

End of terms?

Introduction

ATL will resist the erosion of national pay and conditions for staff in the education sector.

There are many reasons why people join trade unions but a key reason is that unions will intervene when members' conditions of employment are under threat. These threats can arise from financial causes, from government legislation or from action by employers. Sometimes it is a combination of all three, which can put severe pressure on staff. We believe that teachers, lecturers and support staff are currently facing such pressures.

ATL is the only nationally-recognised union for nursery, primary, secondary, sixth-form college and further education (FE) teachers. Apart from the more visible challenges of maintaining pension entitlements and ensuring that pay levels are competitive for staff in all these sectors, our members face a more covert danger to their conditions of employment. ATL believes that much, but not all, of this stems from the creation of a market place in education. There are also particular issues for teachers in Wales and for school support and administrative staff.

The rationale underlining this market place approach is that the public funding of education is both inherently less efficient than the private sector and a drain on the national economy. We refute both of these charges.

Extending the market approach to education, in addition to a raft of initiatives such as academies, trust schools and contestability for colleges, will serve to fragment further the education system and distort proper public accountability. It is also likely to work against the interests of disadvantaged

groups. Already, we have seen a decline in the proportion of children from deprived backgrounds attending academies, whilst increased fees for courses designated as non-priority in colleges will deter poorer students from trying to improve their skills and qualifications.

Academies

The Government is calling for 200 academies, schools that are financed by the state but which receive some initial funding from private sponsors, by 2010. The record of existing academies has been variable but there is certainly no justification, in ATL's view, for these publicly-funded schools to be run outside the local community of schools and colleges.

Currently, most academies have replaced former local authority schools and staff have transferred across on schoolteachers' terms and conditions under the Transfer of Undertakings (Protection of Employment) Regulations. There are signs, however, that this situation may change.

Proposals for new academies contain terms and conditions of employment that are significantly different from maintained schools. In other instances, academies are offering teachers salaries that are above their normal levels in return for ceding their national conditions to inferior local conditions, usually longer hours. This ploy has been seen before; the salary advantage withers away while the conditions continue to deteriorate.

ATL will continue to oppose the establishment of publicly-funded schools that are exempt from accountable, local structures and resist attempts to move teachers away from national pay and conditions.

Further education and contestability

Since incorporation in 1993, teacher unions have preserved national bargaining machinery in FE colleges, sometimes against strident opposition from college principals. At present, around one fifth of colleges still do not pay the annual salary increase.

Difficult as it has been for them to hold the line in FE colleges, unions are now facing a considerable challenge arising from the Government's determination to create a market place in FE.

The Foster Report contained proposals to put 'failing' provision out to tender: the so-called contestability clause. This was widened in the White Paper to include 'coasting' colleges, a term without detailed definition but which will undoubtedly increase the number of departments and colleges that face competition from private providers. We are already witnessing a number of private organisations (none with national terms for staff) gearing up

to take over courses where colleges are deemed to be 'under-performing'.

There is evidence that colleges are cutting back on both 'A' level provision and adult education because they perceive that the Government is moving rapidly towards a skills-based agenda, which is where funding will be directed. The establishment of a narrow remit for colleges concentrating on vocational skills could mean that trainers, at much lower levels of pay, would replace qualified and experienced lecturers.

The establishment of the specialist diplomas at 14–19 means that the work of lecturers in colleges and teachers in schools will become more, not less, inter-dependent. This reinforces ATL's position that the pay gap between schoolteachers and lecturers must be closed and that pay levels in schools and colleges should be comparable. ATL will challenge attempts to disband national pay arrangements and oppose the replacement of lecturers with private skills trainers paid on local rates.

School support staff

The 2003 National Agreement on workload introduced a new, structured tier of school support staff. This now includes cover supervisors and examinations officers, as well as the more widely-known core of teaching assistants, to enable teachers to focus on work that is more directly related to learning. There are now nearly 500,000 support staff in schools.

Notwithstanding the critical importance placed on the work of school support staff, their conditions of employment lag far behind acceptable standards. There is no proper career structure for them, they have none of the benefits that the new performance management system will bring to teachers and many of them are not in a pension scheme. Crucially, school support staff have no national framework for pay and conditions, which means that they are paid on local terms and conditions; effectively a green light to pay support staff, many of whom are part-time women, as low a rate as the local market will allow. Proposals for the future development of school support staff remain at the discussion stage, presumably because of cost implications.

ATL calls for the establishment of a national framework of pay and conditions for all school support staff, together with a career structure and continuing professional development. We must end the scandalous treatment of committed staff who are integral to the public education service.

Trust schools

Despite vociferous opposition to the concept of trust schools, the Government shows no sign of removing proposals from prospective legislation to create them.

Trusts, maintained schools supported by a charitable trust, will own assets, employ staff and could have the majority of their governing bodies formed from the trust itself. Current plans will allow any organisation, with the exception of those engaging in pornography, gambling or brewing, to become a trust for this purpose. They will be able to apply for additional flexibilities if they can demonstrate that these flexibilities will raise standards.

Given that organisations such as McDonald's and Wal-Mart could, theoretically, form trusts, it is not inconceivable that practices associated with this sector of the economy: low pay, long hours and hostility towards trade unions, might become features of a trust's attempts to 'raise standards'.

ATL believes that trust schools are a solution in search of a problem. Many of the flexibilities are already available to schools under the 2002 Education Act. It is likely that trusts will soon begin to argue that they need flexibilities, such as the ability to vary national pay and conditions, in order to 'innovate'. Again, this is redolent of the attempt to impose an unwarranted business model on an essential public service.

Teachers in Wales

At present, all teachers in maintained schools in England and Wales are employed under the terms of the statutory School Teachers' Pay and Conditions Document. This year, however, the School Teachers' Review Body (STRB) asked for evidence on whether it is still appropriate, given educational developments in the Welsh Assembly Government, for teachers in Wales to remain under the remit of the Document.

Although the STRB has emphasised that it is not looking for any short-term changes, the direction of travel here is clear: the Assembly will assume, in due course, responsibility for the terms and conditions of teachers in Wales.

ATL is certain that this will be to the detriment of teachers, not only in Wales but in England as well. Barriers set up between England and Wales would affect everyone by inhibiting the ease of movement between the two countries. Already, there has been poaching of support staff along the border, and the shortage of headteachers is another sign of the effects of under-funding in Wales.

As with the market model, assurances of continuing pay and conditions comparability are vulnerable to financial exigencies. How long would it be before funding problems in the Assembly caused a disparity in pay between England and Wales or a relaxation of the hard-won provisions on PPA time or cover? Falling school rolls in Wales are forcing teachers to seek jobs elsewhere; this will exacerbate that process.

Teachers in both England and Wales must be employed under the terms of the Pay and Conditions Document. ATL will insist that no joint evidence that could undermine this principle is submitted to the STRB on behalf of the social partners.

No place for the market

The extension of a business model into the heart of the education service is based on a premise; private provision is always superior to public. ATL does not share this premise. Teachers and lecturers are not sales staff and learning is not a commodity.

This country will not get well-funded schools and colleges or properly-paid teachers and lecturers if we assign these goals to the vagaries of the market place. Lecturers in FE colleges have seen a marked deterioration in their pay and conditions since incorporation. Schools are now being asked to accept a similar proposition.

ATL does not accept this proposition and we oppose these moves towards further marketisation of the education service. We reject the fragmentation of our education services and we believe that the most equitable and transparent system for setting the pay and conditions of teachers, lecturers and support staff is through national machinery.

Where the machinery is under threat, we will support our members in retaining their rights to national bargaining and to national terms and conditions. Where these rights do not exist, we will push for the establishment of such machinery so that all education staff can enjoy pay and conditions that are appropriate, fair and sustainable.

ATL policy

- ATL will continue to oppose the establishment of publicly-funded schools that are exempt from accountable, local structures and resist attempts to move teachers away from national pay and conditions.
- The pay gap between schoolteachers and lecturers must be closed and pay levels in schools and colleges should be comparable. ATL will challenge attempts to disband national pay arrangements and oppose the replacement of lecturers with private skills trainers paid on local rates.
- ATL calls for the establishment of a national framework of pay and conditions for all school support staff, together with a career structure and continuing professional development.
- ATL believes that trust schools are a solution in search of a problem. Many of the flexibilities are already available to schools under the 2002 Education Act.
- Teachers in both England and Wales must be employed under the terms of the Pay and Conditions Document. ATL will insist that no joint evidence that could undermine this principle is submitted to the STRB on behalf of the social partners.
- ATL believes that the most equitable and transparent system for setting the pay and conditions of teachers, lecturers and support staff is through national machinery.

If you would like further information or to comment on this briefing paper please do so by contacting ATL on policybriefings@atl.org.uk.

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