

Britain: Labour government presses ahead with performance-related pay for teachers

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The Blair government has indicated that it will press ahead with the introduction of performance-related pay (PRP) for teachers, despite a High Court ruling that it has proceeded unlawfully over the issue.

The National Union of Teachers (NUT), the largest teaching union, took the government's plan to the High Court. Last Friday, Justice Jackson found that Education Secretary David Blunkett, had “evaded scrutiny” by Parliament, the Welsh Assembly and the schoolteachers' pay review body.

Under PRP, teachers passing a performance “threshold” could gain a £2,000 pay rise and access to a higher pay scale. The NUT had argued that it was “gravely concerned” by the pay system, which was likely to create “conflict and division” within schools. The union also complained that Blunkett had arbitrarily selected the threshold criterion and had begun circulating application forms to schools in May.

The government was found to have acted illegally on two counts. The first involved the standards by which teachers who applied to “cross the threshold” onto a new, higher pay scale were to be assessed. The second related to a new duty placed on all teachers to assist school heads in assessing whether their colleagues merited receiving the award. Justice Jackson stated: “The Secretary of State cannot insert a controversial term in all teachers' contracts of employment simply by making an announcement in the *Department for Education and Employment News*, or by printing it in an information note circulated to schools.”

In parliament on Monday, School Standards Minister Estelle Morris said that the judgement did not mean a review of PRP was necessary. She emphasised that the scheme would be introduced “with as little delay as possible”.

From the start, the NUT has tried to sabotage

opposition to PRP. Its motive for launching the legal initiative was to prevent teachers embarking on industrial action against the new measures. Over the last year teachers have repeatedly voted in favour of strikes against PRP, only to have their wishes overruled by the NUT executive who have argued that the legal challenge was the only way to proceed.

The teaching unions bear the major responsibility for the fact that the government has been able to proceed this far. Whilst the NUT says it is opposed to performance-related-pay, it has also said that it will support any member who wishes to apply for a PRP award. Its web site even provides guidelines on how teachers should fill in their application forms. As a result, some 200,000 teachers have applied to be evaluated for PRP. Currently, teachers who have reached the maximum annual pay rate of £23,958 can only increase their earnings if they take on additional administrative or managerial responsibilities.

Another factor in the NUT's action was the government's attempts to sideline the unions in drawing up its proposals. The court heard that the Order that introduced the reform was drawn up with just four days allowed for consultation with the unions and other interested parties. Steve Sinnott, NUT deputy general secretary, summed up the union's annoyance at being kept out of the consultation process when he complained that what the government “should be doing is listening and talking to the teachers and devising a means whereby teachers are paid properly in accordance with the law.” The government's agreement to go through the formal consultation process following the judgement will no doubt remove this objection.

The other teaching unions openly defend PRP and have reacted angrily to the delay the NUT action has caused. Peter Smith of the Association of Teachers and

Lecturers (ATL) said this was a “pyrrhic victory”. Nigel De Gruchy of the National Association of Schoolmasters and Women Teachers, the second largest teaching union, said, “The NUT's success in the High Court could penalise teachers more than the government.”

Just as schools have been forced into competition with one another through the introduction of “league tables”, so now are teachers. PRP is only one of a series of divisive measures being introduced. From the start of the new academic year in September, teachers in England and Wales will have to agree performance targets with their line managers and a new salary structure is to be introduced which includes annual performance targets and assessments.

PRP also threatens a significant strengthening of selective education. The competency and test results of individual pupils will form a substantial part of deciding whether a teacher can qualify, raising serious concerns that “slower” learners or those with educational difficulties will be shunted off into other classes or removed from school altogether.



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