

Date: 10 September 2012

Your Ref:

Our Ref: Plymouth City Council
Director Of Children's Services
Civic Centre
Armada Way
Plymouth
PL1 2AA

RECEIVED

13 SEP 2012

Hillscourt Education Centre
Rose Hill
Regnal
Birmingham
B45 8RS

General Secretary
Chris Keates

Telephone: 0121 453 6150

Facsimile: 0121 457 6208

Dear Sir or Madam

E-mail: nasuwt@mail.nasuwt.org.uk Website: www.nasuwt.org.uk

NOTICE OF ESCALATION OF INDUSTRIAL ACTION

Trade dispute over adverse changes to pensions, workload, conditions of service, including pay and pay progression and job loss

I wrote to you in November 2011 to provide the results of the NASUWT's national ballot and gave notice, in accordance with the provisions of Section 234A of the Trade Union and Labour Relations (Consolidation) Act 1992, of industrial action. This action took the form of one day of discontinuous strike action on 30 November 2011 and continuous action short of strike action with effect from 1 December 2011.

The ballot was conducted under the relevant provisions of the Trade Union and Labour Relations (Consolidation) Act 1992. Section 244(2) of this Act provides that a dispute between a Minister of the Crown and any workers shall, notwithstanding that the Minister is not the employer of the workers concerned, be treated as a dispute between those workers and their employer if the dispute relates to matters which cannot be settled without the Minister exercising a power conferred on him by or under an enactment.

The failure of the Secretary of State for Education to address seriously the issues under dispute has left the NASUWT with no choice but to escalate the action short of strike action. I therefore now write to give notice, in accordance with the above Act, of further action in furtherance of the national trade dispute.

The form which this escalated action short of strike action will take is set out in the enclosed sheet. This information is also available on the Union's website (www.nasuwt.org.uk). NASUWT members will commence this continuous action short of strike action on Wednesday 26 September 2012.

We intend to call all members employed by your organisation in the categories listed below to take this action.

Lists of the categories to which affected employees belong, the numbers in each category, the workplaces of affected employees and the numbers at each workplace (and the total number of employees concerned) are set out below.

The lists and figures shown below have been arrived at by retrieving information from our membership database as to the categories and workplaces of members, the numbers in each category and the numbers in each workplace.

Prior to sending this notice, we asked our members to update their membership data and we updated our database on receipt of their responses. In addition, where we have received any relevant information from employers, union officials or members, we have updated our membership database accordingly. We have also updated our membership database to include any new members.

There are some members for whom the Union does not hold current workplace details but who are nevertheless entitled by law to participate in the Union's industrial action. Unless they have notified us that they are working as supply teachers, our membership system shows these members' workplaces as being 'Unknown' and their default employer as being the local authority for the area in which they live (according to their postcode). In the event that a workplace representative advises the Union that a member has left the school but cannot identify the member's new workplace, the Union routinely writes to (and, if we have a current e-mail address, e-mails) the member requesting up-to-date membership details, including workplace details. In addition to these routine letters, the Union has e-mailed (or, where we have no current e-mail address, written) to all members whose workplace category is shown as 'Unknown' requesting up-to-date membership details, including workplace details.

For some members, our membership system records their workplace as being 'Supply' and their default employer as being the local authority for the area in which they live (according to their postcode). These are members who have told us they carry out supply work but have not given us any workplace details. The nature of the role of supply teachers is that they do not work from a single set of premises. Therefore, unless we have been informed otherwise, we have assumed that the workplace with which their employment is most closely connected is the premises of the local authority. We have asked members in this category to inform us if they are employed by a Teacher Supply Agency and, on receipt of responses, we have updated their employer record to the name of the Teacher Supply Agency.

The information provided is as accurate as is reasonably practicable in light of the information in the Union's possession. If there are any inaccuracies, these will have been caused by factors outside of our control, such as members not informing the Union of changes, despite repeated requests to do so.

For the avoidance of doubt, the current action short of strike action instructions of which you were notified in November 2011 and which were implemented on 1 December 2011 remain in force until 26 September 2012.

Yours sincerely



Chris Keates
General Secretary

Job Category	Number of Members
Teachers	560
Support staff	8
Supply staff	56
Centrally attached staff	15
TOTAL	639

Workplaces	Number of members
Ace- Alternative Complimentary Edu	15
Austin Farm Primary School	7
Beechwood Primary School	3
Boringdon Primary School	8
Brook Green Centre For Learning	5
Chaddlewood Primary School	6
College Road Primary School	1
Communication Interaction Team	2
Compton Ce Primary School	16
Downham Special School	1
Drake Primary School	1
Dunstone Community Primary School	1
Early Years Service	2
Eggbuckland Vale Primary School	3
Emas	1
Ernesettle Community School	4
Ford Primary School	2
Glen Park Primary School	4
Goosewell Primary School	4
High Street Primary School	6
High View Primary School	4
Hooe Primary School	2
Hyde Park Infant School	4
Hyde Park Junior School Lodge	1
Knowle Primary School	4
Laira Green Primary School	5
Leigham Primary School	3
Lipson Vale Primary School	8
Longcause Community Special School	7
Manadon Vale Primary School	6
Mary Dean's Ce Primary School	1
Mayflower Primary School	15
Mill Ford School	2
Montpelier Primary School	5
Morice Town Primary School	5
Mount Tamar School	6
Mount Wise Primary School	3
Oakwood Primary School	2
Pennycross Primary School	4
Peripatetic Plymouth	5
Pilgrim Primary School	1
Plaistow Hill Infants School	2
Plymouth Advisory Team Sensory	5
Plymouth Centre For Young Parents	1
Plymouth High School For Girls	18
Pomphlett Primary School	2
Prince Rock Primary School	3
Riverside Community Primary School	5
Salisbury Road Primary School	7
Shakespeare Primary School	5

Sir John Hunt Community Sports College	18
St Edwards Cofe Primary School	6
Stoke Damerel Primary School	3
Stuart Road Primary School	2
Supply Plymouth	47
Thornbury Primary School	4
Tor Bridge Primary School	2
Unknown Plymouth	285
Victoria Road Primary School	6
Weston Mill Community Primary School	5
Whitleigh Community Primary School	5
Widey Court Primary School	9
Woodfield Primary School	4
Woodford Primary School	3
Woodlands School	6
Yealmpstone Farm Primary Sch	1
TOTAL	639

NATIONAL ACTION

**ACTION SHORT OF STRIKE ACTION INSTRUCTIONS
TO BE IMPLEMENTED ON 26 SEPTEMBER 2012**

APPRAISAL/PERFORMANCE MANAGEMENT

Instruction 1: Members are instructed not to participate in any appraisal/performance management process which does not conform to all elements of the NASUWT/NUT joint appraisal/performance management checklist and the joint classroom observation protocol.

CLASSROOM OBSERVATION

Instruction 2: Members are instructed not to participate in any form of management-led classroom observation in any school which refuses to operate a policy of a limit of a total of three observations for all purposes within a total time of up to three hours per year.

The only exceptions to the above are observations carried out by Ofsted inspectors as part of a Section 5 or Section 8 inspection of the school.

Instruction 3: Members are instructed not to carry out classroom observation in any school which refuses to accept that there will be a limit of a total of three observations for all purposes within a total time of up to three hours per year.

Instruction 4: Members are instructed not to organise or co-operate with any arrangements which involve pupils commenting on, or observing the work of, teachers or being involved in decision making about teachers' roles, responsibilities, pay or promotion.

Instruction 5: Members should refuse to be observed teaching by anyone who does not have qualified teacher status (QTS).

INSPECTION

Instruction 6: Members are instructed not to participate in mock inspections commissioned by the school, sponsor/provider or local authority.

Members are instructed not to undertake or co-operate with any preparation for a Section 5 or Section 8 Ofsted inspection commissioned by the school, sponsor/provider or local authority.

REPORTS TO PARENTS

Instruction 7: Members are instructed to produce only one written report annually to parents.

This includes schools which use electronic comment banks to formulate reports.

EXISTING POLICIES AND WORKING PRACTICES

Instruction 8: Members are instructed to refuse to implement any existing management-led policies and working practices which have not been workload impact assessed and agreed by the NASUWT.

NEW INITIATIVES AND POLICIES

Instruction 9: Members are instructed to refuse to implement any new management-led working practices or policies which have not been workload impact assessed and the subject of consultation and agreement with the NASUWT.

MEETINGS AND THE SCHOOL'S DIRECTED TIME CALENDAR

Instruction 10: Members are instructed not to attend any meetings outside school session times which are not within directed time and where there is no published directed time calendar for the academic year which has been agreed with the NASUWT.

Instruction 11: Members should refuse to agree to timetable changes where no sound educational reasons have been given for the change.

LESSON PLANS

Instruction 12: Members are instructed not to submit lesson plans to members of the senior management team or anyone acting on behalf of the senior management team.

EMAIL CORRESPONDENCE

Instruction 13: Members are instructed only to send and respond to work-related emails during directed time.

PLANNING, PREPARATION AND ASSESSMENT (PPA) TIME

Instruction 14: Members should ensure that they have on their timetable a minimum of 10% guaranteed time for PPA.

Members will refer any failure to provide the time to the NASUWT to implement the procedure for refusing to teach their timetabled lessons, unless all members at the school are guaranteed on their timetable a minimum of 10% timetabled time for PPA.

Instruction 15: Members should only undertake in PPA time planning, preparation and assessment activities which they determine are appropriate to support their timetabled lessons.

Instruction 16: Members should refuse to accept the direction of the headteacher to undertake any other activity, including cover, in PPA time.

LEADERSHIP AND MANAGEMENT TIME

Instruction 17: Members paid on the leadership spine or in receipt of a Teaching and Learning Responsibility (TLR) payment should refuse to undertake any leadership or management responsibilities unless they have their contractual allocation of dedicated timetabled time to support the discharge of these responsibilities.

Instruction 18: Members should refuse to undertake leadership and management activities without being paid a TLR or on the leadership spine.

DEDICATED HEADSHIP TIME

Instruction 19: Headteacher members with a 50% or more timetabled teaching commitment should refuse to undertake their teaching commitment unless they have an allocation of dedicated headship time on their timetable.

COVER FOR ABSENCE

Instruction 20: Members should refuse to cover for absence.

The exceptions are members who are employed on a contract to wholly or mainly undertake cover.

GAINED TIME

Instruction 21: Where teachers are released from timetabled teaching commitments as a result of pupils being on study or examination leave, members should refuse to undertake any activities during that time other than in Section 4 Paragraphs 76-77 of the School Teachers' Pay and Conditions Document (STPCD).

LUNCHTIME SUPERVISION

Instruction 22: Members should refuse to undertake supervision of pupils during the lunch break.

INVIGILATION OF EXAMINATIONS

Instruction 23: Members should refuse to invigilate any public examination, including GCSEs and SATs.

The exceptions are:

- *controlled assessments in secondary schools;*
- *foundation stage assessments and Key Stage 1 assessments in primary schools;*
- *practical or oral examinations which require the specialist teacher to be present.*

Instruction 24: Members should refuse to undertake the invigilation of any 'mock' examinations where the school reorganises the timetable to replicate the external examination process.

ADMINISTRATIVE AND CLERICAL TASKS

Instruction 25: Members should refuse to undertake administrative and clerical tasks as exemplified in Annex 4 of the STPCD.

VOLUNTARY ACTIVITIES OUTSIDE SCHOOL SESSIONS

The action short of strike action is designed specifically to tackle the issues of excessive teacher workload and defend pay and conditions of service in a manner which achieves these aims using strategies which are pupil, parent and public friendly.

Therefore, where members have volunteered freely to undertake extracurricular activities and have not been placed under pressure to do so, the action short of strike action instructions are not intended to prevent these from continuing.

Extracurricular activities include school teams, music/drama productions and clubs.

Where members have made a professional judgement and have volunteered freely to provide extra support for certain pupils outside school sessions, these can also continue.

However, where any of the above activities have been imposed on a member, then the action short of strike action instructions enable the member to withdraw from these activities. In these circumstances, members should inform the headteacher in writing in sufficient time before the next activity is scheduled to take place, so that any notification that the activity will no longer take place to pupils and parents which may be necessary can be given.