the length of the document. A reasonable amount of time must elapse between requests for contributions to school documents. The NUT believes that teachers should not be expected to write or rewrite policies, unless they are provided with model policies.
123. The NUT believes that teachers should not be expected to write more than one report on each pupil in each academic year. See paragraph 78 above on Assessments and Reports.

The NUT believes that, with the exception of newly qualified teachers undertaking induction or where serious concerns about a teacher's performance have already been identified, teachers should not be required to produce written evaluations of their own lessons as part of classroom observation or school improvement activities.

Ofsted/Estyn

124. Ofsted/Estyn does not require any kind of documentation, including lesson plans and policy documents, to be produced specifically for an inspection:

“Pre-inspection activities, and contacts with the school, must ensure that demands on the school are kept to a minimum and the school is dissuaded from producing extra documents for the inspection.”

(Framework 2005: Framework for the inspection of schools in England from September 2005)

“It is important that schools do not feel that they have to produce documents or analysis specifically for the inspection.”

(Estyn Guidance on the Inspection of Secondary Schools 2004)

125. In addition, inspectors should not request additional data or information from schools:

“It is very important that we do not make inappropriate requests for information or evidence from schools before or during section 5 inspections ... It is not acceptable to ask head teachers to produce additional gradings or rankings for the purposes of an inspection.”

(Inspection Matters – December 2005)

126. The lead inspector of an Ofsted/Estyn school inspection team may request one copy only of each of the following:

- the school development or management plan;
- the school timetable; and
- a plan of the school.

If these documents are available on the school website, inspectors are expected to access them electronically.

127. The Ofsted guidance on inspections is clear that schools should not undertake any activity specifically for inspections, therefore, schools' regular monitoring procedures and records should be sufficient. In many schools, classroom observation has increased as a result of the new inspection arrangements. This has come about in England because of the introduction of the Ofsted Self Evaluation Form (SEF).

128. Ofsted states that internal observation should have a developmental aspect; that there should be a clearly understood purpose for observations; and that constructive feedback should be built in as part of the process:

“the purpose of observation should be to inform practice and improve its quality and not just to simply monitor ... Observations of teaching and learning ought to lead to improvement; continued monitoring of the same practice without a clear rationale is unlikely to contribute meaningfully to this.”

(Improving Performance Through School Self-Evaluation and Improvement Planning)

129. It is essential that the SEF does not generate additional workload. Ofsted have advised that it should be no more than 25 pages long and that *“the self-evaluation that schools carry out is a normal part of the school’s review and development process and not a bureaucratic exercise”*. (School Inspections: September 2005). Ofsted advises schools to be selective when deciding which evidence to include. It does not expect to see large amounts of data and descriptive detail.
130. The NUT is aware of attempts by some local authorities to impose their own models of self-evaluation on schools. It contradicts the Ofsted guidance which states that schools must not feel obliged to produce substantial documentation or rewrite policy statements specifically for the inspection.
131. The NUT believes that it should be for head teachers, in consultation with the staff of the school, to determine how self-evaluation is to be implemented in their schools, based on their professional judgement and, in particular, on their existing self-evaluation practices.

Schools Causing Concern

132. In England, there is no longer a requirement for schools in either of the “concern” categories to produce a post-inspection action plan. The local authority is, however, required to produce a “statement of action” which sets out the support it intends to provide to the school.
133. Schools in both “concern” categories will be subject to interim local authority monitoring. This may result in additional workload for teachers. NUT school representatives in such schools should refer to their NUT regional offices for advice where they believe that members are facing excessive demands.

134. Schools in special measures receive their first monitoring visit from HMI four to six months after the original inspection. They will normally be given two days' notice. At the end of the visit, which will last two days, schools will receive oral feedback on progress. This will be followed up by letters which set out the main findings of the visits. There is no requirement to distribute the letter to parents.
135. "Notice to improve" schools receive a monitoring visit six to eight months after the original inspection. They will normally be given two days' notice. They are re-inspected after one year, where the notice to improve may be removed or renewed or the school placed in special measures.

Schools in Special Measures and with a Notice to Improve

136. In England, schools under special measures, or with notice to improve, do not face standard Ofsted inspections. They are, however, expected by HMI to implement action plans. In addition, schools categorised as "under-achieving" must submit further national test data and any analysis they have undertaken to Ofsted. They may be visited by HMI. These demands create additional workload for teachers. NUT school representatives in such schools should refer to NUT regional offices for advice where they believe they are facing excessive demands in these circumstances.
137. In Wales, schools with notice to improve are expected to work with the local authority to address these. Some 12 months following the publication of the report, Estyn will undertake an inspection visit to the school and decide whether to remove it from the list of schools with notice to improve; whether it shows the capacity to improve; or to consider placing the school in special measures. NUT school representatives in

such schools should refer to the NUT Cymru office for advice where they believe they are facing excessive demands in these circumstances.

Target Setting

138. Excessive target setting is a problem for many NUT members. As part of assessments of pupils' learning, members will necessarily set learning objectives. This should be distinguished from the setting of targets for whole school purposes. The setting of targets, including benchmarking for such purposes, should not take place more frequently than once a year, unless teachers to whose classes the targets apply seek to change those targets.

School Governors

139. The NUT believes that teachers should not undertake administrative work for school governing bodies. Unless they are teacher governors and wish to contribute voluntarily, NUT members are advised not to contribute to the writing of the school prospectus/school profile.

Bidding for Grants

140. The NUT believes that teachers should not become involved in monitoring the application of external grants, nor in writing bids, unless such activities are included within their job description.

Professional Development Portfolios

141. Teachers may choose to maintain brief records of the professional development they have undertaken, for example, as evidence for performance management purposes. They cannot, however, be required to maintain written records relating to their personal professional development.

Special Educational Needs

142. The NUT believes that teachers of pupils with special educational needs should have access to high quality resources, sufficient non contact time, appropriate PPA time and well resourced support services to provide improved educational opportunities and support for all their pupils.
143. With the exception of some children with specific needs, lesson plans for individual pupils are not necessary. Differentiation or “personalised learning” approaches for individuals or groups of pupils does not require individualised planning. This can be highlighted on teachers’ main planning documents.
144. Where Individual Education Plans (IEPs) for children with statements of special educational needs are required, the NUT believes that teachers should use the exemplar pro forma provided by the DfES as part of its SEN Toolkit.
145. Provision of opportunities for teachers and support staff to undertake joint planning and debriefing is essential. Time for this should be made available during the school day.
146. The NUT has produced guidance for schools about the role of Special Educational Needs Co-ordinators (SENCOs). This includes the recommendation that SENCOs not employed in Leadership Group posts require management support from the leadership team. That support should include sufficient resources of time, space and administrative back up to fulfil the role, and sufficient non contact time appropriate to the numbers of children and young people with special educational needs within the schools. SENCOs should be provided with allocated time for planning with teaching assistants and other colleagues in addition to PPA time.

National Curriculum and Assessment

147. Under the provisions of the 2006 STPCD teachers are protected from being required to transfer test results to OMR forms and from being required to complete the application forms required to request additional time for completion of the end of Key Stage tests. Teachers should not be required to undertake administrative work in relation to test papers for pupils, for example, emboldening text or diagrams. (See paragraph above on Administrative and Clerical Tasks.)

Teacher Assessment

148. In determining a National Curriculum teacher assessment level, teachers should need to refer to a minimum level of evidence only. Where members believe that teacher assessment arrangements cause bureaucratic burdens, NUT school representatives should contact their NUT regional office, or in Wales, NUT Cymru.

Foundation Stage Profile

149. Although the Foundation Stage Profile was introduced in 2003, the NUT is aware that confusion about statutory requirements relating to the Profile still exists in some schools and local authorities. In addition, the Profile has generated significant additional workload for some teachers.
150. There is no statutory requirement for teachers to carry out baseline assessment or any other form of on-entry assessment. The decision on continuing use of baseline assessment is that of the head teacher, in consultation with staff, not the local authority.

151. There is no need for additional or supplementary assessments in the final years of the Foundation Stage. Assessment should be based on ongoing observations of children.
152. How the Profile is used is a matter for teachers' professional judgement. The Profile booklet is not a statutory document. Provided that assessment is recorded against the scales and reported to parents and the local authority, schools will have met their statutory requirements.
153. Teachers are required to seek contributions to the Profile from parents on any relevant aspects of their children's development. This should be integrated with the existing practice of settings. There is no requirement to hold additional meetings.
154. Moderation of the Profile is a statutory requirement and local authorities are responsible for the moderation process. Moderation of the Profile is not about auditing marking, as for Key Stage 1, but about helping teachers identify what they should observe when the assessment criteria are being fulfilled. There is no need for teachers to collect moderation evidence for each child.
155. It is a statutory requirement that completed Profiles are shared with parents. They can be presented, however, in any format the school chooses. Profiles can be used as the required written reports at the end of the reception year but each school is free to decide whether to share the scores with parents. The NUT believes that teachers should not be asked to complete more than one written report per pupil a year. The Profile should form part of that report.

Key Stage 1 Tests in England

156. The arrangements for assessment at the end of Key Stage 1 require the National Curriculum tests and tasks to be used to inform teacher assessment. Only teacher assessment levels are reported nationally.
157. Decisions on the allocation of subject levels for the purposes of teacher assessment should rest with the professional judgement of each teacher. Teacher assessments are based on teachers' overall knowledge of each child's progress. The NUT believes that in determining a National Curriculum teacher assessment level, teachers should need to refer to only a minimum of evidence.
158. Decisions on when National Curriculum tests and tasks should be taken should involve the professional judgement of teachers in consultation with their head teachers. The best interests of children in each class should inform those decisions. It is for the school to decide when tests and tasks should be taken, not the local authority. It is important that head teachers reach agreement with Year 2 teachers about when the tests and tasks should be taken. The head teacher will need to take the wider interests of the school into account. Teachers will have the closest knowledge of the needs of their classes.
159. Moderation arrangements, either internal or conducted by the local authority, should not increase the demands on teachers, compared with previous assessment arrangements at the end of Key Stage 1.
160. The NUT believes that teachers should receive advanced notice of any moderation visits to their schools, including details of the evidence teachers will be expected to provide.

Visits of moderators should not involve observation of teaching, although they may visit classrooms to speak to children and/or examine their work.

161. The NUT believes that teachers should not be expected to produce additional material for the moderation process. The DfES/QCA guidance makes it clear that schools are not expected to, *“compile special portfolios”*, for the moderation exercise. Any requests for further information such as *“teachers’ current plans and classroom displays and/or a brief discussion with individual children”*, must be kept within reasonable limits.

Key Stage 2 and 3 Tests in England

162. External markers conduct all marking of the end of Key Stage 2 and 3 tests. Teachers are not required to be involved in this process. In addition, there is no statutory requirement on local authorities to audit Key Stage 2 and 3 tests. Teachers are not required to undertake any voluntary audit activities that a Local Authority might seek to introduce.

Optional and Progress Tests in England

163. Optional tests at the end of Year 3, 4, 5, 7 or 8 are already in place in many schools in England. As the description suggests, they are optional. Head teachers have the option of deciding whether or not to use the tests. There are no external marking arrangements for the optional tests, such as those in place for the statutory, end of Key Stage 2 and 3 tests.
164. The NUT believes that decisions on the use of optional and progress tests should be a matter for consultation between head teachers, teaching staff and, in particular, Year 3, 4, 5, 7 and 8 teachers. NUT school representatives and NUT colleagues may find the factors set out below a useful

checklist in considering whether the optional and progress tests bring additional bureaucratic burdens. The factors are:

- whether staff consider that the tests will bring educational benefits;
- whether implementation is consistent with existing school policies and practice on assessment;
- whether it would be appropriate to release sufficient school personnel to undertake responsibilities for test administration and marking;
- whether sufficient accommodation can be found within the school to implement the tests alongside other demands on space, including other internal and external testing and examination arrangements;
- whether any benefit which might be accrued from implementing the tests would be sufficient to warrant the loss of teaching time; and
- whether existing responsibilities allocated to teachers can be replaced by identified time for implementing and marking the tests.

165. Where the above criteria are not met, NUT school representatives should seek advice from the Union. NUT support will be available for members who do not wish to carry out the optional and progress tests.

166. Where optional tests take place, the NUT believes that teachers should not be expected to mark the tests unless sufficient time has been allocated within their schools' timetabled teaching day, to enable marking to take place without teachers receiving additional workload. Further, teachers should not be expected to use the optional and progress tests in addition to similar tests devised within the school.

167. The Qualifications and Curriculum Authority (QCA) sends schools in England a minimum number of copies of the optional tests, with the advice that they can photocopy the materials or purchase additional copies from the QCA. Under the relevant provision within the 2006 School Teachers' Pay and Conditions Document (paragraph 76.12.3 of Section 2), teachers are protected from being required to carry out bulk photocopying. See paragraphs on Administration and Clerical Tasks for further information.

“Booster” and Revision Classes and Other ‘Out of Hours’ Learning Activities

168. All of these activities should take place within the 1265 hours of directed time for those with working time protection and, for those without such protection, should be allocated without extending working hours unreasonably.

169. Decisions on the use of ‘catch-up’ programmes should arise from consultation with teaching staff on the specific learning needs of relevant pupils. Decisions on whether the ‘catch-up’ programmes are appropriate for pupils who speak English as an additional language, for example, should involve appropriate staff, such as Language Support teachers. See Section 1 on ‘Teachers’ Working Time’.

170. The NUT believes that teachers should not be required to teach ‘catch-up’ programmes before the start of the school day or during twilight sessions. They cannot be required to undertake such work during lunch breaks. In addition, schools in England have been encouraged by the Government to establish Easter school for pupils, particularly for “borderline” pupils. The NUT points out that participation by teachers is entirely voluntary.

171. The working time provisions of the STPCD do not apply to members of the leadership group, ASTs and fast track teachers. Any extended teaching and learning provision, however, should not add further to directed teaching activities that such groups undertake.

GCSE and A/AS Level

172. The NUT has maintained the principle that prior to the roll-out of further 14-19 reform, there must be sufficient funding for the preparation and introduction of any new qualifications and that there must be proper training for teachers which should not involve additional workload.

173. The NUT believes that sufficient non-contact time within the school day should be provided for the marking of coursework. Schools should consider a range of strategies to avoid GCSE and A/AS Level coursework assessment becoming overly onerous for teachers. Examples are the provision of supply cover during the relevant period, which would enable pairs of teachers to mark and moderate coursework together; whole-school co-ordination of coursework deadlines for different subjects, to reduce the workload caused by "chasing" students; or limits to examination group class sizes, to reduce the overall marking burden for individual teachers.

174. The administrative requirements of awarding bodies may be complex and demanding. Under the provisions of the National Agreement, teachers are no longer required to undertake administration for public examinations. See section of this document dealing with 'Administration and Clerical Tasks'.

National Curriculum Assessment in Wales

The Foundation Stage in Wales

175. The Foundation Stage in Wales encompasses pupils from age 3 to age 7. It is based on a less formal approach to learning through practical play. The intent, as it develops, is to introduce it nationally on a ten-year rolling programme. The development of new assessment arrangements, especially the skills tests for Year 5, will be taking this development into account.

Key Stage 1 Tests in Wales

176. End of Key Stage 1 tests were abandoned in November 2001.

Key Stage 2 and 3 Tests in Wales

177. Key Stage 2 tests are no longer statutory in Wales. The tests are provided to schools on a non-statutory basis, supported by arrangements to externally mark the tests, where schools wish this to be done. Arrangements will be made to provide optional tests in 2006 but external marking will not be offered to schools. A new style of test, which focuses on skills, will be developed and introduced in Year 5.

178. At Key Stage 3, the tests will become non-statutory. In 2006 only, optional external marking will be available for the statutory tests.

179. The NUT believes that decisions on the use of optional tests should be matters for consultation between head teachers and teaching staff. The criteria to be followed are as described in the section in this document on Optional and Progress Tests in England. Where the tests are used, following consultation

with staff, the NUT believes that teachers should not be expected to mark the tests unless adequate and specific time has been allocated within the school timetable with the appropriate cover.

180. Statutory Teacher Assessments will remain at the end of Key Stage 2. In Key Stage 3, they take place a term earlier and will be accompanied by the new moderation and accreditation arrangements. In both Stages, an additional INSET day to enable teachers to familiarise themselves with the new arrangements will be made available in 2005/06 and 2006/07.
181. The NUT is concerned that workload may increase as a result of establishing the arrangements. Teachers, however, have already had a decade of experience in making assessments based on 'best fit' professional judgements against the National Curriculum scale. In doing so they have had access to materials produced by ACCAC to promote consistency. In proposing to abolish the tests, the Minister and the Daugherty Review Group recognised that teachers' judgements were consistent.
182. The NUT believes that professional development relating to the changes in National Curriculum assessment should take place during working time, with cover provided as necessary. Teachers should not be required to attend such training outside schools hours.
183. The NUT believes that teachers should not be asked to cover for those who are released for training unless either the time lost is compensated elsewhere in the school timetable in the same week or there is agreement on other arrangements. Where difficulties arise, the NUT should be consulted.

Excessive Class Sizes

184. The NUT's policy objectives and aspirations on class sizes are set out in the NUT's Minimum Staffing Establishment policy. These are as follows:
- a) a maximum class size of 23 in classes consisting wholly or partly of children in their first year of infant education;
 - b) a maximum class size of 20 in respect of nursery classes which should be staffed on the basis of 2 adults (one qualified teacher and one nursery nurse) per 20 children;
 - c) a maximum class size of 18 in practical groups, including GCSE and other classes which involve teacher assessment of pupils;
 - d) staffing ratios in mainstream and special schools in line with existing conference policy on provision for special educational need and which take account of advice given in DfES circular 11/90 and WOED circular 58/90.
 - e) a maximum class size of 21 in respect of classes of mixed age range;
 - f) staffing establishments in relation to sixth forms to be such as to ensure a pupil/teacher ratio of no worse than 10:1; and
 - g) a maximum class size of 26 in all other timetabled classes, i.e. other than those listed above.
185. All teachers are aware of the impact of large classes on their overall workload. Support is available from the NUT where NUT school representatives and their NUT colleagues seek reductions in class size. Where such approaches are unsuccessful, industrial action will be considered by the NUT if class sizes exceed the limits set out below.
- 26 pupils in the case of nursery classes with one teacher supported by an appropriately qualified nursery assistant.

- 27 pupils in the case of reception classes.
- 24 pupils in the case of mixed age classes.
- 20 pupils in the case of practical classes.
- 15 pupils in the case of classes of pupils needing particular small group or individual attention.
- 30 in other cases.

Appendix one sets out in more detail arguments that may be employed in limiting practical classes to 20 pupils.

Changes to School Session Times

186. Governing bodies of community, voluntary controlled or community special schools are obliged to follow the procedure set out in Regulations if they wish to make changes to the time of school sessions.
187. Under these regulations, the governing body is required to consult all teaching and non-teaching staff at the school, as well as the head teacher and the local authority before taking any further steps.
188. Where a governing body is proposing changes which affect the times at which the school day begins or ends, the governing body must give at least 3 months' notice to parents and staff and the change can take effect from the beginning of the school year. Where a proposed change affects the time of the end of the morning sessions or the start of the afternoon session, thereby changing the length of the lunch break, the governing body has to give up to six weeks' notice. The change can take effect from the beginning of any term.

189. Where proposals are put forward which will lengthen the working day for teachers there will clearly be workload implications. Teachers may lose part of their lunch break (see Mid-day Break section) or there may be implications for the total of directed time worked. In such circumstances, support from divisions or regional offices/NUT Cymru will be available.

APPENDIX

CLASS SIZES, ROOM SIZES and SAFETY IN PRACTICAL LESSONS

1. The longstanding convention – and NUT policy – that class sizes in practical lessons should not exceed 20 has no basis in law in England and Wales, neither is it explicitly set out in DfES guidance.
2. The 1918 Education Act limited practical classes to 20 pupils. The Elementary Education Code 1922 – Statutory Rules and Orders 1922, No. 1432, made under Section 118 of the Education Act 1921, Chapter 2 Paragraph 14, expanded on an earlier regulation, and stated that:

“The number of children on the registers of any class in Domestic Subjects, Handicraft, Gardening and other practical subjects must not exceed 20, except that this number may be increased to 40 in classes in Handicraft provided that the class has at least 2 teachers if more than 20 children are registered”.

3. Regrettably, this legislation is no longer in force. Regulations do exist in Scotland, where no practical class (including science) may exceed 20 pupils [Schools (Scotland) Code, 1956]. Similarly, in Northern Ireland, Regulation 15 of the *Secondary Schools (Grant Conditions) Regulations (Northern Ireland) 1973* No 403 requires that practical class sizes shall not exceed 20 where the pupils are under instruction by one teacher. The Department’s guidance recommends that a maximum of fewer than 20 pupils is applied where there are pupils with special educational needs.

4. In England and Wales, therefore, it is necessary to assimilate a variety of guidance documents from a number of sources in order to arrive at the 'consensus' of around 20 pupils per practical class.

GOVERNMENT GUIDANCE

5. DfES documentation over the years has envisaged, in general terms, a figure of 20 pupils – and certainly no more than 21 – in an average sized design and technology classroom (roughly 100m²).
6. A 1985 Department of Education and Science Building Bulletin No. 63 stated that for planning purposes, group sizes in design and technology should be taken as 20 in KS3 and 15 at KS4. Where rooms of less than 80 square metres in area are in use, the recommendation for group size is given as 4 square metres per pupil.
7. No new advice has been issued and this practice has continued to be implemented in building design. Analysis of the number of workplaces shown on drawings printed in past DfES publications indicates that the maximum number of anticipated pupils is approximately 20 per work area.
8. The 2000 edition of Building Bulletin 81 quotes 21 as being the expected class size. The 2004 edition includes a chart showing different numbers of pupils for rooms of different sizes, which additionally takes into partial account the age of the pupils involved. For example, the chart shows a room size of between 95 and 107 square metres for a food technology class of 20, and of 107 to 119 sq m for 20 pupils in a resistant materials classroom. BB81 furthermore suggests spaces of 80-85m² for groups of up to 21 pupils doing small scale practical activities such as textiles or graphics.

9. In the NUT's view it is the nature of the activity and the circumstances in which it is being undertaken that is important. Although some activities are inherently more hazardous than others, all practical activities can become hazardous in some circumstances due to factors such as pupil misbehaviour, poorly designed work areas, inexperience of teachers and the ability of pupils.
10. In respect of science classrooms, DfEE "Safety in Science Laboratories" 1996 states that "There is no statutory limitation on class size in any subject in schools in England and Wales. Teachers who are concerned that risks in practical work are increased to an unacceptable level because of the class size should report their concerns to the head of their science department and, if necessary, their head teacher. It may be possible to adopt alternative methods for particular pieces of work. However, if risks cannot be made acceptable, the activity must cease until it can be resumed safely."
– para. 7.6 page 25.
11. It should be borne in mind that some local authorities will have established their own rules about maximum class sizes for science lessons. Laboratories in Hertfordshire, for example, are currently designed to allow 2m² free floor space, excluding the area occupied by benches and cupboards, for pupils aged 11-16 years. This is considered to be the amount of space required for safe working. In laboratories with fixed benches each pupil needs approximately 700mm of bench space.

PRIMARY AND MIDDLE SCHOOLS

12. In primary and middle schools, class sizes tend to be larger. This automatically places limitations on the type of work attempted, the amount of space available in the classroom, and the ability of teachers/classroom assistants to intervene and supervise effectively.

SPECIAL SCHOOLS

13. As far as special schools are concerned, the specific needs of the pupils should inform the type of work carried out, and any limitations on class size arising from the precise behavioural or learning difficulties which the pupils may have.

14. The DfEE recommended the following dimensions for science in special schools (from Building Bulletin 77):

45m² is sufficient area for 6-7 EBD pupils, 8 MLD or 6 physically disabled pupils. Or on a larger scale, 65m² is sufficient for 8-10 EBD pupils, 10 MLD or 8 physically disabled pupils.

The Design and Technology Association (DATA) and British Standard 4163

15. DATA advises that at KS3, class sizes of 20 should normally be manageable, reducing to 18 at KS4. It furthermore suggests that determination of class size will "require the exercising of professional judgement by the head teacher and the subject leader".
16. Another authoritative source of guidance is British Standard 4163 on safety in design and technology in schools: this states that "the recommended maximum number of students in any one work area is 21 students with one supervisor" (para. 3.1).

HEALTH AND SAFETY COMMISSION (HSC)

17. Regulation 10 of the Workplace (Health, Safety and Welfare) Regulations 1992 states that "Every room where persons work shall have sufficient floor area and unoccupied space for purposes of health, safety and welfare".
18. Encouragingly, the Advisory Code of Practice (ACoP) to these regulations states that "The total volume of the room, when empty, divided by the number of people normally working in it, should be at least 11 cubic metres (measured up to three metres from the floor). Unfortunately, in its accompanying guidance for the education sector, the following caveat appears:

"This figure does not apply to teaching areas, or meeting rooms, kiosks or shelters".

19. It should be borne in mind, however, that the Health and Safety Executive (HSE) clearly indicates that it would not hesitate to prosecute an employer if it believed that overcrowding was a contributory cause of an accident.
20. Teachers should be aware that under Section 7 of the Health and Safety at Work etc Act 1974, employees are required to take reasonable care for the health and safety of themselves and others who may be affected by their acts or omissions at work. This means that teachers can legitimately refuse to participate in activities which risk their own health and safety and/or that of their pupils. Advice should, however always be sought from the NUT before doing so.

RISK ASSESSMENT

21. Ultimately, the best legally enforceable route down which to go is for a thorough risk assessment to be carried out to determine the available space, equipment, furniture, and from thence the appropriate staffing levels and maximum pupil numbers. A risk assessment will entail a careful examination of hazards likely to exist, an assessment of whether the particular hazards are likely to harm anyone and what precautions need to be taken. Employers have specific legal duties to carry out risk assessments for all areas of workplace health and safety, and to appoint a 'competent' person or persons to carry them out.
22. If the rooms are so designed that, as the teacher circulates within the work area, a clear view cannot be obtained of all working situations, it will be necessary to reduce the size of classes. Supervision in work areas is complicated by the fact that the teacher will occasionally need to obtain materials or equipment from the store, where direct visual contact is very likely to be impossible.
23. Inexperienced teachers need time and support in order to develop the demanding skills required for the successful delivery of practical lessons. A suitable 'cap' should be placed on pupil numbers in practical classes taken by less experienced teachers.
24. Where pupils clearly possess good self-motivation, capacity for forethought, anticipation of hazards and a ready understanding of advice and instruction, it is often possible for them to be taught safely in groups of 'official' size.

25. Many pupils with SEN are at particular risk in practical activities and this is an important factor when considering group size. It is possible that those with statements of special need will require additional support depending on the nature of their learning difficulty. Where the range of abilities in a class is very mixed or a high proportion of pupils have special needs, class sizes should be reduced.
26. Decisions on class sizes might be influenced where appropriate support staff can be timetabled to assist during the course of practical sessions, for example with some aspects of equipment use and the collection of materials from stores and elsewhere.
27. In addition to maximising the safety and wellbeing of pupils, there is a need to recognise the effect of class size on teacher stress and to consider at what point this becomes a health and safety issue – for both teacher and pupils. A significant factor affecting the mental and physical health of a teacher might be the mutually reinforcing effects of excessive stress and pupils' frustration caused by a lack of individual attention in over-large classes. Teachers generally are aware of the potential areas of danger in the classroom, and stress can be caused by continually trying to identify and anticipate problems.
28. It should be recognised that some equipment in design areas can generate significant noise, thereby causing physical stress when teachers are obliged to talk above the noise. Checks should be undertaken to determine if the regulations governing noise at work are being complied with. If maximum exposure levels are exceeded, remedial action must be taken – the simplest and most effective being class size reduction. Teachers should be vigilant for signs of vocal strain;

NUT guidance on voice care and noise at work can be found on the NUT website at www.teachers.org.uk.
Meanwhile, further NUT class size guidance is available at:
www.teachers.org.uk

