



## Guidance Note to AMiE Members: TUC Model Agreement and Academy Status

Dear Members

As a result of the letter sent by Lord Hill stating that the signing of the TUC model agreement would be a negative factor in deciding whether a school should be given academy status, the following acts as guidance for school leaders who may be in the process of converting or considering conversion.

Whilst offering every support to members embarking on this journey towards academy status, ATL/AMiE remains committed to guaranteeing adherence to national pay and conditions, union recognition and facilities time for trade union officials and would encourage its members to support the TUC model agreement.

### Context of TUC Model agreement

The TUC Model Recognition Agreement for Academies was originally signed by the six non-management education Unions (ATL, GMB, NASUWT, NUT, Unison, Unite) in 2008. It has subsequently been adapted to encompass the “new-style” academies, which are being set up under the auspices of the Coalition Government.

The important thing to note is that **the Model Agreement does not include any new rights for the Unions or their members**. It simply translates the representational rights of staff protected by TUPE into terms more appropriate for a stand-alone school, now operating outside of the local authority “family” of schools.

The Model Agreement codifies these arrangements in two key respects:

- 1) It establishes a new consultative framework, which is necessitated by the move out of the LA purview;
- 2) It contains practical measures for ensuring that Union Reps in the school and locale have the necessary facilities to carry out their statutory functions.

The Agreement was specifically devised to assist schools and staff to make as seamless a transfer as possible to academy status, once the decision to seek such status was made. For that reason, the vast majority of schools who have transferred to academy status have opted to use the Model Agreement as a basis for future consultation and negotiation with unions.

### Points for consideration

- All teachers, including school leaders, have been protected from the erosion of salary and conditions of service, which has affected other sectors in education, by the continued existence of a national framework
- This is particularly crucial at this point in time when the STRB is being asked to consider leadership pay and conditions within a context which seems to suggest that pay reduction, caps and fewer numbers of school leaders are under consideration by the Government
- Indeed DfE evidence to the STRB notes that Primary school heads in England have the highest minimum and maximum basic gross salaries for school heads of the 29 European countries or regions reporting data. Likewise Secondary school heads have the highest pay scales in Europe, relative to per capita GDP. The evidence also goes on to report the perceived ‘advantages’ of shared leadership for heads
- It is therefore difficult not to surmise that in the present economic climate and with a potential crisis in succession planning that erosion of school leaders’ pay and shared models of leadership will become the preferred model for the future whether or not individual leaders and their communities agree
- Moreover joint evidence to the STRB from the unions, and this includes NAHT and ASCL, has shown that the national pay framework, if used properly, provides sufficient flexibility to enable head teachers to manage the staffing in their schools in a creative and flexible way. Indeed that flexibility has always been built into the national framework
- It is therefore essential that a national framework continues, if pay and conditions are to be protected for all teaching staff, including those in leadership positions, in the short and medium term and so that the value of pay does not decline. This is particularly true in a climate where head teachers’ pay will be published as part of the government’s transparency and fairness agenda

AMiE therefore strongly encourages all its leadership members to consider the guidance carefully and to seek to protect national terms and conditions by supporting the TUC Model Agreement. This provides the best and most appropriate basis upon which schools converting to academy status should meet their obligations under TUPE, without either being prejudicial to their application to convert nor constraining any of the freedoms conferred by academy status.