



## **Structural Reform Research Programme Final Reports December 2012**

### **SCHOOL SECTOR INDUSTRIAL RELATIONS IN TRANSITION: ASSESSING THE IMPACT OF ACADEMIES**

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#### **Abstract:**

This study reports on a small-scale single unit case-study investigating one aspect of the Coalition government's commitment to encourage all schools to become Academies. Specifically it focuses on the industrial relations impact of this policy and the intention to devolve responsibility for key industrial relations functions to school level. The report seeks to understand how the traditional role of the local authority is changing, the extent to which new industrial relations patterns are emerging in Academy schools and the implications of all these developments for union form and organisation. The research is based on interviews with key participants in a single local authority with high levels of academisation. The findings indicate substantial and rapid change, but as yet with uncertain outcomes. The paper presents emergent findings in relation to the research aims, and offers speculative assessments of possible futures.

#### **Contextual information:**

Within the UK, responsibility for education policy is devolved to individual nations. In England responsibility for school sector education resides with the Department for Education (DfE). Local government maintains a significant role in education provision, although its changing role is the focus of this research. Individual regions of local government are referred to as local authorities (LAs), and within them education is the responsibility of the Children and Young People's Service (CYPS).

The school workforce is represented collectively by a number of recognised unions. Within the case-study LA these are:

Association of School and College Leaders (ASCL) – membership drawn from staff with leadership roles.

Association of Teachers and Lecturers (ATL) – membership predominantly classroom teachers.

General Municipal and Boilermakers (GMB) – support staff union representing mostly manual workers, such as premises officers.

National Association of Headteachers (NAHT) – membership drawn from staff with leadership roles.

National Association of School Masters Union of Women Teachers (NASUWT) – membership predominantly classroom teachers.

National Union of Teachers (NUT) – membership predominantly classroom teachers.

Unison – support staff union representing wide range of support staff, but mostly administrative roles.

Voice – membership predominantly classroom teachers.

ATL, NASUWT and NUT, and Unison and GMB, are affiliated to the national trade union federation the Trades Union Congress (TUC).

School teachers' pay is determined at a national level by a review body – the School Teachers' Review Body (STRB).

## **Introduction:**

This report provides a summary of research undertaken during 2012 as one project within the BELMAS funded Structural Reform Research Initiative. The focus of the project reported here is on the industrial relations implications of the Coalition Government's education policies, and specifically the government's commitment to substantially increase the number of schools designated as Academies. In this context we define 'industrial relations' as the means by which the work of school employees is regulated through an interface between employers and managers on one hand, and employee's collective representatives in the form of unions on the other.

The report begins by locating current government policy within a much longer-term process of neo-liberal restructuring of state schooling in England. Within this context, we argue that a key long-term objective of this restructuring has been to weaken the influence of 'producer interests' in general, and teacher unions in particular.

The research on which this report is based was collected from a single case study local authority. In the methodology we provide details of the data collected and also discuss to what extent the case offers possibilities for wider generalisability.

The report then presents some of the key findings, and these are framed around three over-arching questions:

1. In light of current policy initiatives in relation to Academies, how is the industrial relations function in the case Local Authority changing?
2. What type of industrial relations structures and arrangements are emerging in Academy schools?
3. How are education sector unions responding to the new schools landscape?

Within the report there is an emphasis on teachers and their unions as numerically the most significant element of the schools workforce. But the issues being researched relate to the whole schools workforce and teaching and support-staff unions are included.

The report concludes by discussing some longer-term implications and consequences that flow from the data presented in relation to the three research questions.

## **School sector industrial relations - background:**

The election of the Coalition government in May 2010 marked a decisive shift in education policy relating to schools. The trajectory of policy was most clearly set out in the White Paper *'The Importance of Teaching'* (DfE 2010) which committed the government to reversing what it portrayed as New Labour interventionism. However, and perhaps paradoxically, its centrepiece policy was the extension of a New Labour policy – the creation of Academy schools (Gunter et al. 2011), but with the aim of encouraging all schools to seek Academy status.

This drive to system fragmentation has clearly accelerated considerably since the election of the Coalition government. However, this general trajectory in policy can be traced back over a sustained period of time, and most specifically to the introduction of the 1988 Education Reform Act (Stevenson 2011). We would argue, therefore, that the drive to wholesale academisation represents a defining moment in the continued neo-

liberal restructuring of state schooling in England. This is reflected in the following core features of academisation:

*Marketisation* – the reduced role of local authorities, and the erosion of local school systems leads to an intensification of competition between schools and the further development of the already well-established quasi-market in the school sector.

*Privatisation* – the Academies policy intentionally seeks to increase the role and influence of private providers within the state ‘public’ education system. This is most apparent in the form of Academy chains that are private sector organisations, albeit currently not-for-profit.

*De-regulation* – the Academies programme promotes a number of ‘freedoms’ in relation to school organisation and management. These range from increased budgetary autonomy through greater curriculum control through to enhanced flexibilities relating to employment issues.

Academy schools are schools in the public system, but no longer part of the traditional system of local authority maintained provision. Rather, Academy schools receive all their funding directly from Central Government. Many Academies are ‘free-standing’ although a significant number are managed through ‘Chains’. As indicated, a feature of ‘de-regulated’ Academy schools is a claimed high level of autonomy whereby Academy schools are exempt from key elements of the national curriculum, have full control of their budget and are not obliged to follow national terms and conditions for the employment of staff. Attention is frequently focused on ‘headline’ issues relating to the curriculum and finance. Often rather less attention is focused on the flexibilities introduced in relation to employment issues. In our view, this is a weakness. It reflects a tendency to de-contextualise issues such ‘the curriculum’, and it disconnects them from wider questions of school organisation. It fails to recognise that what happens in schools and classrooms is first and foremost the outcome of a labour process (Reid 2003). That labour process is itself the product of a particular employment relationship. There is, therefore, a need to understand the restructuring of public education in terms of its impact on teachers’ experience of work, teachers’ identity as workers and as ‘professionals’, and finally on schools as workplaces (Connell 1985). Such an analysis begins to address the question posed by Richard Ingersoll (2003) – *who controls teachers’ work?* However, it goes beyond this and also asks, *how* is teachers’ work controlled?

The starting point for our study is a recognition that teachers’ labour process, and the regulation of teachers’ work, has historically been framed by an employment context characterised by high levels of unionisation. As a consequence, the ‘rules’ governing the deployment of labour have been determined, at least in part, by a process of collective bargaining whereby the unilateral power of the employer has been re-balanced by the collective power of labour – resulting in a re-positioning of what Goodrich’s classic study (1920) referred to as the ‘frontier of control’. It is this engagement in the process of collective bargaining that allowed Flanders to argue that the ‘constant underlying social purpose of trade unionism is, . . . participation in job regulation’ (1970:30).

Within the school sector, in common with the wider public sector, this participation in the regulation of teachers’ work traditionally took place within the context of a highly centralised form of collective bargaining based on national negotiating over pay (through the Burnham Committee) and strong input at local authority level whereby collective agreements determined the means for managing, for example, discipline and grievance issues. In such a model, the scope for workplace discretion was restricted,

and as a consequence the form of union organisation was itself usually highly centralised with workplace organisation much more limited. As McCarthy asserted:

In general terms it can be said that trade unions seek to bargain at the level at which effective decisions are made. It follows that the more centralised an industry or firm is the less scope there will be for shop floor bargaining in general and shop steward representation in particular. (1966:62)

McCarthy was writing about a very different context, and at a very different time, to the contemporary context of the English school system in 2012. However, his general point remains important. Unions seek to bargain at the point where decisions are made, and flowing from this, unions seek to organise at the level at which they bargain. Hence, Hugh Clegg could argue in 1979 that the 'outstanding characteristic' (p 31) of public sector industrial relations was the degree of centralisation, as a consequence of which 'workplace organisation was the exception' (1979: 35).

Within the schools sector this pattern of centralised collective bargaining changed markedly following the period of industrial action by teacher unions in the period 1984-86. What followed was the removal of negotiating rights over pay at a national level in 1987, and an attempt to reduce fundamentally the role of teacher unions at local authority level through the introduction of Local Management of Schools (a highly developed form of site-based management) in 1988. Drawing on a New Right critique of the public sector in general, and a 'producer capture' analysis in particular (Adam Smith Institute 1984), the combination of these policies was deliberately intended to pose a challenge to teachers' collective influence. This threat was recognised at the time in one union's response to the 1992-1997 Conservative government's White Paper *Choice and diversity: a new framework for schools* (DfE 1992):

Fragmentation of the service, which the Union must continue to oppose, makes it much more difficult for a national organisation to apply collective influence at a local level. Increasingly the power to determine will be that of the governing body rather than the local education authority. Already the school development plan, the allocation of the school's budget and a school's pay policy are significant steps in this direction. The proposed new role of the local authority will provide diminished opportunities for collective influence locally. (NUT 1992:2)

Ironside et al. (1997) anticipated significant problems from system fragmentation as the emergence of new personnel issues at school level (such as redundancy and performance related pay) were coupled with the simultaneous removal of mechanisms to deal with workplace conflicts. They argued that 'the reforms have introduced new sources of conflict at the same time as they have dismantled the collective bargaining mechanisms that might have resolved them, generating destabilising and destructive tensions' (1997: 133). Their argument was that formalised industrial relations structures in schools were insufficiently developed to be able to deal adequately with the complexity of the issues emerging at school level.

What is perhaps most striking when reviewing the years following Ironside et al.'s analysis was that the 'destabilising and destructive tensions' they identified never really materialised (Carter 2004; Stevenson 2003 and 2005). This can, at least, in part be attributed to the actions of local authorities, headteachers and teacher unions who appeared to work together to reconstruct a type of pre-1988 structure in which the local authority remained a significant locus for employee relations and bargaining purposes.

Carter et al.'s follow-up study to Ironside and Seifert's research (1995) suggested that as late as 2008 these reconstituted structures remained largely in tact (Carter et al. 2010). Moreover, and as a consequence, the teacher unions continued to focus significant organisational resources at this tier of the system. Whilst in some important respects the post-1988 context was fundamentally different (for example, collective agreements agreed at LA were not binding on schools), in practical terms it remained remarkably similar. Negotiating committees continued to exist and local union officers, supported by the employer to undertake union duties (through 'facilities time' arrangements), continued to be the principal means by which school based personnel disputes (individual and collective) were resolved.

Our study seeks to update this work by returning to these issues in the period following May 2010 and the election of the Coalition government, and to address the three research questions indicated previously.

## Methods

The work presented here is based on data collected from a single local authority. The local authority is a large Conservative-controlled Shire county. In May 2010, the local authority had no Academy schools. The lack of Academy in schools in part reflected the LA's largely rural geography (New Labour's Academy programme was focused on urban areas), but also reflected a historically strong relationship between schools and the LA (evidenced by the small number of Grant-Maintained Schools established in the Authority after the 1988 Act). During the period when this data was collected, the situation described changed dramatically and from being an LA that had hardly engaged with Academisation the LA became one of the authorities that might be considered to be in the vanguard of the Coalition's commitment to complete Academisation. For this reason we do not present this single LA case-study as typical but rather we argue that its merit lies in its *atypicality*. The rapid increase in Academy schools, coupled with very substantial changes in the structure and function of the LA in relation to schools provision, make the case study a potential exemplar of what the Coalition government seeks to achieve on a much wider scale. We have no evidence that allows us to generalise from this data and therefore we leave it to others to judge to what extent the case has 'reliability' value to other contexts (Bassey 1981). Our view is that because of its 'vanguard' nature we believe this case study has special interest. In particular, because data were collected during this period of substantial and rapid change, we believe they capture some of the turbulence of policy implementation at a time of almost unprecedented system transition.

The scale of the changes within the case LA are revealed by the number of schools that have already converted, or are in the process of conversion to, Academy status. At the start of the 2012-13 academic year, 90% of secondary schools had converted, or were in the process, with the corresponding figures for primary and special schools being 40% and 50% respectively. The LA officer with responsibility for Academy issues within the LA, when interviewed for this project, anticipated 85% of all schools would have either converted, or would be in the process, by the end of the 2012-13 academic year. If this is the case, this would significantly surpass the national trend where the pace of conversions has slowed and primary schools appear much less willing to convert.

Data were collected by identifying key participants working at both local authority and school level. The findings presented in this paper are based on the following interviews:

Local Authority officer

Branch secretaries of all of the education trade unions operating in the LA (including those representing support staff).

Headteachers of primary and secondary schools and a special school, some of whom had converted to academies and some of whom had not.

School-based union representatives

A total of 17 interviews were conducted. We recognise this number is limited and this needs to be considered when evaluating findings. However, we are confident the data captures the perspectives of key participants within the case LA. Moreover, given the rapidly unfolding developments we describe in this paper, we have decided to continue our data collection and further interviews are planned. In some cases, these will be participants new to the project and in other cases we shall be returning to key personnel already interviewed with a view to seeking their perspectives on changed events. A particular focus in this next phase of research will be on school-based personnel, headteachers and school-based union representatives.

It is important to assert therefore that although this report captures key developments at a significant moment we consider the work to be on-going and therefore findings and conclusions remain tentative.

### **Research questions and key findings**

Findings are presented in relation to the three key research questions. This focuses attention on the LA level, the school level and finally the unions' responses to the new environment.

#### *In light of current policy initiatives in relation to Academies, how is the industrial relations function in the case Local Authority changing?*

Historically, the local authority and the unions representing teaching and support staff had enjoyed constructive relations – described by one experienced union officer as ‘a very good working relationship with the County as a whole and Childrens’ and Young People’s Services in particular’ (GMB officer). These were generally characterised as positive with considerable levels of trust identified by both unions and LA personnel. The unions were firmly embedded in formal LA structures with separate and long established committees addressing both negotiating and consultative functions. These committees had continued in the post-1988 period and their work retained a significant influence on schools in the LA. For example, HR policies negotiated at LA level were then presented to school governing bodies as ‘recommended’ (and union-endorsed) which were then, in turn, adopted by individual schools. These policies often became *de facto* LA level collective agreements. Much of this work with the local authority was conducted on behalf of local unions by the Secretary of each of the respective unions. This individual would often conform to the criteria identified by Fosh (1993) as that of the ‘key local leader’. Association secretaries all received an element of ‘facilities time’, this is time off paid duties to undertake the unions’ industrial relations function with the employer. Association secretaries are ‘lay officers’ of the union (that is, they are not employees of the union). In most cases they have substantive posts in schools and they are ‘released’ to undertake union work. The rationale for this type of employer support can be traced back to the post-Donovan<sup>1</sup> era in which it was recognised that if ‘good industrial relations’ were to be developed then unions needed ‘facilities’ to make these

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<sup>1</sup> The Donovan Report (1968) was a Royal Commission that guided state-driven industrial relations policy in the 1970s, with significant elements still being in place today.

processes work effectively (Burchill 2008). Within the case LA, the amount of facilities time allocated to unions was distributed in proportion to membership strength. This allowed the Association Secretaries of the two largest teacher unions to have the equivalent of one person on full time release. Other unions received much less than this, and in some cases the 'allowance' was allocated to union officers in post-retirement, but who then fulfilled the same function. One of the support staff unions (GMB) received no facilities time, but paid for its own release time for officers (in school sector terms GMB represents a relatively small proportion of the workforce). The benefits of facilities time for unions are obvious, as this provides the resource that allows union officers to carry out their role, for example, representing members and attending meetings. The benefits to the employer may be less visible although several studies have indicated they are substantial (see for example TUC 2012 (challenged by TPA 2012), and in a schools context, Carter et al. 2010). The danger for unions is that the system can encourage high levels of dependency on the 'key local leader'. In the longer term, if a dependency culture develops this may militate against building broader organisational capacity.

The arrangements described here can clearly be associated with the local authority's function as an employer. In reality this function has always been ambiguous following the introduction of Local Management of Schools. Key personnel functions, such as those relating to dismissal, were delegated to school level whilst the consequences of such decisions (liability for severance payments or unfair dismissal claims) still resided with the LA as the employer. Moreover, as has been identified in studies cited earlier, schools were often happy to 'transfer back' the employer function (in part at least) and to re-create the machinery to deal with this.

Within the case LA, the rapid drive to academisation began to fundamentally change these relationships.

Firstly, and very significantly, the LA ceased to be the employer for very many teachers in the geographical area that was the local authority. In these schools, the LA ceased to have any employer responsibility, although schools may decide to 'buy back' HR services from the LA in a trading relationship. At this stage it is not clear what level of service is being bought back.

Secondly, where the LA retained its role as employer, it appeared much less enthusiastic about providing a comprehensive employer role, by, for example, adopting a substantial and strategic employee relations function.

Clearly the perspectives of LAs will differ considerably depending on a range of factors, including the political orientation and leadership of the LA (this is apparent from other studies conducted within the BELMAS Structural Reform Research Project – see [www.belmas.org.uk](http://www.belmas.org.uk)). Within the case study LA it was clear that the future role of the LA was seen in radically different terms to the ways it might traditionally have been conceived. This view was most clearly articulated by the LA officer who had responsibility within the LA for the Academies programme.

This local authority officer described the changed role of the LA as now being a 'market shaper'. This was deliberately presented as less interventionist than a 'market regulator', and emphatically not a direct provider. This was clearly illustrated when the officer described the following approach of the LA.

... we have clarity between the Children and Young People's Service which we see increasingly and unambiguously as on the side of the school user –the child and family. And the services that are trading with

schools sitting in another place because we do not want to have that accountability muddled.

The LA officer elaborated that unambiguously being 'on the side of the school user' meant ensuring that the local market provided an adequate supply and choice of local schools. The logic was that if competition could be assured, then quality of provision would follow. Where there was evidence of local 'market failure' (under provision and/or poor quality provision) the role of the LA was to encourage new providers into the market. In the view of the LA officer this role was compromised if the LA was simultaneously the 'market shaper', and also a direct provider of services. How might the LA criticise the quality of provision in an area if it was simultaneously the provider of, say, school improvement services to schools in the same area? Given this view the LA officer described how the LA no longer intended to provide various services, such as School Improvement, but he also set out his expectation that current statutory services, such as Traveller Education, would ultimately be provided by LA employees newly constituted as private sector independent providers, or schools selling such services on a commercial basis.

Applying this logic further, the new LA has only a limited HR and employee relations function to schools that remain LA controlled. It was argued that even if schools were to choose to remain within the aegis of the LA they would need to recognise that the LA itself would be very much changed.

... you can choose to become an Academy or not - that is up to you. But if you stay, you are staying with a really different type of Local Authority - with a different role and with a massively different level of funding. If you are expecting to be able to pick up the phone and somebody will be there to deal with your problem - there will not be anyone on the other end of the phone...

The analysis presented by the Local Authority was one that unions might disagree with as a matter of principle, but there was considerable evidence that they recognised a 'new reality'. The NAHT Association Secretary commented:

The future of the LA is doomed to a degree ... [the Director of CYPS] does not like selling the services of the local authority ... and he has articulated that the LA in its present form is not going to be there.

At present, the LA is obliged to continue to provide HR and other services to its schools. However, the argument that in future this will be a much diminished service was an important driver in encouraging schools to seek academy status. This was reflected in the comments of a primary headteacher of an academy school.

It is quite obvious that the local authority is going to be barely in existence in terms of any value to schools in a year's time. In terms of working on school improvement and school support services, there is going to be five people ... and a year after that, it will be two.

The suggestion that there might no longer be any meaningful level of support from the LA to 'deal with your problem' (LA officer) might in turn be mirrored on the union side as the corollary of the perspective outlined above is the proposed withdrawal of all funding to support facilities time for union officers from April 2013. Alongside this, is an equally uncertain future for the LA's negotiating and consultative committees as no resource is allocated beyond March 2013 for their support.

At the time of writing, this situation remains fluid. The teacher unions are seeking to encourage Academy schools to 'buy in' on a school-by-school basis to the re-establishment of some type of facilities arrangement, but this seems unlikely. It is certainly unlikely on the scale required to reproduce anything like what has previously existed, that is a commitment to 'buy-in' from all schools.

What seems likely is that from April 2013 formal industrial relations structures constituted at LA level will be very largely dismantled. Mechanisms intended to manage complex personnel issues, and to find ways to absorb the conflict and tension often associated with such issues, will no longer exist. At the same time, the traditional capacity from both the employer (the LA HR department) and employee (the local union officer) side to facilitate these processes will be substantially diminished.

This scenario almost precisely describes the vacuum identified by Ironside et al. (1997) when they suggested that the creation of such a vacuum, combined with the need to manage much more complex personnel issues, would be inherently unstable. As it happened, such instability never really materialised as the vacuum that was created by the 1988 reforms was almost immediately re-filled by the interventions of LAs, headteacher and teacher unions. Our argument is that if the trajectory of this case study local authority becomes a template that many other LAs follow then it will simply not be possible to voluntarily re-form structures in the way that was achieved post-1988. If the vacuum is re-filled it is likely to be by something that looks quite different to what went previously. One of the key factors determining any new arrangements will be the nature of the structures that emerge at school level.

*What type of industrial relations structures and arrangements are emerging in Academy schools?*

Union activity in schools has long been significant, and there can be no doubt that unions have traditionally had an important role participating in job regulation (Flanders, 1970). However, as has been argued, this is often because of the way in which teachers' work contract has been framed by both national and local (local authority) negotiations. The 'frontier of control' (Goodrich 1920) has been complex, with significant influence imposed from outside the immediate workplace. Some level of school-based union activity was normal in many schools (Stevenson 2003 and 2005), and even where it was not immediately visible it was always important to recognise the 'at a distance' influence of the local association secretary. This person was able to intervene whenever there was a problem and simply through their existence and *potential* for intervention they asserted an influence (Carter et al. 2010). However, whilst recognising significant variability, high levels of workplace union activity tend to be the exception, and where it exists it remains highly informal, that is, it tends not to be institutionalised in formal structures. School based unions representatives, where they take an active role, are strongly encouraged to focus on the application of employee rights generally determined elsewhere, and in some cases they are positively discouraged from seeking to negotiate school level improvements beyond the nationally or locally agreed terms (Carter et al. 2010).

A number of factors can account for the situation described above. One very significant factor is the size of schools as workplaces, with very many being relatively small. There is substantial research evidence (see various *Workplace Industrial/Employment Relations Surveys*) that correlates workplace size with levels of union activity. This, in part, explains the pragmatic response of unions to focus organisational capacity at local authority, not school, level. Another factor likely to have an influence is the majority

female gender profile of the teaching profession. This is not to argue that women are intrinsically less union-oriented, but simply to recognise that whilst women remain, in general, the primary carers, then the difficulties of juggling the competing demands of work and caring are compounded if union activity is also an expectation (Ozga 1987). It is important to recognise that the intensification of teachers' work is experienced in gendered ways and this is also likely to impact the capacity to engage in union activism. Finally, and more recently, the increased pressures of performativity (performance measurement, marketisation and managerialism) are widely recognised (Mercer et al., 2010) and it is not unreasonable to speculate that this has contributed to a more hostile environment for engaging in union work (although at this stage our data is inconclusive on this issue).

Given the absence of these traditions, is there evidence that the collapse of formal structures at a LA level are creating an impulse to increased formality at school level? Such an increase in formality might assume a number of forms including increased union member activity in the school (evidenced by school-based union meetings), an enhanced role for the school-based union rep, the establishment of more formalised structures such as joint union committees and finally the existence of more explicit negotiating over a range of workplace issues (procedural and/or substantive) (Stevenson 2005).

The research presented in this paper suggests that if such trends are developing they are, at this early stage, extremely embryonic. There was certainly evidence that the conversion to Academy status had generated member anxiety, and as a consequence there was evidence of school representatives being drawn into increased activity. This was mostly in the form of organising meetings for members or participating in meetings with the headteacher to discuss different aspects of conversion. Such communications were valued by both headteachers and union representatives. One school union representative commented:

I sincerely hope that it [the union] will still be considered a very valuable point of contact within the College and I hope that as unions we do not lose our status. I hope that we are still taken as seriously as I feel that we are at the moment. The management of [school] fully believe in unionisation and they encourage staff to be part of the unions. Again we have had assurances that the relationship between the College and union will not change and I sincerely hope that is the case ...

School-based representatives found themselves in a link role whereby they articulated member concerns to the headteacher, whilst also conveying management arguments to the membership. They were also the link to the Association Secretary who continued to play the key role in terms of formal issues (such as TUPE arrangements). This pragmatic response to conversion was common within this LA, described by virtually all groups of interviewees in terms of managing a process and seeking to mitigate for its worst effects. Branch secretaries of several teacher unions indicated that whilst each union had policies of formal opposition to Academies they argued it had not been possible to mobilise active membership resistance. Whilst this response is not uncommon, it is also not uniform. It is possible to identify a significant number of instances in other Local Authorities where the drive to academisation has sparked active union resistance (including significant strike action), although by no means always successful. This was most conspicuous in relation to the campaign against 'forced-academisation' at Downhills School in Haringey, but there are a number of other cases also. Within the case study LA it is also interesting to contrast the situation in 2012 with that in the early 1990s when moves to Grant-Maintained Status were very effectively challenged by

highly successful union-led campaigns (Stevenson 2000). However, it is important to acknowledge key differences in the contexts, most notably the requirement for a parental ballot when considering conversion to GM status which arguably made community mobilisation easier.

Within this case study, and the schools included in this research, school-based union representatives and headteachers reported constructive relationships at school level (see above also). These were often seen, by both sides, as valuable and worthwhile. However, they remained extremely informal – meetings organised between the school rep and the headteacher on an *ad hoc*, ‘needs-must’ basis. There was little evidence of formality, and there appeared to be a clear emphasis on a consultative function, rather than anything that might be described as negotiation *per se* (informal or formal).

One obvious explanation for the reluctance to engage in anything that might resemble more formal negotiating was an absence of obvious negotiating issues. Generally, headteachers were reluctant to exercise their Academy ‘freedoms’ in relation to employment issues, and this was for a range of reasons. Some clearly had no appetite for more fragmented system and rather they expressed a strong commitment to the principle of national terms and conditions for teachers. These views were articulated by the headteacher of a secondary school academy in the following terms:

When it comes to local pay bargaining, this is going to be a nightmare because my staff have not got the skills for negotiating salaries at local level. Now, we have said we will mirror local authority terms and conditions but choose to go above, if it suits us ... let’s mirror national terms and conditions because why do we want our local teachers to be paid any less - it is a crazy idea. I think the governors would just say ‘look, we will just stick with the local authority or similar terms and conditions and policies because it just saves shed loads of work’.

Others took a pragmatic approach and preferred not to unnecessarily generate staff anxiety – ‘we have had enough change *for now*’ was the comment of one headteacher. What is likely, is that over time, whether enthusiastically or reluctantly, schools will begin to introduce local variations to national contracts (a development made more likely following publication of the STRB report – DFE 2012) . Indeed the Unison (support staff union) officer interviewed estimated that about a quarter of headteachers in Academy schools had already tried to apply contracts to support staff that included worsened terms and conditions. Given this early evidence of ‘conditions creep’ then it may be that the structures for dealing with these issues, such as they exist in schools at all, may be found wanting. If this is the case then more formalised structures could emerge. However, at this stage, in this case study LA, there was no evidence of such developments.

More likely, at the current time, should difficult issues arise in schools then the school representative still adopts the time-honoured practice of phoning the Association Secretary. In the case study LA our evidence suggested that Academy Schools were still willing to recognise the local Association Secretary as the local representative of the union, and therefore were still agreeable to meet these people to resolve school-based issues. There was only very limited evidence that Academy Schools were questioning the legitimacy of Association Secretaries to represent their members. However, the long-term sustainability of this approach is called into question as soon as facilities time is withdrawn and local union officers receive no additional resource to undertake this work. At the time of writing local union officers were seeking to gain support from local Academy schools to participate in a voluntary ‘buy-in’ to re-create a facilities type

arrangement. The outcome of these discussions is not yet apparent. Regardless of the outcome it is far from clear to what extent school-based union representatives might be willing to take on the additional work of more school-based bargaining. Although some do take this on, it is widely recognised that many do not and this study reaffirmed earlier ones that, for myriad reasons (previously identified), many school representatives are reluctant to get drawn further into union activity at school level. This latter point clearly raises significant issues for the future of the teacher unions and how they choose to organise in order to retain their influence (see concluding sections).

*How are teacher unions responding to the new schools landscape?*

Earlier in this paper a policy document published by the NUT in 1992 was quoted, in which it was argued that the then drive to system decentralisation challenged the centralised structures and form of the union. The document suggested that the union might need to re-balance as it devoted more resources to workplace organisation. As it happened, the union (like other teacher unions) rejected making wholesale changes to its organisational form. The union continued to strengthen its regional structures (of full-time paid officials), but in all other respects it retained its traditional structures. The key unit of organisation for all the teacher unions remains the local Association (usually co-terminous with the employing local authority) whilst the school representative, and the school-based union group have no formal constitutional status. This situation was always slightly anomalous as a well organised school group might easily muster 30 members to a meeting, whilst the Local Association to which its members belonged might struggle to get 20 people to an association meeting to decide union policy across the whole LA. However, the argument to retain the status quo might be readily defended given that, as has been shown, system decentralisation post-1988 never developed in quite the way envisaged. With some justification teacher unions can argue they resisted, and in part subverted, the 1988 drive to decentralisation. However, if they delayed it, it is increasingly difficult to sustain the argument that they de-railed it. Rather, it might be argued that the events following the 2010 election represent the culmination, ultimately, of the '1988 moment' (Stevenson 2011). Should teacher unions, and school sector unions more widely, now consider the organisational changes of the type similar to those previously rejected 20 years ago? Whether they should, or should not, is a question we consider in the final section of this paper. But first, we explore evidence from our case study LA as to whether the drive to academisation is in turn driving organisational change in the unions.

Once again, the evidence points to a fast changing picture. The data collected for this study was collected entirely within the case study LA and therefore the findings reflect the responses of the unions at a local level. At this level, at the point in time when data was collected (recognising the extremely fast changing environment), it was difficult to discern any significant or strategic approach to a vastly changed landscape. The Unison officer commented:

Nationally, I think they [the national union] have only just woken up to the fact that Unison could effectively have 22,000 more employers on their books. And they seem to be looking at it as though it will sort itself out – that people will step up and people should volunteer for this ... but ... if you keep handing it out to the stewards, the stewards are just going to turn round and say 'I'm not doing this anymore'.

What appeared to be the case, at the time of data collection, was that the sheer pace and scale of the changes were dazzling the local teacher and school sector unions. With insufficient resources relative to the scale of the task (multiple schools simultaneously

engaging in major structural changes involving fundamental changes to members' employment status) then key local personnel (mostly Association Secretaries) were spread very thinly seeking to ensure that processes were being followed and members' interests were being protected. Much more difficult was the task of mobilising members and organising politically in a way that might challenge the trajectory of policy. Yet more difficult still was the task of viewing the changes from a broader perspective and developing a strategic response. Whilst there was some limited evidence of changes in practices (for example providing training specifically for school representatives who work in Academies) there was little evidence of much beyond this.

At the time of writing however there is new evidence of this situation shifting. At a national level it is worth noting that virtually all the teacher unions (including headteacher unions) are undertaking organisational reviews of some type in response to the issues with which this report is concerned. It may well be that significant changes are seen within some unions at least, as they come to terms with the new environment. Within the case study LA this is already evident as at least one of the major teacher unions has put in place a tailored strategy for its members in this LA in recognition of the complete withdrawal of facilities arrangements. The aim is to re-build the activist base in the union by drawing on organising strategies widely used in other industrial sectors (Heery et al, 1999). At this point in time this strategy is just being put in place and clearly its outcomes remain uncertain. However, it points to the on-going nature of the developments being studied here, and hence our commitment to continue the research project into the future.

### **Implications for theory and policy**

The case study LA cannot be described as typical. It has exhibited a rate of academisation more rapid than the vast majority of LAs and it looks likely that the policy will penetrate deeper than the vast majority of LAs. It remains to be seen whether the case study represents an example of what will, in the longer term, become the norm or whether future policy developments will always make this case something of an exception. Whatever the future holds, we believe that there are two key issues highlighted by this case that in some form will emerge as significant for future policy. Although these are two separate issues, for the teaching unions in particular they are inextricably linked.

*An industrial relations vacuum: the management of conflict or the manufacture of consent?*

In much the way described by Ironside et al. (1997), although many years after they predicted it, a vacuum appears to have opened up in school sector industrial relations. The joint regulation of teachers' work has traditionally involved a significant input from teacher unions. Contentious issues, such as pay and job protection, have been negotiated in spaces detached from the workplace – away from the 'point of production'. For many years the logic of industrial relations structures deliberately sought to manage conflict by removing it from the flashpoint that is the point of production. However, in the case-study LA, we have witnessed the accelerated decentralisation of key issues (including, potentially, the key issue of pay) to workplace level. Simultaneously, the mechanisms traditionally used to manage these issues have been dismantled. What Ironside and Seifert (1995) described as the formal structures of industrial relations appear to be imploding.

At this moment, these issues do not appear to be generating significant problems. This might be for two reasons. First, there is enough of the 'old system' intact to still provide

the traditional means of support. Second, there is little appetite, *'for now'* as one headteacher interviewee said, for headteachers to exercise significant flexibility over employment issues. Both of these issues are likely to change in the very near future. First, the 'old system', with its emphasis on the key role of the Association Secretary, supported by facilities agreements, will cease to exist beyond April 2013. In short, the traditional mechanisms for dealing with industrial relations issues in this LA will disappear in the form in which they had previously existed. Second, headteachers' reluctance to embrace school-based pay looks as though it may be over-ridden by the STRB's pay proposals (DfE 2012) for 2013. The STRB's recommendations effectively end national pay scales and impose a school-based, performance driven system. In short, in both procedural terms (*how* issues are negotiated) and substantive terms (*what* issues are negotiated) there is currently a transformation of the industrial relations landscape. Even before the STRB proposals announced in December 2012 presaged the ending of national pay, the LA officer interviewed for this project described the situation in the LA at that time as 'a revolution'. The introduction of a pay system, the central purpose of which it is to remove any sense of a national rate, makes that description even more apposite. What remains unclear is what the outcome of this moment of rapid change might be. How might conflict be managed in this new environment and how might consent for managerial authority be secured? We identify three possibilities:

*Status quo* – in some LAs, where structures have remained much more durable, then it may be that existing industrial relations frameworks can be maintained largely in tact. Within the case study LA this is not tenable. There is no *status quo* because in a revolution there can be no *status quo*.

School-based bargaining (I): Consultation and partnership model – in this scenario school-based decision-making becomes highly developed, but does so with limited union engagement. Headteachers may consult unions on statutory issues, such as pay, but there is no sense of bona-fide 'good-faith bargaining'. Head teachers will encourage staff engagement using methods such as staff meetings, team briefings and staff surveys. Communication with employees will be direct, often individualised and management-led. Full time union officials might be called on to provide support for individuals facing difficulties (discipline, capability etc) although some school managers might also actively encourage non-union sources of support (such as the recently formed Edapt – [www.edapt.org.uk](http://www.edapt.org.uk)). In this scenario unions may have some influence but may be considered peripheral and managerial authority is subject to limited constraint. The frontier of control shifts decisively in favour of management.

School-based bargaining (II): Formalised workplace bargaining model – in this context more formalised industrial relations structures emerge at workplace level (with unions playing a central role). A formal committee may exist to manage relationships with unions, and this may include negotiating over pay. Proceedings may be more formal, with meetings minuted and agreements required. Where it is not possible to reach agreement there is the possibility that negotiating power will be asserted through various forms of collective action and school-based disputes (informal and formal). In this scenario unions are central and managerial authority may be subject to significant constraint. The frontier of control is constantly contested and the policy drive to assert greater managerial authority is challenged.

The latter two options presented are inevitably simplifications. There are a myriad of possibilities between these two 'ideal types', and individual contexts will be crucial. For example, to what extent is a more formalised structure likely within the context of a small primary school, or how might these scenarios be influenced by the notion of networks of schools in the form of federations or Academy chains? What effect might

the membership profile across different unions have on shaping outcomes (highly significant in a multi-union context)? Clearly these factors will have a major influence on determining how these issues play out in individual establishments. What would appear certain, is that if the unions are to assert significant influence at school level, in the shape of more formalised workplace bargaining, then much will hinge on the strategies they use to mobilise their memberships. This highlights the need to focus on our next key question.

*From resistance to rapprochement . . . or renewal?*

Teacher unions in England have traditionally set themselves against policies that fragment national and local systems, and which aim to weaken teachers' collective organisation by creating more difficult conditions to secure solidarity. This might be characterised as a strategy of resistance – seeking to oppose the trajectory of policy and challenge the logic that underpins it. Different unions might be more or less associated with this broad strategy, but for example, all of the three major unions representing classroom teachers (NASUWT, NUT and ATL) have consistently opposed Academy conversion. However, despite challenging the logic of the neo-liberal restructuring of schools, it is clear that events since May 2010 have fundamentally changed the nature of the school system. In the case study LA, a centralised union organisation, predicated on the central role of the Association Secretary (in turn supported by facilities time) is no longer tenable. The Association is organised around a bargaining unit, the Local Authority, that to all intents and purposes is disappearing; whilst the suggestion that an Association Secretary exists to go round schools ensuring compliance with LA negotiated policies may become equally anachronistic.

Teacher and other school sector unions will need to reconsider how they organise and how they relate to employers. If the LA in this research ceases to be untypical, but rather it becomes the norm, then the consequences are significant. The fundamental reforming of teacher unions, initially floated 20 years ago, arguably will need to be confronted in some form. For example, does it make sense to organise a union membership in a local branch that is co-terminous with an employer that no longer exists? One option for teacher unions will be to form new relationships with specific employers and this will seem quite likely in situations where Academy chains become increasingly common. Partnership arrangements and recognition agreements with individual employers may be the preferred strategy of some unions as they seek constructive relationships as a means of best serving the interests of members. The danger for unions is that employers promote single-union deals and the potential for 'beauty parades' is encouraged. Any *rapprochement* between unions and employers is unlikely to be on terms favourable to organised labour.

An alternative approach draws on the union renewal thesis articulated by Fairbrother (1996 and 2000). Fairbrother argues that the emergence of new issues at workplace level, provide organising opportunities for unions, and that it is important for unions to act creatively and flexibly to exploit these. Fairbrother asserts that 'flashpoint' issues emerging in the workplace begin to draw workers, almost inexorably into union engagement. However, Fairbrother's point is that unions need to restructure fundamentally to be able to capitalise on these developments. Put simply, if the union remains centralised and bureaucratic then the new workplace activity will be stifled, and will ultimately dissipate. However, if the union restructures in a way that places an emphasis on flexible but democratic forms of organisation then there is more possibility that newly mobilised members remain engaged and active. This is the case made by Weiner (2012) whose study of teacher unions in the USA has highlighted the need for clear organising strategies that focus, in the first instance, on mobilising a workplace-

based activism. It is an approach that has been most clearly exemplified in the organising strategy of the Chicago Teachers' Union. In order for this to happen, it follows that teacher and education unions need to not only focus on workplace issues, but re-organise in ways that also restructure the union. Paradoxically, this may be assisted by the state's efforts to weaken union organisation. For example, cuts in facilities time might reduce the dependency on a 'key local leader' and encourage more distributed forms of leadership within unions, which in the longer term may both deepen and broaden union capacity.

Such an approach to organising runs counter to much of what the main classroom teacher and public sector unions have traditionally done when centralised organisation around centralised bargaining for national pay and conditions has understandably been the objective. Re-establishing such a model may remain the long-term goal, but in the immediate term teacher and other school sector unions need to come to terms with a very different environment. The challenge for teacher unions will be to build a sense of collective self-confidence and solidarity amongst their members in a much more fragmented world.

### References:

Bassey, M. (1981) Pedagogic research: on the relative merits of search for generalisation and study of single events, *Oxford Review of Education*, 7(1) 73-94.

Burchill, F. (2008) *Labour relations*, London: Palgrave Macmillan (3<sup>rd</sup> edition)

Carter, B. (2004) State Restructuring and Union Renewal: the case of the National Union of Teachers, *Work, Employment and Society*, 18 (1) 137-156.

Carter, B., Stevenson, H. and Passy, R. (2010) *Industrial Relations in Education: Transforming the School Workforce*, London, Routledge.

Clegg, H. (1979) *The changing system of industrial relations in Great Britain*, Oxford: Basil Blackwell.

Connell, R. (1985) *Teachers' work* Sydney: Allen and Unwin.

DfE (1992) *Choice and diversity: a new framework for schools*, London: HMSO.

DfE (2010) *The importance of teaching: schools White Paper*, available online <http://www.education.gov.uk/schools/toolsandinitiatives/schoolswhitepaper/b0068570/the-importance-of-teaching> (accessed 20 December 2012).

DfE (2012) The School Teachers' Review Body – 21<sup>st</sup> Report, available online at <http://www.education.gov.uk/schools/careers/payandpensions/a00203870/strb-remit-21st-report> (accessed 20 December 2012).

Donovan, Lord (1968) *Royal Commission on Trade Unions and Employers' Associations*, Cmnd 3623, London: HMSO.

Fairbrother, P. (1996) Workplace trade unionism in the state sector, in P. Ackers., C. Smith., and P. Smith (eds) *The new workplace and trade unions* London: Routledge.

- Fairbrother, P. (2000) British trade unions facing the future, *Capital and Class* 71, Summer, 47-78.
- Flanders, A. (1970) What are trade Unions for? in W.E.J. McCarthy (ed) (1985) *Trade unions*, 2<sup>nd</sup> edition: Harmondsworth: Penguin.
- Fosh (1993) Membership participation in workplace unionism: the possibility of workplace renewal, *British Journal of Industrial Relations* 31 (4) 577-592.
- Goodrich, C. (1920) *The frontier of control: a study in British workshop politics*, reprinted (1975) London: Pluto Press.
- Gunter, H.M. (ed) (2011) *The state and education policy: the academies programme*. London: Continuum.
- Heery, E., Delbridge, R. and Simms, M. (1999) *Organise or fossilise? The revival of union organising*, London: Palgrave Macmillan.
- Ironside, M. and Seifert, R. (1995) *Industrial Relations in Schools*, London: Routledge.
- Ironside, M., Seifert, R. and Sinclair, J. (1997) Teacher union responses to education reforms: job regulation and the enforced growth of informality, *Industrial Relations Journal* 28 (2) 120-135.
- Mercer, J., Barker, B. and Bird, R. (2011) *Human resource management in education: contexts, themes, and impact*, London: Routledge.
- McCarthy, W.E.J. (1966) *The role of the shop steward in British industrial relations*, Research Paper 1, Royal Commission on Trade Unions and Employers' Associations, London: HMSO.
- NUT (1992) *The next five years: implications for the union*, London: NUT.
- Adam Smith Institute (1984) *Omega report: education policy*, London: Adam Smith Institute
- Ozga, J. (1987) Part of the union: school representatives and their work, in M. Lawn and G. Grace (ed) *Teachers: the culture and politics of work*, London: Falmer Press.
- Reid, A. (2003) Understanding teachers' work: is there still a place for labour process analysis? *British Journal of Sociology of Education* 24 (5) 559-573.
- Stevenson, H. (2000) *Shifting frontiers: trade union responses to changes in the labour process of teaching* University of Keele: unpublished PhD thesis.
- Stevenson, H (2003) On the Shopfloor: exploring the impact of teacher trade unions on school-based industrial relations, *School Leadership and Management*, 23 (3) 341-356.
- Stevenson, H. (2005) From 'school correspondent' to workplace bargainer? The changing role of the school union representative, *British Journal of Sociology of Education*, 26 (2) 219-233.
- Stevenson, H. (2011) Coalition education policy: Thatcherism's long shadow, *Forum: for promoting 3-19 comprehensive education*. 53 (2) 179-194.

TPA (2012) *Misleading TUC report on facility time*, available online at <http://www.taxpayersalliance.com/campaign/2012/01/misleading-tuc-report-union-facility-time.html> (accessed 20 December 2012).

TUC (2012) *Facility time: separating fact from fiction*, London: TUC.

Weiner, L. (2012) *The Future of our schools: teachers unions and social justice*, Chicago: Haymarket Books.