

SCHOOL TEACHERS

Keith Joseph is proposing:

1. no offer of any new money while the teachers' strikes last;
2. no imposition of new model contracts (because DES believe that existing contracts are adequate, and that LEAs are unlikely to enforce new arrangements);
3. encouragement of court cases to test contractual obligations;
4. a public statement of "what the government believes to constitute the teacher's job";
5. when this year's pay dispute has been settled, negotiations in the Burnham Committee, with the Government offering £250 million to allow higher average pay and better prospects for good classroom teachers in future years; (the DES hope that the strikes will be over by July, and that negotiations on a long-term deal could be completed by October);
6. possible imposition of appraisal for in-service training and teacher promotion (but not explicit merit pay) following enabling legislation in 1985/6.

Some elements of these proposals seem sensible. But we do not believe that they add up to a satisfactory package, either in strategic or in tactical terms.

Contracts

✓ Our own investigations (see annex) suggest that teachers' contracts and conditions of service are exceedingly unclear. We therefore agree with DES that test cases should be encouraged. But we cannot see why, following the test cases, the contracts themselves should continue to be left in a state of confusion.

If the cases show that teachers do already, implicitly, have the duties that the Government thinks they should have, then the DES should ensure that all future contracts make explicit reference to this fact.

If, however, the cases show that present contracts are insufficient to establish teachers' duties, then a new model

contract should be drawn up and imposed for all future appointments. (The argument that LEAs may not enforce the conditions laid out in the new model is irrelevant: they will at least have the opportunity to do so, which they would otherwise lack.)

#### Promotion and Assessment

There is no point in offering an extra £250 million if this merely enables LEAs to give higher average pay by promoting more teachers into higher grades.

There are three feasible options:

1. withdrawal - abandon the pursuit of a new system;
2. the soft option - offer £250 million of extra money for new promotions in return for an explicit guarantee from LEAs and unions that there will be rigorous assessment for all promotions, approved by the DES;
3. the tough option - offer no new money, but reserve £250 million from the RSG to be given only to those LEAs that come forward with rigorous promotion assessment systems; and take reserve powers to impose assessment on any LEA that refuses to cooperate.

Option (1) would be cheap, but would be represented as a climb-down and would lead to continued pressure for higher pay all round. Option (2) is extremely expensive, and the benefits (though they might be considerable) are at best uncertain; we do not believe that it is worth the cost. Option (3) would need legislation, and would be highly unpopular with both LEAs and teachers' unions; but it would bring about a sensible change at no extra cost. We believe that the unpopularity might be justified by the gain, and a small amount of new money - say £50 million could be added as a sweetener.

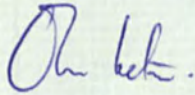
Whichever option is chosen, it should be announced quickly since this is the only way for the Government to gain the propaganda initiative.

#### CONCLUSION

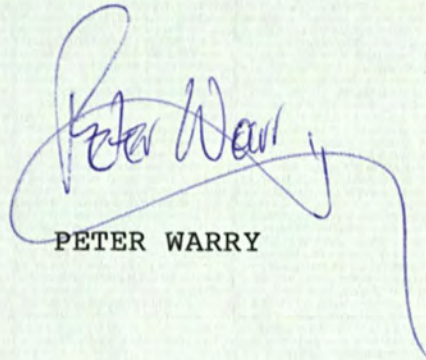
We recommend that:

- i. teachers' contracts should be tested in the courts; and should either be amended or entirely remodelled depending on the outcome of the court cases;

- ii. Keith should announce now a complete Government package for improving the structure of teachers' pay, involving: (1) a statement of teachers' duties, (2) £200 million in 1987/8 reserved out of the RSG for LEAs that come forward with proper arrangements for promotion assessment, (3) £50 million of new money added to the reserved sum, and (4) imposed assessment procedures for any LEA that fails to come forward.



OLIVER LETWIN



PETER WARRY

Teachers' Conditions of Employment

We have now obtained contracts for teachers from three English LEAs. The description of the teachers' duties given in these contracts is extremely unclear. A contract from Berkshire County Council, for example, states that:

"Your duties will be those allocated to you from time to time by the head teacher. You will not be required to perform any duties except such as are connected with the work of the school or to abstain outside the school hours from any occupations which do not interfere with the due performance of your duties, exclusively in the capacity of a teacher."

The relevant section of the contract from Nottinghamshire is equally vague. And the Lincolnshire contract merely refers teachers to the so-called 'Burgundy Book', which summarises the agreements reached between LEAs and unions in the 'CLEA/ST' committee. Unfortunately, the Burgundy Book - though it goes into great detail about such matters as appointment, dismissal and leave of absence - contains no useful guidance on teachers' duties. Section 11 of the book is headed 'Definition of the teachers' day, duties and holiday entitlement', and it reads:

"There are no existing national collective agreements on these matters beyond that affecting the school mid-day break which is set out in Appendix 7".

The Appendix to which this passage refers is equally opaque. It is merely a DES Circular of 1968, in which the Secretary of State notifies that he has removed 'the powers of Local Education Authorities to require teachers to undertake supervision of pupils taking the school meal'. Whether teachers nevertheless continue to have this duty is left open.

We have also obtained contracts from three Scottish Regional Councils. These suggest that, contrary to the popular impression, contracts and conditions of service in Scotland are less well established than their English and Welsh counterparts. If anything, the Scottish documents seem to give teachers an even better case for avoiding supervision of meals and other peripheral activities: indeed, we understand that this is not really considered an issue in Scotland.

Meeting folder



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Release Time:

SIR KEITH JOSEPH BT MP

1100hrs 28 April 1985 256/85

Statement by Sir Keith Joseph MP, Secretary of State for Education and Science on Sunday 28 April.

1. Schools exist to serve pupils. My first concern is the education of the pupils.
2. It is wrong and totally unacceptable that teachers should disrupt the children's education. It is also futile. No amount of disruptive action will change the fact that their claim for £1,200 for every teacher is not remotely affordable.
3. Teachers' pay depends upon their employers' ability to pay. The teachers have received a series of offers: a 4% pay increase; arbitration, talks on the radical reform of their pay structure; resumed negotiations in Burnham preceded by informal talks; and conciliation. They have been unwilling to accept any. Belatedly they say they will resume negotiations in Burnham but only on their own conditions.
4. The Government position is that the schools service is adequately funded and that teachers' pay must be negotiated from within the local authorities' existing budgets. But I have said for months that there is one way in which more money might be found. I am prepared to put to my Cabinet colleagues a package of proposals for reforming the teachers' pay structure and related conditions of service provided that such proposals can be agreed between the unions and the employers; provided that they would result in benefits for the children in the classroom; and provided that the cost is in my view affordable.
5. The NUT line is in defiance of all economic logic I would paraphrase it as follows: leave our contracts and pay structure as they are - we're not even willing to discuss them; do not introduce any appraised relationship between pay and performance; just give us more money; a good deal more money; at least an extra £1,200 for all of us - regardless.

6. And how do the NUT press this utterly unrealistic claim? They strike and hurt the children. And, while proclaiming their professionalism and insisting upon professional levels of pay, they pick and choose the elements of the teacher's job which are professionally required of them. All this is done selectively to ensure maximum disruption to the pupils and parents at minimum cost to teachers. All this is accompanied by crocodile tears and the absurd pretence that the prosecution of a pay claim in this way is somehow in defence of the education service.

7. In the real world educational advance must be married with economic feasibility. The better schools which we want depend upon improved teaching quality. The two go hand in hand. But other relationships also have a bearing. The future of our education service cannot be divorced from good economic performance and the effective deployment of the country's resources. It would be false for me as Education Secretary in this Government, which lays great store on continuing our national economic recovery, to pretend that more money could be made available without regard to the country's wider economic needs.

8. I should like again to pay tribute to the hundreds of thousands of teachers who daily bring skill, commitment and dedication to their difficult task. It is not a philosophical or moral question of what teachers are worth - any more than pay is settled on that basis for others - but an economic question of what resources the country can afford to devote to the public services like education at a time when we are seeking to restore our trading competitiveness and end a long period of relative economic decline.

9. Strikes will get the teachers nowhere. They know that. Strikes simply hurt the children.

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