



# THE GLOUCESTERSHIRE TEACHER

NEWSLETTER OF THE GLOUCESTERSHIRE ASSOCIATION OF THE NATIONAL UNION OF TEACHERS ~ SUMMER 2004

## 31st August 2004 is NOT a school day – it's part of your holiday



The Authority has finally accepted the NUT view that the school year 2003/2004 ends on the 31st August and so teachers cannot be required to return to work on the 31st August as it would be the 196th working day of the school year. The School Teachers' Pay and Conditions Document (the Blue Book) states unambiguously that the school year is a period of twelve months commencing on the 1st September and that full-time teachers shall be available for work for 195 days in any school year.

Executive Director of Education, Jo Davidson, will be writing to all schools advising head teachers of the situation. However, that would leave the school year 2004/2005 with 194 days so Thursday 21st October (the first day of the

Autumn half-term holiday) will be re-designated as a staff training day. Schools will have the freedom to either:

- leave the half term dates as they are and specify an alternative INSET day at another time of the year or
- leave the half term dates as they are and use twilight hours to make up the training or
- use the 21st October as an INSET day.

**This last option raises the possibility that some staff may already have booked their holidays. Such occurrences will be dealt with on a case-by-case basis and any Union members facing difficulty over this should contact the Association Secretary.**

## SPORTS FIXTURES HIT BY HEALTH & SAFETY RULES

### “Away” games to be classified as school visits

A subtle change in the LEA's Trips and Visits Policy looks like having a radical effect on school sporting fixtures. Travel to “away” games has recently been moved into Category A in the Authority's regulations which means that every match will require an E.V. form to be filled in and that written permission must be obtained from parents before their children can be permitted to travel to the fixture.

This will have a considerable impact - particularly in secondary schools where there are often several teams playing matches after school each day. There are also implications for the organisers of District and County teams where it is unclear who should be acting as the “school contact person” when the team is drawn from several schools.

The LEA Adviser for PE (Angela James) is aware of the situation and is working to come up with a protocol which will hopefully meet the needs of the regulations and at the same time be practical and not make unreasonable demands on PE teachers. BAALPE, the Professional Association for PE staff are also being consulted.

# NATIONAL UNION OF TEACHERS WINS GROUND-BREAKING STRESS CASE FOR SOUTH WEST TEACHER

After a seven year battle a former Somerset teacher has won almost £75,000.00 compensation for a stress injury caused by his employer in a case brought by the Union.

In a landmark ruling on 1st April the House of Lords said that Somerset County Council were at fault for the mental injury caused to Alan Barber as a result of overwork. Andy Woolley, NUT South West Regional Secretary said that this case will have far reaching implications for all other Local Education Authorities in the South West and for individual schools in the region.

Alan Barber, who was forced to take sickness retirement because of stress related illness, has won his appeal to the House of Lords and been awarded approximately £75,000.00 against his employers Somerset County Council. Mr. Barber, now aged 59 is a former head of mathematics at East Bridgwater Secondary School. He retired from the school in March 1997 on medical advice following a series of depressive illnesses despite rarely being ill during his career.

Mr Barber's illness started in 1995. The school had restructured its staffing that year as a result of falling pupil numbers. Mr Barber applied successfully for the restructured post of Mathematical Area of Experience Co-ordinator. As Head of Department he had support from his deputies for the role but the restructuring meant that this assistance was removed.

From that point onwards he was effectively Head of Department with a full time teaching load. In order to maintain his salary at his previous level he was given the opportunity to apply for another area of responsibility, namely Publicity and Public Relations Manager. This was a very important role in the school, which was determined to improve its image and attract more pupils.

The two roles combined, together with the removal of his deputies, meant that Mr Barber was working very long hours and he began to suffer stress at work. He was regularly working somewhere between 61 and 70 hours per week. By May 1996 he was signed off by his doctor for depression brought on by the workload he was obliged to carry. He returned to work three weeks later but nothing was done by the Head Teacher or her Deputies despite Mr Barber's complaints about the pressure he was under. He became seriously ill in November of 1996 and has not worked since.

The Trial Judge found that no help was given to alleviate Mr Barber's workload even though the Senior Management at the school were aware of the stress he was suffering. Instead he was treated unsympathetically and no attempt

was made to investigate how the situation could be improved.

Advice on managing occupational stress had been available since 1990 but the Senior Management Team were not aware of it and did not in any way follow its content. Had they done so, said the Trial Judge, the crisis facing the teacher would in all probability have been averted.

The Trial Judge at Exeter County Court awarded Mr Barber damages of approximately £100,000.00 against Somerset County Council.

The Council immediately appealed and the case proceeded to the Court of Appeal. The Court of Appeal reversed the decision of the Trial Judge. The Judges in the Court of Appeal found against Mr Barber partly because having complained several times about the pressure he was under and having been ignored Mr Barber ceased complaining for a short period prior to his ultimate breakdown.

With the support of the Union Mr Barber appealed to the House of Lords who heard his case in February this year.

Judgment in this appeal was handed down on the 1st April 2004.

Delighted with the Judgment, Alan Barber said:

*"It has been a long struggle and the NUT has given me tremendous support. This is an important ruling and is as significant for the teaching profession as it is for wider working conditions in this country generally. I believe that many cases of excessive workload and unnecessary stress can be resolved if a clear structure and positive attitude now exists between employers and employees. I feel vindicated and happy with this result."*

Commenting on the victory, Andy Woolley, South West Regional Secretary of the NUT said:

*"This is a major victory for Alan and all teachers in England and Wales. Local Authorities, Head Teachers and senior managers should by now be aware of the plethora of advice available relating to managing occupational stress.*

*It also shows the value of teachers belonging to a trade union like the NUT which is prepared to back them up with proper legal advice and support. I cannot praise highly*

enough the NUT regional team, in particular Regional Solicitors Camilla Gee and Liz Michaelson to whom most of the praise must go for this ground breaking decision.

In Alan's case the first Judge who heard the case commented that if senior managers at East Bridgwater School had followed such advice then the crisis that befell Alan could probably have been averted. Alan's case shows that we will pursue such cases to the highest level if necessary.

I hope, however, that this Judgment will encourage all employers to manage occupational stress properly in the first place so that teachers and other dedicated professionals do not have their lives and careers ruined. Alan was a dedicated teacher who has now been lost to the profession.

We are well aware that many teachers in the region are still being asked to work excessive hours and that some schools have not implemented the new contractual rights for teachers not to undertake certain routine tasks which can be done by administrative staff. Whilst these failures are not central to this case which occurred before the new contractual rights came into force, this decision will put schools on notice that we will pursue other problems caused by excessive workload with equal vigour. There can no longer be any excuse for putting teachers under the pressure of excessive workload and the NUT will take every possible step to ensure that its members have the protection from stress that they deserve."

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## THE OTHER SIDE OF SILENCE

The Union is organising a major national anti-racist conference in Bristol on November 17th. The title of the conference will be "The Other Side of Silence". It will be aimed at developing practical and sustainable strategies in mainly-white classrooms and schools for valuing diversity and challenging racism.

This is a Professional Development Conference and will be of benefit to all teachers. It is a practical conference rather than a policy conference and the Union hopes to attract classroom teachers and head teachers from all over the South West who are interested in developing and implementing good practice in their schools. It will help schools meet their obligations under the Race Relations (amendment) Act.

There will be examples of good practice, guidance and workshop sessions. This should be of major benefit in our region where many schools and, unfortunately, LEAs have shown complacency about this issue despite clear evidence that significant racism exists in our communities and schools.

The exact venue is still being chosen but we know that the cost will be £30 including lunch. If you are interested in attending you can pre-register to be sent the final details directly to you by e-mailing [south.west@nut.org.uk](mailto:south.west@nut.org.uk) with "The Other Side of Silence" in the subject line and giving your postal address and contact telephone number.

# EARLY YEARS CENTRE MANAGERS' JOB DESCRIPTIONS

Draft proposals on the job descriptions and terms and conditions for all Early Years Centre Managers were presented to Cabinet for approval on the 21st April 2004. Against NUT advice they were approved unchanged. The Union has two concerns which it raised with the Authority in mid-March.

Firstly, centres are to be open all the year round which creates serious conditions of service issues for teacher managers (both those currently managing a centre and those wishing to become a manager).

Secondly, among the 'Main Duties and Responsibilities' listed in the job description paragraph 2 reads "The planning and delivery of the Early Years Curriculum, including that of the Foundation Stage". This is clearly a teacher's responsibility yet Centre Managers will be recruited from many different backgrounds such as health, social services, child care or management. To place such a responsibility on Managers who are not qualified teachers is unfair and bound to create unnecessary tensions.

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## RETIRED TEACHERS' SECTION



The Retired Teachers' Section Secretary, Pearl Harris-Clarke writes:

***"The South West TUC has a Retired Teachers' Group and it would help us to have a greater input if we knew what now concerns former teachers in Gloucestershire."***

Retired members are encouraged to contact Pearl with any concerns they may have.

Pearl would also like to hear from any retired members who may wish to meet in small or large groups for lunch, a theatre visit or any other activities of like kind.

Pearl can be contacted through the Association website [www.glosnut.co.uk](http://www.glosnut.co.uk), by telephone on **01452 616 620** or by email to [pearl@harris-clarke.fsnet.co.uk](mailto:pearl@harris-clarke.fsnet.co.uk).

# NOT TOO LATE TO BOOK YOUR VISIT

Especially if you want to take your class to a farm!



## Would you like your pupils to:

- Know where their food comes from?
- Have an understanding of farming and food production?
- Find out about wildlife and the countryside on a real working farm?

## A visit to Over Farm can:

- Provide a programme of curriculum-linked first-hand experiences
- Include a trailer tractor ride around the farm and 'meet the animals'
- Cover many aspects of the National Curriculum and QCA schemes of work
- Promote healthy eating and local food production
- Explore environmental and sustainable development issues

Suitable for pre-school, primary and secondary school pupils.

Visits are led by an experienced, qualified teacher.

We can adapt activities to suit your needs and the curriculum areas you wish to cover.

## For more information or an Education Pack contact:

**Mo Braham**

**Telephone: 01531 820808 / 07970 619850**

**Email: [Davidandmo.topp@ukgateway.net](mailto:Davidandmo.topp@ukgateway.net)**

Mo is a long-time member of the NUT who has worked as a primary school teacher for many years in Gloucestershire. A few years ago her job was made redundant and she has turned her hand to all kinds of things since: working in FE and for the WEA, as a basic skills tutor, teaching courses for parents, helpers in school and teaching assistants. Other work includes environmental teaching with Gloucestershire Wildlife Trust and the Wilderness, which she particularly enjoys. Mo even fits in the odd bit of classroom supply work – to keep in touch with grassroots.

A keen interest in the environment has led her to start her own business, managing and running school visits to farms. "I am very aware of a need to reconnect pupils to their environment, their food and the countryside around them."

Good news is that there is funding available for FREE TRANSPORT for schools. If interested, contact Mo.

**Do you know you can advertise FREE on our website?  
Click on the 'advertisements' tab on [glosnut.co.uk](http://glosnut.co.uk) homepage  
for details.**

## GLOUCESTERSHIRE ASSOCIATION NUT CONTACTS

*If your District isn't listed then contact the Association Secretary.*

### ASSOCIATION SECRETARY

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### DISTRICT SECRETARIES

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**Cheltenham:** Ian Morgan: 01242 578 793

**Forest of Dean:** Geoff Davies: 01594 544 036

**Gloucester:** Garry Wheeler: 01452 531 342

**Newent & Tewkesbury:** John Pemberthy: 01594 564 508

**Stroud:** Mike Davis: 01453 883 995

### UNION LEARNING REPRESENTATIVE

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### RETIRED TEACHERS' SECRETARY

Pearl Harris-Clarke: 01452 616 620

### NATIONAL EXECUTIVE MEMBER

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### REGIONAL OFFICE IN EXETER

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[south.west@nut.org.uk](mailto:south.west@nut.org.uk)

Update your membership: **0845 300 1666**

Want to join? **0845 300 1669**

National Union's website: [www.teachers.org.uk](http://www.teachers.org.uk)

Local Association website: [www.glosnut.co.uk](http://www.glosnut.co.uk)

Identify the District Secretaries pictured right, email your answers through the website ([glosnut.co.uk](http://glosnut.co.uk)) and Andy will stand the first three members to answer correctly a drink (out of his own pocket!) at the General Meeting at the The Little Owl, Cheltenham, at 7pm on Wednesday June 23rd 2004.

NB: Competition not open to NUT officers, their partners, relatives or pets.

