

**GUIDANCE FOR NUT SCHOOL REPRESENTATIVES ON  
THE INTRODUCTION OF THE  
ANNUAL COVER LIMIT AND  
GUARANTEED PLANNING,  
PREPARATION AND  
ASSESSMENT TIME**





## INTRODUCTION

This document sets out guidance to NUT school representatives on the implementation of changes to the School Teachers' Pay and Conditions Document (STPCD) for 2004-05.

In Wales, consideration and consultation were not complete at the drafting of this introduction and the accompanying guidance. There is little likelihood of major variation but any differences that emerge will be the subject of further guidance in Wales as necessary.

Separate guidance has been sent to supply teacher NUT members at their home addresses. A statement of guidance has been sent to all headteachers and chairs of governing bodies. School representatives have been provided with copies of both of these documents for their information. All NUT members are to receive a pocket-sized leaflet on the new arrangements, again at their home addresses.

The NUT has not signed the School Workforce Agreement that is the precursor to these changes to the STPCD. The NUT chose not to sign because of the Government's insistence that its amendment to the Regulations arising from the 2002 Education Act had to be part of the Agreement. This amendment allows headteachers to appoint 'other persons', who need have no teaching qualification, to carry out teaching duties including taking whole classes, without the presence of qualified teachers.

The NUT has campaigned over many years, however, for guaranteed preparation, planning and assessment time (PPA) to be an entitlement for all teachers. Further, the NUT has campaigned consistently for limits to the requirements on teachers to cover for absent colleagues. The NUT believes that such improved conditions should be achieved by the employment of qualified teachers.

The NUT welcomes the increase in the number of support staff employed in schools. It believes that they have a vital role in supporting teachers and the Union supports the claims of support staff unions for better pay, conditions and training. Replacing teachers with support staff, however, is the antithesis of providing support to teachers.

I have written to all headteachers and chairs of school governing bodies and the text of my letter is set out in Appendix 1. The guidance to them mirrors that given here and in the advice to be sent to members' home addresses.



DOUG McAVOY  
General Secretary

1. This document provides guidance to NUT school representatives on the introduction and implementation of further changes to the conditions of service of teachers effective from 1 September 2004 and 1 September 2005 as set out in the 2003 School Teachers' Pay and Conditions Document (STPCD). These conditions arise from the implementation of the National School Workforce Agreement.
2. The NUT has opposed consistently the School Workforce Agreement. The Union rejects the premise that improvements in teachers' conditions such as guaranteed time for Planning, Preparation and Assessment (PPA) and limits to cover should be available only through an acceptance of the employment of persons without qualified teacher status (QTS) to undertake teaching duties. The NUT rejects the proposition that PPA time and cover can be provided through the doubling up of classes. While opposing the deployment of persons without QTS to teach and opposing increases in class size, the NUT will vigorously seek the full implementation of those reforms that are in the interests of teachers and their pupils.

## **Changes to Contract**

3. Changes to teachers' contracts, effective from September 2004 and 2005, through the STPCD are statutory requirements. They involve, from September 2004 limits on annual requirements to cover for absent staff and, from September 2005, a guarantee on a weekly basis of a minimum ten per cent of the timetabled teaching day to be allocated to each teacher for PPA time. The NUT believes that cover should be provided by qualified teachers appointed for the purpose and that the number of qualified teachers should be increased to guarantee time for PPA in primary and in secondary schools.
4. The NUT is seeking to protect the employment of supply and cover teachers and enhance their conditions of service, including their access to continuing professional development. This document provides practical protection to NUT members and seeks to protect the professional status of qualified teachers.
5. The following contractual changes have effect from 1 September 2004. These will be:
  - a limit of 38 hours on the amount of cover that can be provided by an individual teacher in each academic year (STPCD 2003 Annex 6, Part 1 and Section 4, Paragraph 52 refers); and
  - a duty for headteachers to ensure that cover for absent teachers is shared equitably among all teachers in the school (including the headteacher), 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 (STPCD 2003 Annex 6, Part 1 and Section 4, Paragraph 48 refers).

6. No weekly or termly limit within the 38 hours is identified within the contractual limit. The STPCD specifies, however, that headteachers should seek to ensure, as far as practicable, an even spread of cover throughout each term. (STPCD 2003 Section 4 Paragraph 52 refers).
7. The provisions on cover, from September 2004, apply to all teachers, including headteachers, teachers on the leadership spine and Advanced Skills Teachers whether on permanent, fixed term or temporary contracts and pro-rata for teachers on part-time contracts.
8. The NUT is determined that all teachers, including headteachers and other members of the Leadership Group, should be protected from unreasonable burdens of cover.
9. The NUT considers the 38-hours limit to be too high. Further, there are serious concerns about the distribution of the 38-hours limit. As a result of the cover limit being set on an annual basis, headteachers may seek to apply the limit in ways which place excessive burdens on teachers and on themselves at certain times of the year.
10. The NUT seeks an even distribution of the 38-hours limit across the terms of the school year. If the pressures created by high teacher absence rates challenge this approach, then the NUT believes it is entirely justified for headteachers and governing bodies to take other measures, including shortening the length of the school day.
11. Any requirements on teachers to provide cover should be limited to where the absence is unknown in advance and should be for no more than the first day of such absence.
12. NUT school representatives will have an important role to play in monitoring developments arising from the implementation of the 38-hours limit to cover and seeking support as necessary.

## **What Counts Towards the 38-Hours Limit?**

13. All cover for absence undertaken by teachers counts towards the 38-hours limit. The STPCD requires cover to be allocated on an equitable basis (STPCD 2003 Annex 6, Part 1 and Section 4 Paragraph 53 refers). Where schools designate on the timetable non-contact periods specifically for cover, these must count towards the 38-hours limit.
14. The PPA time for teachers, guaranteed from September 2005, must not be used to provide cover (STPCD 2003 Annex 6, Part 2 and Section 4 Paragraph 53 refers).

15. Leadership and management time may be used for cover but should not be used disproportionately. The time used also counts against the limit (STPCD 2003 Section 4 Paragraph 53 refers).
16. The definition of 'cover' includes situations where teachers take additional pupils into their classes as a result of pupils being redistributed from an absent teacher's class; a method of covering for teacher absence which is often used in primary schools.
17. If it is unavoidable that teachers take additional pupils into their classes as a result of a colleague's absence, this must count towards the 38-hours limit. Such cover must be counted towards the 38-hours limit in exactly the same way as if the teacher were covering another whole class. The NUT believes that this distribution of pupils must not result in oversized classes. The creation of an oversized class will limit the effectiveness of the teaching of those pupils whose teacher is not absent. It would be particularly damaging if this redistribution of pupils were for more than one day.

## **No Detriment**

18. Prior to September 2004, the amount of cover undertaken by teachers varies from school to school and within schools. There may be variations for individual teachers from year to year. In many schools, teachers may provide cover for less than 38 hours on an annual basis, while in others significantly more may be expected. The application, from 1 September 2004, of a 38-hours limit should not be used to increase cover to the maximum 38-hours limit. The introduction of the contractual limit should not result in a worsening of current working conditions or practice to the detriment of any existing agreements on cover (STPCD 2003 Section 4 Paragraph 65 refers).
19. The changes to the STPCD are intended to protect all teachers from unreasonable burdens of cover and improve the work life balance of all teachers. Head teachers and other members of the Leadership Group should not increase their burdens by undertaking extra cover themselves.

## **Supply Teachers**

20. The NUT is pressing for improvements in the employment conditions of, and professional development for, cover and supply teachers in order to deliver the best possible cover service for schools. The OFSTED report, 'Schools' Use of Temporary Teachers' (2002), is supportive of the use and work of supply teachers.

*"Many (supply) teachers were available at relatively short notice, challenged pupils with appropriately demanding tasks and added significantly to the school's ability to provide education of a consistent quality, despite staff absence"*

21. The NUT is pressing for the re-establishment of 'pools of supply teachers' either by individual LEAs or by a federation of LEAs as operates in the South West of England. The establishment of pools of supply teachers helps schools provide the basis for professional development and reduces the excessive and wasteful cost of using "teacher agencies".
22. In many areas, supply teachers are experiencing difficulty in maintaining their normally expected levels of employment owing to the use of classroom assistants and support staff to provide cover. The protection of work for supply teachers in reducing the burden of cover for other teachers and maintaining standards is a priority for the NUT. Guidance has been provided to all NUT supply teacher members.
23. The NUT has urged headteachers and chairs of governing bodies to press their LEAs to consider re-establishing, individually or through federations, pools of supply teachers, such as the South West of England Federation, 'Go Teaching', and initiating professional development provision for supply teachers as a means of ensuring sufficient local availability of high quality supply teachers.

## **Cover Supervisors**

24. The School Workforce Reform Agreement is predicated on the employment of persons described within the Agreement, as "cover supervisors" as a means of 'driving down' the cost of cover by reducing the employment of supply teachers irrespective of the impact on school standards. Some schools are extending or modifying the contracts of classroom assistants or other support staff to include covering for absent teachers. In some schools, a job-title other than 'cover supervisor' may be used to describe classroom assistants who have been given the task of providing cover. They may be employed specifically to provide cover or to undertake a range of duties including cover.
25. The NUT believes that, rather than deploy other staff to provide cover, every attempt should be made to employ supply teachers. The NUT opposes the use of 'cover supervisors' to take classes and will work with LEAs and schools to find ways to manage cover for unforeseen absences.
26. The NUT believes that "cover supervisors" should be employed as a last resort only. There should be limits and conditions applied to such employment. Guidance on these limits and conditions has been given to NUT divisions for local negotiation. Where a school is determined to employ persons without QTS to provide cover, NUT school representatives should contact their NUT regional office or, in Wales, NUT Cymru.
27. The NUT has urged headteachers and governing bodies to adopt the step-by-step approach set out below, in addressing the need to cover for teacher absence.

- Where a teacher's absence is unforeseen, the school should employ a supply teacher as the first option in providing cover.
  - When all efforts to provide cover by a supply teacher have been exhausted, other steps may be taken, including shortening the school day.
  - Teachers should not be required to prepare additional work or 'banks' of materials specifically for cover purposes as this generates additional workload burdens.
  - Teachers should not be required to mark work done by pupils being supervised as this generates additional workload burdens.
28. The NUT believes that this approach will safeguard the quality of education in schools.
29. NUT school representatives are entitled to be involved fully and equally in all discussions and consultations in relation to the application of the 38-hours limit to cover (paragraph 54.4 STPCD 2003 refers).

## **Provisions of Planning, Preparation and Assessment Time**

30. From 1 September 2005, all qualified teachers, including head, deputy and assistant head teachers and those with management and leadership responsibilities are entitled, within their timetabled teaching time, to a minimum of ten per cent for PPA.
31. The NUT has pressed consistently for all teachers to be allocated guaranteed non-contact time. The Department for Education and Skills (DfES) originally attempted to place the entitlement to PPA within the school day but outside the timetabled teaching day. As a result of NUT campaigning this approach was dropped and teachers will have an entitlement to guaranteed PPA within the timetabled teaching day.

## **Existing Provision of Non-contact Time**

32. The majority of primary schools do not provide non-contact time during the timetabled day. The NUT believes that the provision of the guaranteed minimum PPA time from September 2005 should be achieved through improved teacher staffing ratios in primary schools. Teachers with leadership and management responsibilities are legally entitled, "to a reasonable amount of time during school sessions for the purpose of discharging those responsibilities" (paragraph 63, STPCD). This is a separate entitlement to guaranteed PPA. Those with such responsibilities are entitled to both management and leadership time and PPA time. Management and leadership time must not be counted as part of the ten per cent guarantee.

33. Some marking and preparation time is provided to teachers in secondary schools. This is not guaranteed, however and is typically lost to the provision of cover. Many teachers in secondary schools will not have sufficient time for marking and preparation to satisfy the 10 per cent minimum. Further, teachers in secondary schools with management or leadership responsibilities will not have sufficient time additional to marking and preparation time for these responsibilities. Secondary school teachers are entitled to a 'reasonable' amount of management time as are teachers in special schools. As in primary schools, guaranteed PPA time, from September 2005, should be provided through improved teacher staffing ratios and there must be no detriment to the existing provision of non-contact time.
34. The NUT supports the employment of those who, though not yet qualified teachers, are following courses leading to QTS. Further, the Union accepts the employment of persons qualified to give instruction to pupils in specific arts or skills where qualified teachers in those specific arts or skills are not available. Examples include peripatetic music instructors, foreign language assistants, art instructors, theatre in education instructors and sports coaches.
35. In primary and secondary schools, PPA time should be made available through the employment of qualified teachers or persons referred to in paragraphs 2-9 inclusive of the 'Education (Specified Work and Registration) (England) Regulations 2003' which include instructors and those on courses of initial Teacher Training; it should not be made available through the employment of other persons such as those described as 'higher level teaching assistants' (HLTAs), as set out in paragraph 10 of those regulations. The Welsh Assembly Government has yet to enact the equivalent of paragraph 10 in Wales.

## **Early Introduction of PPA Time**

36. Headteachers and governing bodies may be considering the early introduction of Planning, Preparation and Assessment (PPA) time, which will become a guaranteed entitlement for all teachers from 1 September 2005. The NUT would welcome the early introduction of PPA time. Where such early introduction is being considered, the NUT has urged head teachers and governing bodies to adopt the criteria set out below.
37. Workload reforms should involve none of the following:
  - the employment of persons without QTS to teach whole classes;
  - the removal of teaching posts;
  - the termination of teachers' employment or reduction in staffing establishment, including teachers employed for cover purposes;
  - any worsening of the quality of teaching provided to classes or groups of pupils;

- any reduction in the level of qualification required of those employed to teach classes or groups of pupils;
- any diminution of the professional oversight by teachers of the quality of education for children and young persons; or
- any reduction in curriculum entitlement for pupils.

## Enrichment Afternoons

38. The Workforce Agreement Monitoring Group (WAMG) has posted on the "Teachernet" website, advice on the establishment of PPA time through "enrichment afternoons". This emphasises that such activities, "can only be used to provide PPA time for teachers if they are part of the timetabled teaching week". They cannot be used, "if they are simply added on to the existing curriculum provision and created by extending school sessions and other days of the week".
39. Research commissioned by the NUT of teachers' views in primary schools emphasises that teachers value being responsible for and involved in creative work, including art and music. Enrichment afternoons should not be a means of downgrading elements of the curriculum to legitimise the employment, for teaching work, of persons without QTS and not previously covered by the Regulations defining who can teach.

## Gained Time

40. The STPCD contains advice on "gained time"; that is time when teachers have been released from some of their timetabled teaching commitments as a result of pupils being on study or examination leave (STPCD 2003 Section 4 Paragraph 56 - 58). It should be recognised that teachers have a significant amount of work to undertake in respect of those students on study leave. Not all of the time free of teaching is "gained time". The NUT believes that if teachers are to be directed to undertake any activities during "gained time" such direction should not be for the whole of the "gained time". Excessive use of "gained time" would worsen not improve work/life balance. The NUT believes that teachers should not be called upon to undertake in "gained time" duties other than those specified. Set out below is a list of activities specified in the STCPD as being deemed reasonable for a head teacher to direct teachers to undertake;
- "developing/revising departmental/subject curriculum materials, schemes of work, lesson plans and policies in preparation for the new academic year. This may include identifying appropriate materials for use by supply staff;
  - assisting colleagues in appropriate, planned team teaching activities;

- taking groups of pupils to provide additional learning support;
  - supporting selected pupils with coursework;
  - undertaking planned activities with pupils transferring between year groups or from primary schools;
  - where the school has a policy for all staff to release them for CPD during school sessions, "gained time" may be used for such activities."
41. Any activities undertaken within "gained time" must not result in increased workload or a worsened work/life balance. Any cover undertaken within "gained time" must count towards the 38-hours limit.

## Funding

42. Despite the Government's commitment that there would be sufficient funding in England to introduce guaranteed PPA time, research by the NUT's independent consultant, John Atkins, shows that no preparation for the implementation of PPA time, either in financial or in planning terms, has been undertaken by Government or LEAs. This is despite assurances by the DfES Schools' Minister, David Miliband, that,

*"We have always said that there would be substantially increased funding going into the system in Year 3", (2005-06)*

43. The NUT has urged head teachers and chairs of governors to write to the Secretary of State and LEAs calling for full funding to be made available for the delivery of PPA time.
44. NUT members should be aware that there is a significant potential for under-funding of the 2004 and 2005 changes to the STPCD. The Government has failed to take advantage of falling pupil rolls by guaranteeing the employment of sufficient numbers of qualified teachers to undertake teaching responsibilities, allocate PPA time and provide supply cover. Underfunding for contractual entitlements under-funding may lead headteachers and governing bodies to consider non-implementation. There can be no such solution. Headteachers are legally required to implement the changes to the STPCD regardless of the financial situation of their schools. All teachers are legally entitled to have the contract changes applied in full. Where it is claimed that the financial situation in a school prevents full implementation of the limit to cover or leads to a reduction in the teaching establishment, the NUT school representative should contact the NUT regional office or, in Wales, NUT Cymru.

## Support Staff

45. The School Workforce Agreement includes the provisions that, “Teaching assistants, including the new higher-level teaching assistants, will be able to work with whole classes where appropriate”, and that, “a QTS teacher and one or two more assistants covering a double-sized group of pupils can deliver PPA”.
46. The NUT believes that these provisions reduce the quality and effectiveness of education and threatens standards. The NUT believes that neither provision should be adopted.
47. The job descriptions for “teaching assistants”, particularly at levels 3 and 4, envisage such staff undertaking specified teaching work. The job descriptions involve, for example, the expectation that such assistants:

*“deliver local and national learning strategies, e.g. literacy, numeracy, KS3 and early years.”*

48. Should at least one-tenth of teaching on a weekly basis be carried out by persons other than qualified teachers, or class sizes double, there will be a reduction in standards.
49. The NUT believes that the entitlement of every child to be taught by a qualified teacher must be protected. That is why the NUT opposed the amendment to the Regulations and refused to sign the School Workforce Agreement. The approach of the NUT gained support at the NAHT Conference. The media quoted extensively the statement of one delegate:

*“As the people who carry the can for standards in our schools, I think we have a right to ask some questions. Do we really believe the answer lies with replacing teachers with unqualified staff in our schools?”*

50. The NUT agrees with David Hart, of the NAHT, that it is head teachers who decide whether higher-level teaching assistants are used, not external agencies.
51. The NUT has consistently pressed the case for better training and improved pay and conditions for support staff, including classroom assistants. The NUT believes the training and professional development of support staff should be structured in a way which encourages and facilitates their progress to QTS. The NUT’s opposition to “teaching assistants” teaching whole classes on their own is neither a rejection of support staff nor of their role in supporting teachers. The NUT has consistently called for a delineation of role between teachers and support staff with proper recognition of the essential contribution support staff make to schools.

## Responsibility

52. NUT school representatives are reminded that it is the responsibility of headteachers and school governing bodies, not of Government or local education authorities, to determine how the statutory requirements of the STPCD are applied. Headteachers and governing bodies can choose to reject or vary such advice offered by Government or local education authorities.
53. Any moves to exclude NUT school representatives or NUT members from discussions on the implementation of changes to the STPCD should be reported immediately to the NUT regional office or, in Wales, NUT Cymru.
54. NUT school representatives should seek NUT advice in respect of any of the concerns they have over the position of NUT members at the school, individually or collectively. Any steps leading to redundancies or reductions in teaching establishments should be reported to the NUT local association or division. No steps will be taken by the Union without prior consultation with members. All enquiries will be kept confidential.
55. Where there is no NUT school representative, NUT members in need of advice, guidance or support should contact their regional office or, in Wales, NUT Cymru, directly.



To: Headteachers and Chairs of Governing Bodies

June 2004

Dear Colleague

## **The Implementation of Changes to the School Teachers' Pay and Conditions Document (STPCD) 2004-05**

Enclosed with this letter is a statement of guidance setting out the views and advice of the National Union of Teachers on the implementation of changes to the School Teachers' Pay and Conditions Document (STPCD) for 2004-05. The statement explains the views of the NUT on the Government's Regulations, which have been amended to allow anyone to carry out the specified work of teachers.

In Wales consideration and consultation were not complete at the drafting of this letter and the accompanying guidance. There is little likelihood of variation, however, and any differences that emerge will be the subject of further guidance in Wales as necessary.

The NUT has not signed the School Workforce Agreement. The NUT chose not to sign because of the Government's insistence that its amendment to the Regulations arising from the 2002 Education Act had to be part of the agreement. This amendment allows head teachers to appoint 'other persons' who need have no qualification to carry out teaching duties, including taking whole classes, without the presence of qualified teachers.

The NUT has opposed consistently this provision. Allowing unqualified persons to teach whole classes will not raise standards. In times when budgets are tight, the power provides an incentive to local education authorities and schools to reduce the numbers of qualified teachers and to employ cheaper staff to take on the work of teachers.

The Regulations define who may teach or undertake teaching work, specify the conditions under which they must work and the particular circumstances that may justify and limit their employment.

The Regulations cover graduate entrants and others who are working towards QTS. The Regulations cover those who, while not seeking to obtain QTS, have a qualification in a specific area of the curriculum.

These Regulations have been in place for a number of years.

The Government's amendment adds to the Regulations an additional category of person who may teach. That person need have no teaching qualification. There are no particular circumstances justifying or limiting their employment nor do the Regulations specify the conditions under which they are to work.

The NUT supports the employment of those who, though not yet qualified teachers, are following courses leading to QTS.

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VH 3606/06/04

The NUT supports also the employment of persons qualified to give instruction to pupils on specific skills. Examples include peripatetic music instructors, foreign language assistants, art instructors, theatre in education instructors and sports coaches.

The above categories have been listed for many years in the Regulations which define who may teach. The Regulations specify the conditions under which such persons may be employed.

The NUT welcomes the increase in the number of support staff employed in schools. The NUT believes that support staff have a vital role in supporting teachers and supports the claims of support staff unions for better pay, conditions and training. Replacing teachers with support staff, however, is the antithesis of providing support to teachers. Head teachers and governing bodies will understand parents' expectations that their children should be taught by qualified teachers.

It is the responsibility of head teachers and school governing bodies, not that of Government or local education authorities, to determine how the statutory requirements of the STPCD are applied. Local education authorities have received a grant in order to provide advice to schools on 'remodelling', including the contractual changes, providing PPA time and limiting cover. Nevertheless, head teachers and governing bodies can choose to reject or vary such advice.

Many schools have faced a very tough financial regime for 2003-04. Campaigning by individual schools and the NUT placed pressure on the Government to provide additional resources to schools for 2003-04/05. Those additional resources, however, are largely insufficient to facilitate the implementation of the required contractual changes. Indeed many schools are already operating under deficit budgets.

Research conducted for the NUT, by independent consultant, John Atkins, has found that the funding guarantees promised by Government will not be effective in the case of schools facing falling rolls, high salary costs, minimal additional educational needs funding, or in LEAs with poor funding allocations.

Like colleagues in the National Association of Head Teachers, the NUT is concerned about the potential under-funding of the implementation of the 2004 and 2005 changes to teachers' contracts which limit the requirements to cover and guarantee PPA. It is concerned further at the failure by Government to take advantage of falling rolls to help ensure sufficient numbers of qualified teachers are retained to meet all teaching responsibilities, including PPA time and supply cover.

The NUT believes that head teachers and governing bodies should stress that they are not prepared to envisage a threat to standards as a result of the Government's remodelling agenda. The NUT is committed both to reducing excessive workload for all qualified teachers and to maintaining and improving standards of teaching and education for all pupils and students. These twin objectives will be achieved only by the employment of qualified teachers rather than unqualified persons. The NUT believes that there is a very strong consensus in schools and amongst parents for sufficient funding to achieve both objectives.

I invite you to consider the NUT's guidance and advice in the attached statement and to adopt the recommended approach.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Doug McAvoy', written in a cursive style.

DOUG McAVOY  
General Secretary

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***[www.teachers.org.uk](http://www.teachers.org.uk)***

