

Agreement between Management and Trade Union Side of the Teachers' Negotiating Committee (TNC)

1. Management Side and the affiliated teaching trade unions which make up the Northern Ireland Teachers' Council (NITC)¹ (the parties) have reached an agreement on a resolution of the current industrial dispute. Details of the agreement are set out below.

Teachers' Pay

2. In addition to incremental progression within salary scales which is payable by contractual entitlement, teacher salary scale points will be revalorised as follows:
 - i. A 2.25% cost of living pay award for all teachers will be paid from 1 September 2017
 - ii. A further 2% cost of living pay award for all teachers will be paid from 1 September 2018
 - iii. Teaching allowances will be increased by 2.25% from 1 September 2017 with a further 2% increase paid from 1 September 2018

Teacher Workload and Accountability and Wider Review of the operation of the Education System

3. The parties agree to a series of measures to address teacher concerns about workload and accountability and to improve the efficiency and effectiveness of the education system.
4. The parties agree to reviews in nine key areas identified in negotiations. Details of the reviews are set out in Appendix 1. On formal ratification of the agreement

¹ Note: NITC affiliated trade unions are: Irish National Teachers' Organisation (INTO), National Association of Head Teachers (NAHT), National Association of Schoolmasters Union of Women Teachers (NASUWT), National Education Union (NEU), Ulster Teachers' Union (UTU).

the parties will agree timescales for each area for review. The parties have agreed that the following reviews will commence on ratification of the agreement:

- i. Review of Employment Model for Teachers
 - ii. Review of the Use of Temporary and Substitute Teachers
 - iii. Review of Workload Agreement
 - iv. Review of Workload Impact on School Leaders
 - v. Review of Workload Associated with Special Educational Needs (SEN) Provision
 - vi. Review of Accountability Framework
 - vii. Review of Consultation Arrangements – Management and Teaching Unions
 - viii. Review of Statutory Assessment at Key Stages 1, 2 and 3
 - ix. Review of Initiatives to Promote and Support Teacher Health and Wellbeing
5. A dedicated Working Group will be established to take forward the reviews with the first six beginning as soon as possible and running concurrently. The membership of the Working Group will be seconded from their normal employment. Work will begin on all nine reviews as soon as possible to an agreed schedule.
6. Ahead of the completion of the reviews the parties agree that on formal ratification of the agreement those areas at Appendix 2 which require action will be urgently progressed. The parties agree that the objective is to implement these changes either immediately or as soon as practically possible.
7. From the date the agreement is formally ratified by both parties all industrial action will cease. There will be a carefully managed and supported transition towards revised working practices in schools.

Agreed Review Areas

1. Review of Employment Model for Teachers

Rationale

Under the current employment model for teachers in Northern Ireland the Board of Governors is responsible for determining the complement of teaching posts in the school. With over 1100 schools and an ever-changing level of demand for teachers at individual school level due to rising/falling pupil numbers, curriculum changes, school development/planning priorities and school establishment/closures there is a need for a more flexible employment model which would provide scope for a more consistent, timely and flexible redeployment of teachers from school to school. Flexibility in the employment of teachers in response to changing circumstances, inclusive of curricular and personnel demands, will require careful and collaborative design and a re-examination of the existing part-time and job sharing arrangements.

The limitations of the current employment model can be seen from the figures at Annex A. Since 2010/11 there have been over 2,200 teaching redundancies at a cost of £104.1m. In overall terms teaching numbers in Northern Ireland have reduced by 548 (headcount) from 2010/11 to 2017/18. It is clear from the figures that the system is paying for teaching posts to be made redundant at some schools while recruiting teachers at others. The review will also provide an opportunity to reflect on the achievements of the Investing in the Teaching Workforce Scheme as a vehicle for offering recently qualified teachers opportunities to enter the profession on a permanent basis and rebalancing the teaching workforce.

A proposed more flexible employment model would offer the opportunity for the system to maximise the opportunities for teacher flexible deployment as an alternative to redundancy. Such a system would reduce (but not remove) redundancy costs and cost efficiencies are anticipated by Management Side.

Other benefits associated with a proposed flexible employment model include:

- Stronger emphasis on school improvement and local involvement;

- Better use and enhancement of the existing provisions for a system-wide approach to manpower planning and assessment of future teacher demand;
- A reduction in the resources required to support teacher recruitment – more redeployment should mean less recruitment;
- Harmonisation of terms and conditions of employment;
- The introduction of meaningful career progression structures for teachers;
- The opportunity for redeployment to be used quickly as a means of easing/resolving disputes;
- Increased opportunity for teachers to avail of more flexible working arrangements such as part-time working and job sharing;
- Improved leadership arrangements and pathways for aspiring, early and experienced school leaders;
- Wider access to continuous professional development.

Proposed Approach

The delivery of change in this area is a key objective. The proposal is to launch a joint Management/NITC review involving collaborative working between the parties, through the forum of the TNC, to develop a more flexible employment model based on an agreed set of design principles. The aim is to have the review completed and a new system in place by (date).

Terms of Redundancy and Associated Costs over Previous Years

Year	Compensation Terms	Number Of Teaching Redundancies	At a Cost of £m
2010/11	up to 60 weeks (twice the statutory)	186	16.6
2011/12	up to 60 weeks (twice the statutory)	337	
2012/13	up to 90 weeks (three times the statutory)	663	39.0
2013/14	up to 90 weeks (three times the statutory)	292	17.1
2014/15	up to 60 weeks (twice the statutory)	91	3.9
2015/16	up to 60 weeks (twice the statutory)	194	8.3
2016/17	up to 60 weeks (twice the statutory)	179	7.5
2017/18	Up to 52 weeks	155	5.7
2018/19	Up to 52 weeks	169	6.0
	Total	2,266	£104.1m

2. Review of the use of Temporary and Substitute Teachers

Rationale

The employment of substitute and temporary teachers cost £69.0m in 2017/18, a decrease of £4.6 million from 2016/17. The 2017/18 cost for the use of substitute and temporary teachers to cover for teacher sickness absence was £14.6m - a decrease of 4.6 % on the 2016/17 figure.

There are additional in-school costs to the use of temporary and substitute teachers including briefing time for colleagues and increased professional development costs. These should be considered in any review. There are also issues for this group of teachers associated with career development and performance review.

Under the current arrangements substitute and temporary teachers progress up the pay scale to UPS3. Annex 2.1 gives an illustration of the salary scale distribution for temporary and substitute teachers as at November 2018. Annex 2.2 confirms the extant pay points on the main and upper pay scales.

Under current arrangements, substitute and temporary teachers are booked out by schools via the Northern Ireland Substitute Teachers' Register (NISTR). The IT platform for NISTR is e-Teach which is managed under contract with an external provider by the Education Authority, on behalf of all of the employing authorities. The e-Teach contract will be formally reviewed over the coming months as part of a process of determining the appropriate approach for delivering and procuring support services in this area for the future.

Management Side is of the view that now is an appropriate time to review the current employment practices and system support in this area. Management Side considers that a review in this area offers considerable scope for the achievement of cost efficiencies. NITC believes the review should lead to increased levels of support for teachers' seeking career pathways in the profession.

Proposed Approach

The proposal is to launch a joint Management/NITC review, through the forum of the TNC, to explore the issues in greater detail and to agree a way forward. The early stages of this review will involve a detailed scoping of the issues to be examined by the joint Management/NITC review team. The aim is to have a review completed by (date).

Salary Scale Distribution for Temporary and Substitute Teachers

As at November 2018

Pay Scale	Main	Main	Main	Main	Main	Main	Upper	Upper	Upper
Point	1	2	3	4	5	6	1	2	3
No	713	503	386	316	233	737	295	135	470

Teacher Pay Scales, from 1 September 2016 (DE Circular 2016/24 refers)

MPS1	£22,243
MPS2	£24,001
MPS3	£25,931
MPS4	£27,926
MPS5	£30,127
MPS6	£32,509
UPS1	£35,217
UPS2	£36,521
UPS3	£37,870

3. Review of Accountability Framework

Rationale

Joint work by Management/NITC in 2017 looked at the accountability framework for the Education Sector. This wider accountability framework acknowledges that:

- Improving educational standards and pupil outcomes is a key objective of our education system.
- All stakeholders have an interest in ensuring that education sector public finances are spent in a way that delivers high quality, value for money results.

The need to account for public expenditure and to focus on delivering the best possible educational outcomes for pupils requires an accountability framework which promotes continuous improvement and covers:

- Teacher and school performance;
- The performance of the Department and of all NDPB;
- The contribution of school support, development, improvement and inspection within the overall system;
- The operation of school governance arrangements;
- The promotion of increased confidence and active participation on the part of the teaching workforce;
- The pathway for initiatives coming down to schools.

Work-stream participants also agreed that the accountability framework should operate in accordance with the following principles:

- It should be open and transparent;
- There should be fairness, coherence and consistency across the system – these are key requirements for a system to have the support and confidence of stakeholders;
- Decisions and interventions should be evidence based;

- Targets should operate on SMART* principles at every level (*Specific, Measurable, Achievable, Realistic and Timebound);
- All stakeholders should demonstrate integrity and act in accordance with the Nolan principles of public life;
- All stakeholders should accept that scrutiny and challenge are a key part of public life;
- It should be pupil-centred – with the aim of maximising the potential of all pupils;
- Stakeholders, schools and organisations should be held accountable for things they can influence, change and improve.

The joint management/NITC work in this area also acknowledged that Inspection is a statutory duty and is a part of the accountability and school improvement framework.

Both Sides (Management and NITC) agree that effective accountability is a key part of any education system and a review would be a helpful medium term initiative in response to concerns about the effectiveness of our current models and the workload it places on teachers. They also agree that the above principles should apply to the operation of a wider accountability framework which clearly adds value and ensures that administrative and workload demands are manageable.

The Department of Education has committed to a review to consider the existing accountability and governance framework within the education sector. The NITC has an important contribution to make to this work and formal consultation arrangements will ensure NITC views are fully considered.

Proposed Approach

A DE led review of accountability and governance to commence (date) and initial recommendations developed by (date)

4. Review of Consultation Arrangements – Management and Teaching Unions

Rationale

The agreement between Management Side and NITC to resolve a dispute on teacher pay and workload issues includes the following commitments:

“The immediate introduction of a formal requirement on the Department, Employing Authorities and other arms’ length bodies to consider and consult on new initiatives which have the potential to impact on teacher workload” The agreement also commits the parties to a short time-bounded examination of the benefits of introducing Local Consultative Committees (or variants of this) in schools. This short paper commissions that review and will require Management Side and NITC to jointly look at:

- The principles of consultation with an agreed understanding of what consultation means;
- Consultation machinery covering engagement with NITC on initiatives which potentially impact on teacher workload led by the Department, Employing Authorities and other arms’ length bodies – central arrangements;
- The practical arrangements for establishing consultative arrangements in schools – local arrangements;
- The manageability of proposed arrangements both central and local;
- Training support for management and trade union participants in the consultative process.

Proposed Approach

The proposal is to launch a joint Management/NITC review through the forum of the TNC. The review will produce recommendations for consultative frameworks, their implementation and supporting arrangements at both central and local, school-based levels.

The aim is to have the review completed by (date).

5. Review of Workload Associated with Special Educational Needs (SEN) Provision

Rationale

The joint Management/NITC work stream on SEN examined the teacher workload impact of the current arrangements in this important area. It was recognised that teachers and other support staff have an important role in helping pupils with SEN to reach their full potential. Achieving this outcome requires an emphasis on teaching supported by streamlined and fit for purpose administrative processes which ensure that workloads are properly focussed and manageable.

Key areas for further examination as identified by work stream participants include:

- Achieving clarification on the purposes of data collection and addressing duplication;
- Use of technology to reduce reliance on the current paper based approach;
- Examination and streamlining of referral processes;
- Review of workloads falling to Senior Leaders, SENCOs and other teachers with SEN responsibilities;
- Ensuring that Individual Education Plans (and in the future Personal Learning Plans) promote a consistent, system wide and whole school approach to planning for pupils with SEN;
- Development of a professional learning framework which ensures that schools have access to high quality training and advice which enables them to meet their SEN related responsibilities to a high standard.

The Department of Education will commission a review of the end to end administrative processes associated with the special education needs provision and in particular the statementing process. This review will be carried out by a project team consisting of LEAN style experts, practitioners and other relevant professionals.

This review will cover the roles played by the Department of Health, local Trusts, the Children and Young Peoples Services Directorate within the EA, CCMS, schools, school leaders, SENCOs and teachers with SEN responsibilities. It will also examine the administrative process, interfaces with other bodies and inter-agency protocols, information and resource sharing. Learning from others and benchmarking against best practice should be a key part of the approach. The NITC has an important contribution to make to this work and formal consultation arrangements will ensure that NITC views are fully considered. The expected outcome is a more effective approach which reduces administrative workloads, simplify processes and allows pupils with special needs to receive the necessary support as quickly as possible.

Proposed Approach

A DE led review of the administrative processes associated with special educational needs provision with the review completed by (date)

6. Review of Workload Agreement

Rationale

The 2011 Workload Agreement provides the basis for the management of teacher workloads.

Management and NITC have agreed to the following changes to the 2011 Agreement:
(Insert immediate areas agreed by Management/NITC here)

Beyond the immediate agreed changes detailed above it is proposed that a joint Management/NITC review will examine the 2011 Workload Agreement in greater depth. This review will consider further possible changes to the Agreement where alternative approaches have the potential to ease teacher workloads without compromising the overall level of support available to pupils.

Proposed Approach

A joint Management/NITC review through the forum of the TNC to look at the 2011 Workload Agreement. The aim is to have the review completed and a new approach in place by (date).

The Department of Education will review the use of Baker and School Development Days to ensure that these are being used as effectively as possible to support the overall needs of schools and the needs of teachers acting collectively and individually taking account of the Learning Leaders Professional Development Strategy and the research from the Shared Education Delivering Social Change Programme. The review team will formally consult with NITC on its views of the use of Baker and School Development Days and emerging recommendations from the review.

7. Review of Workload impact on School leaders

Rationale

Management Side/ NITC will review workloads falling to School Principals, Vice Principals and other Senior Leaders

It is proposed that an initial phase of the review should be conducted to examine current practices and the impact on the workload of Principals and Vice Principals. It is important that the day to day workloads of Principals and Vice Principals are properly balanced as to ensure they can continue to fully support all staff and pupils in their schools.

The Review will have regard to the outcomes of the work streams that reported in autumn 2017 and to the impact of changes emerging from other reviews commissioned by the parties particularly the review of the teacher workload agreement and the review of the accountability framework.

The review will recommend alternative approaches where these have the potential to ease Principal and Vice Principal workloads without compromising the overall level of support available to pupils.

Proposed Approach

The proposal is to launch a joint Management/NITC review through the forum of the TNC to produce recommendations for an approach which provides for effective school management.

8. Review of Statutory Assessment at Key Stages 1, 2 and 3

Rationale

The joint Management/NITC work stream on assessment examined the workload impact of the current statutory Key Stage arrangements on teachers. Work stream participants agreed that the full implementation of revised arrangements for Key Stage assessment had been workload intensive for teachers.

Statutory Key Stage assessment has been an area where industrial action over the past number of years has had a significant impact on operational implementation of the existing system which, as a consequence, is not currently meeting its full range of intended purposes. The work stream participants agreed that a review of statutory assessment is a key requirement for improved working of the education system.

The joint Management/NITC work stream recommended that:

- the current system of key stage assessment should be reviewed;
- the potential value of sampling of pupils for system assessment should be strongly considered;
- proposals for assessment should be developed within the context of the NITC document “Rising to the Challenge” and Organisation for Economic Co-operation and Development (OECD) principles; and
- the pre-school curricular guidance on planning, observing and recording should be reviewed.

Both Sides (Management and NITC) recognise that assessment has clear links to the Review of the Accountability Framework which has also been commissioned. It will be important to ensure an appropriate degree of exchange between the two work streams to ensure consistent and integrated outcomes.

A proposed review of Key Stage Assessment will be led by DE working closely with CCEA, as its professional advisor, NITC and ETI. It will involve focused engagement with NITC and also more broadly all school, leaders, teaching staff and other education organisations and other key stakeholders. There will be an emphasis on inclusive co-design with system users to build trust and elicit knowledge of key policy and delivery issues.

The overarching aim is to make a series of policy recommendations regarding the purpose, nature and design of Key Stage assessment in Northern Ireland. It is envisaged that a review would seek to benchmark against best practice approaches followed internationally.

The key benefits to be realised from the review as a whole will be a range of fit for purpose Key Stage assessment arrangements that:

- Are complementary to and supportive of improving classroom practice and pupil learning;
- Are fully aligned to the statutory curriculum;
- Provide a reliable and well understood measure of system performance; and
- Are part of a clearly articulated and integrated framework for evaluation and assessment within Northern Ireland.

Proposed Approach

A DE led review which will:

- a. Work with CCEA; other education NDPBs and NITC, including via a practitioner working group, to undertake a strategic assessment of current arrangements;
- b. Undertake appropriate engagement on the way ahead with education organisations, professionals within the education sector, schools and other key stakeholders, including political representatives;
- c. Identify at an early stage key emerging themes and key issues of concern; and
- d. Produce coherent proposals and recommendations to support the development of fit for purpose arrangements for Key Stage assessment.

The Review Team will complete the development of detailed policy proposals by (date)

9. Review of Initiatives to Promote and Support Teacher Health and Wellbeing

Rationale

Management Side and NITC recognise that teaching is demanding and challenging profession. Teachers play a key role in the learning and development of young people and assisting with their preparation for adult life.

To support teachers in their role it is important that they have access to help, advice and practical intervention which promotes health and wellbeing.

It is intended that there should be a review of existing support services for teachers in this area. The review will identify good practice and seek to address gaps in support provision.

The review will have regard to work already initiated by the Department and teaching employers to develop a Managing Attendance Strategy for period 2019-21 for all staff employed across the sector. This strategy will have a focus on measures to promote the health and wellbeing of all employees.

Proposed Approach

It is proposed to launch a joint Management/NITC review through the forum of the TNC. The review will produce recommendations for a new/revised approach which actively promotes teacher health and wellbeing.

The aim is to have the review completed by (date)

Clarification of issues, immediate actions or actions to be progressed as soon as practically possible.

A. Employers will issue appropriate directions, in accordance with the authority afforded to them in the Jordanstown Agreement ² to all teachers and school leaders on compliance in respect to Directed Time. Pending review arising from Annex 6, the employers and unions will ensure that the 2011 workload agreement is implemented. Agreed guidance to support this will be issued by DE, Employers and NITC.

B. Assessment

Pending the Review of Assessment (Annex 8) the current operational arrangements at individual school level will remain unchanged.

C. PPA

10% PPA time to be included in teachers' directed time budgets pending the outcome of the review of teacher workload agreement.

D. Working Time

Management and NITC agree relevant legal obligations, including working time, will be considered as part of the Review of Workload Agreement (Annex 6).

E. Initiatives

The introduction of a formal requirement on the Department, Employing Authorities and other arm's length bodies to consider and consult on new initiatives and proposals which have the potential to increase teacher

² <https://www.education-ni.gov.uk/sites/default/files/publications/de/1987-26-teachers-pay.pdf>
<https://www.education-ni.gov.uk/sites/default/files/publications/de/1987-59-teachers-conditions-of-service.pdf>
<https://www.education-ni.gov.uk/publications/teachers-salaries-and-conditions-service>
<https://www.education-ni.gov.uk/publications/teachers-terms-and-conditions-employment-amendment-regs-ni-1988-no-299>

workload. School based initiatives must be linked to priorities in School Development Plans.

All initiatives should be compliant with the extant Workload Agreement.

F. Teacher Evaluation Mechanisms

PRSD is confirmed as the agreed mechanism for the internal formal evaluation of teacher performance.

Pending the outcome of the wider accountability review, school leaders should continue to be sensitive to the workload and directed time impact of school self-evaluation strategies.

G. Formal Meetings

TNC acknowledge that well run and purposeful internal school meetings are essential to the management and communications of a school. Schools need to have flexibility to determine the pattern of meetings and this is a matter for the professional judgement of Principals. Senior management in schools, together with teaching colleagues should regularly review the school based schedule of internal management meetings and ensure that this schedule and the resulting work is not excessive. The number and annual schedule of meetings must be presented in advance of the start of the academic year. Meetings for all staff including those with responsibility points must be accommodated within directed time budgets

H. Pupil Reports

TNC restates that the legal minimum requirement upon schools to report formally to parents in writing on the progress of their children is once per year. The writing of these reports is to be accommodated in directed time.

School managements seeking to provide reports in addition to this requirement should ensure time is identified in individual teacher time budgets to prepare any additional reports in line with the Workload Agreement.

I. Teacher Wellbeing

As part of the Review of Initiatives to Promote and Support Teacher Health and Wellbeing there will be a survey of the teaching workforce. TNC will request consideration is given by the Department to the proposal that one of the 5 Baker Days or 5 School Development Days will be used for the purpose of promoting teacher health and wellbeing in 2019/20.

J. Role of SENCO

As a matter of urgent priority, the Review of the Accountability Framework, the Review of the Workload Agreement and the Review of SEN should examine the administrative requirements of the SENCO role with a view to reducing bureaucratic burden. In the meantime, all schools should make available discrete time within directed time budgets for SENCOs in order to enable them to meet the requirements of their role. The time made available to SENCOs should be proportionate to the needs of the pupils in the school.

K. Consultation Framework

TNC agree to re-launch the JWP negotiating machinery.

TNC also agrees to a pilot scheme to assess the feasibility of JCCs in schools as one mechanism to rebuild and support the creation of positive industrial relations.

L. Inspection Issues

Inspections related issues will be progressed urgently in accordance with the commitment given by the Education and Training /Inspectorate (ETI) set out in the addendum.

ETI Commitment

The role of inspection is to provide a professional, independent assessment of the quality of education in our schools. At the heart of our work is the education and welfare of the children and young people in our schools. We share that in common with you. ETI stands ready for meaningful engagement with the unions to ensure all learners get the best possible educational experience.

1. In January 2017 the ETI reduced the number of full inspections of schools alongside introducing shorter two day inspections (i.e. sustaining improvement and monitoring inspections). On the basis of an agreement to end action short of strike, the ETI will give a commitment not to increase inspection activity and will carry out a similar number of inspections to that undertaken in the 2017-18 and 2018-19 business years. In terms of the inspection schedule, the fact that a school engaged in industrial action will not, in itself, determine when it is next inspected. ETI will also give a further commitment that the inspection models will be those introduced in January 2017.

2. The ETI currently informs a school of the name of the Reporting Inspector when they receive notification. In turn, the Reporting Inspector advises the school of the names of the inspection team. On the basis of an agreement to end action short of strike, the ETI will give a commitment to include the name of the inspection team when a school receives notification of inspection. The ETI will also give further consideration to the publication of biographies of inspectors.

3. The ETI updated inspection guidance in 2017 and again in 2018 to include a succinct list of documentation required for each type of school inspection. On the basis of an agreement to end action short of strike, the ETI will engage with NITC to clarify further the information/documentation required and transform this into a single page pre-inspection documentation checklist.

Since October 2016, ETI has continued to work on a Perception and Reality (Fiction or Fact) publication. The ETI reaffirms its commitment to engage with NITC to expand

this 'myth busting' document clarifying the requirements of inspection with the aim of reducing the perceived excessive workload attributed directly or indirectly to, or as an unintended consequence of, inspection. ETI's desire is that all teachers do what they do first and foremost in the best interest of their children and young people.

4. All sustaining improvement and monitoring inspections are predicated on 'agreed lines of inquiry' and ETI confirms this will continue to be the case when an agreement is reached to end action short of strike.

In terms of openness and transparency, ETI further confirm that full inspections will be undertaken in line with the ETI's Inspection and Self-Evaluation Framework (ISEF) and, with a senior leader from the school attending team meetings and moderation meetings to consider inspection findings (should they wish to do so). In addition, on most inspections, a serving practitioner will also be on the team as an associate assessor.

ETI remain open to and welcome the opportunity to engage with any representative(s) of NITC to discuss inspection related matters of mutual interest.