Whither employment protections? Deregulation and the flexibilisation of the teaching workforce in the state-funded sector[1]

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Abstract

This paper looks at the flexibilisation of teachers' employment relations in England in the context of an accelerated deregulation of work and employment conditions and of educational provision. It brings to light a contrasted picture, where external flexibilisation, through the recruitment of

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unqualified teachers, seems to be contained by a mixture of diverse but convergent interests and norms from the State, teacher unions and employers. Meanwhile, forms of internal flexibilisation (regarding working time, pay, and job boundaries and workplaces) appear to be more pervasive. This raises fundamental questions about the meaning of 'standard' employment relations in the teaching sector.

Keywords: teaching profession, liberal deregulation, employment relations, academies

Introduction

Education policy changes in the past 20 years have profoundly transformed the English education system, including the minimal employment regulations that existed for teachers. These transformations, which are partly a continuation of reforms undertaken in the 1980s and 1990s (Carter and Stevenson 2012; Lawn 1995; Ozga and Lawn 1988) have led to significant changes in the organisation of work. Quite central in this perspective has been the academies programme, a set of policies initiated by Tony Blair's Labour government (1997-2010) and expanded under the Coalition government (2010-2015). It has created a new type of state-funded school, which is not regulated by local authorities, and not bound to employ new teachers on the terms and conditions agreed at the national level and set out in the School Teachers' Pay and Conditions Document (STPCD). In addition, all academies can, since 2012, set aside regulations on whether teachers are qualified—regulations that have also been loosened for the remaining Local Authority-maintained (LA-maintained) schools. The recent deregulation of educational labour is arguably part of a continuum of policies introducing 'flexibilities' in the school system (Junemann and Ball 2013). The academies programme in particular can be seen

as a part of neoliberal reforms that have transformed the state's role in regulating employment relations, and that have pushed for the establishment of privately-run, state-funded schools, such as free schools in Sweden and charter schools in the United States (Martindale 2019; Salokangas and Chapman 2014).

Whilst the literature on the academies programme is growing, to date it pays little attention to the programme's impact on teachers' work and employment relations. It has mostly focused on policy discourses and neoliberal rhetoric (e.g. Francis 2015; Hatcher and Jones 2006; Wilkins 2012), looking at new forms of 'polycentric governance' and philanthropic governance which blur demarcations between state and market, public and private, and government and business (e.g. Ball 2009; Olmedo 2014; Papanastasiou 2017; Wilkins 2017). Other studies have looked at the programme's impact on organisational arrangements, leadership, governance and accountability (Courtney and Gunter 2015; Glatter 2012; Higham and Earley 2013; Salokangas and Chapman 2014; Woods and Simkins 2014), or pupils' achievement and inequalities (Armstrong, Bunting, and Larsen 2009; Elwick 2018; Gorard 2014; Keddie 2019).

The near-absence of recent work looking at education reforms in England in relation to employment conditions and contractual relations is symptomatic of a disconnect between the sociology of work and educational research since the early 2000s. While shifting conditions of work were central objects of educational research in the 1980s and 1990s (Ball 1988; Lawn 1995; Ozga and Lawn 1988; Smyth et al. 2001), they have since receded into the background. They have been superseded by other debates, for instance on the nature of teachers' professionalism, and by the growth of policy sociology, which has reoriented studies on policy discourse (Seddon, Ozga, and Levin 2013).

The lack of recent research on the impact of recent deregulatory changes on teachers' working conditions is somewhat surprising. Indeed, employers' demand for and use of increased flexibility has been documented in other public sector areas in the UK (Gallie et al. 2017; Hoque and Kirkpatrick 2008; Purcell, Purcell, and Tailby 2004; Johnson, Rubery, and Grimshaw 2019; Mori 2017). Further, filling this research gap could have profound implications for understandings of teachers' professional lives. This is because, while some policy discourses praise 'freedoms' and flexibilities for their ability to improve school performance and foster innovation, these flexibilities may also occur to the detriment of the workforce, for instance due to academies' cost-cutting practices (Martindale 2019; Stevenson 2013; West and Wolfe 2019). Such practices may be especially likely to occur in an uncertain context characterised by austerity, real-term cuts to schools' per-pupil funding, and a shortage of teachers (NAO, 2016, 2017). This is crucial given evidence suggesting that working conditions and organisational contexts influence teacher retention (Kelchtermans 2017; Kraft, Marinell, and Shen-Wei Yee 2016; Simon and Johnson 2015; Sims 2017).

The present paper intends to fill this gap by bringing employment relations back to the forefront of the debate on education policies. We do this by looking at flexibilisation in the labour market for secondary school teachers in London, investigating both academies and LA-maintained schools. We distinguish between two types of flexibilisation introduced by the recent deregulation of educational labour: external flexibility (the opening of the labour market to new categories of staff) and internal flexibility (changes in the pay and working conditions of 'core' staff in schools). In contrast to previous research, which has focused on non-standard employment relations and contingent work—e.g. supply teachers hired by agencies (Grimshaw, Earnshaw, and Hebson 2003; Pollock 2007) and teaching assistants (Bach, Kessler, and Heron 2006)—

we broaden our analysis by investigating the 'core' educational workforce (teaching staff employed directly by schools on full-time, open-ended contracts).

The main argument of this paper is that, against the backdrop of the recent deregulation of teachers' work and employment, educational employers face fewer constraints in using internal than external flexibility measures. This makes internal flexibilisation more pervasive, leading to the erosion of defining features of the employment relations (Kirkpatrick and Hoque 2006) that have characterised regulated, permanent contracts in the state-funded education sector. In contrast, because of structural conditions, regulatory constraints, professional norms and the 'problem of value' (Beckert 2007), external flexibilisation remains a generally unattractive solution for educational employers.

The paper is organised as follows: we begin with the main theoretical lens through which we look at employment relations in the education sector, drawing on the literature on employment flexibilisation. We then briefly present the context of our study, our methods, and empirical materials. The results section is divided into two parts, the first part focusing on external flexibilisation and the second on internal flexibilisation. Finally, the discussion section considers the interplay between the two forms of flexibility, and shows how the study adds to the literature on teacher policy by drawing on the sociology of work and employment.

The shift of employment regimes towards a flexible paradigm

Across countries and sectors, there is a diversification of employment relationships. In many sectors of the economy, employers have sought to adjust their workforce in response to supply and demand conditions by creating new contractual arrangements, including nonstandard working arrangements (Benassi 2016; Gallie 2007). Kalleberg (2000) typically define nonstandard employment relations (NSER) as departing from

'regular' full-time open-ended contracts, i.e. temporary employment (including fixed-term contracts and temporary agency work), self-employment, casual employment, and involuntary part-time work. In contrast, standard employment relations (SER) are characterised by security in terms of pay and duration of employment, the performance of work on pre-set schedules and workplaces, and jobs having well-defined boundaries and opportunities for advancement.

NSER are thus often seen to form a precarious and insecure 'periphery' of less protected workers who could be disposed of more rapidly in periods of economic downturn (Gallie 2007). The level of insecurity in several dimensions usually defines this precariousness (e.g. job duration, income) (Hipp, Bernhardt, and Allmendinger 2015). NSER have been a central concern of the literature, with many studies focusing on fixed-term/short-term contracts. However, permanent, full-time employment can also be associated with low wages and poor job security (Bernhardt and Krause 2014). In England, there are clear indications that public sector employees are affected by rising levels of precariousness and job insecurity. Gallie et al. (2017) have shown that, while the public sector has been commonly viewed as providing exceptionally good job security, British employees in public service industries had significantly higher levels of job tenure insecurity than those in private sector industries, reflecting cost-cutting austerity programmes introduced by UK governments in the wake of the 2008 financial crisis.

Scholars now focus on capturing precarious work across all employment forms (Grimshaw et al. 2016). In this perspective, precarious work is not tied to a specific form of employment (Kalleberg 2018), but encompasses what falls below socially accepted normative standards regarding workers' rights and employment protections. In the same vein, we embrace a definition of flexibilisation that goes beyond deviations from standard

employment contracts, and beyond a dichotomous view of a protected 'core' versus a vulnerable periphery. To capture this complexity, we draw on the heuristic distinction between external and internal flexibility.

External flexibility consists in relaxing hiring or firing regulations and using workers who are not regular employees to adjust the size of the workforce according to fluctuations in demand. It relies on different kinds of NSER such as workers who can be recruited and selected quickly, who are hired for finite periods, and/or who cost less than regular employees (Kalleberg 2003). Flexibilisation processes in organisations have usually been associated with external flexibility rather than internal flexibility (Bernhardt and Krause, 2014). Internal flexibilisation strategies instead affect 'core' workers in regular full-time jobs, providing firms with temporal, functional and financial flexibility (Atkinson 1984; Pollock 2007). Functional flexibility refers to employers redeploying employees from one task or workplace to another (Bernard and Krause 2014). Temporal flexibility refers to working time arrangements, including the extension of working hours and use of unpaid overtime. Finally, financial or pay flexibility means making costs reflect supply and demand on the labour market, and creating remuneration systems that enhance the two previous flexibilities (Atkinson 1984).

Most studies of organisational flexibility have focused on either internal or external flexibility (Kalleberg 2001). In England, existing research on public sector employment has mostly looked at external flexibilisation (e.g. the use of external agency staff). Other forms taken by flexibilisation have been under-researched. Mori (2017) for instance highlights that studies have for decades concentrated on the UK as a forerunner country in the adoption of competitive tendering (outsourcing) in the public sector. Only recently have scholars started to include working conditions in their scrutiny of public service restructuring, with few analysing both external and internal flexibility.

In the education sector, the deregulation underpinning the academies programme—partly extended to all state-funded schools—invites us to investigate both internal and external flexibility, thereby capturing more 'elusive' forms of flexible employment relations (Kalleberg 2018).

The de-regulation of employment relations in the state-funded sector

All sectors considered, England is usually presented as a typical 'market' employment regime (Gallie 2007), with minimal employment regulations, the exclusion of organised labour from decision-making, and a reliance on market adjustment. In the education sector, the state has retained key functions such as determining pupil-teacher ratios and the number of teacher training places, providing information, and setting standards. Until recently, the state also determined teachers' pay and conditions. Since the Education Act 2002, the national framework for teachers' pay and conditions in England (the STPCD) has been amended annually, based on recommendations from the School Teachers' Review Body (STRB) in consultation with teacher unions, employers and other relevant parties.

Until the advent of the academies programme, all teachers in state-funded schools had their terms and conditions governed by the STPCD. However, academies are not legally bound to employ new teachers on these terms[2]. Academies are state-funded schools funded directly by the government and no longer through local authorities. The academies programme began under Tony Blair's Labour Government as a means to improve underperforming schools. 'Sponsored' academies were to be supported by sponsors (e.g. businesses, charities) to improve their performance. From 2010 onwards,

[2] Given that free schools have the same legal status as other academies, we discuss free schools and other academies jointly, referring to them as 'academies'.

with the advent of the Coalition government, well-performing schools were encouraged to 'convert' voluntarily to academy status. 'Converter' academies thus typically replaced high-performing local authority schools. Chains of academies may operate as multi-academy trusts (MATs). Although MATs may delegate some functions to school-level governing bodies, they remain accountable for their schools and can take all decisions on how their schools are run. Most importantly, they are the employers of staff in their schools. Teachers working in a school before it becomes an academy (voluntarily or not) are protected under the Transfer of Undertakings (Protection of Employment) (TUPE) regulations, keeping original provisions in their contracts. In addition, trade unions can negotiate agreements on specific policies (e.g. working time, pay progression) with MATs and individual academies. In the majority of large MATs, unions have secured negotiating rights.

In addition to the deregulation of pay and working conditions, regulations concerning teachers' qualified status have been relaxed. Until 2012, leaving aside teachers in training and overseas teachers, hiring unqualified teachers was only possible under certain conditions (e.g. when no qualified teachers were available), for a limited period of time, and provided that schools used unqualified teacher pay scales[3]. Since 2012, all academies can set aside regulations on teachers' qualifications[4] (unless their funding agreements contain a clause preventing them from doing so). In 2012, the Department for Education (DfE) also removed the requirement for Local Authority-maintained schools to replace teachers without QTS (Qualified Teacher Status) when qualified candidates became available (Martindale 2019). The full (academies) or partial

[3] On average, salaries for teachers without QTS are at least 25% (£6,000) lower than those of their qualified colleagues (Martindale, 2019).
[4] This was possible for free schools from 2010.

(LA-maintained schools) relaxation of rules concerning the recruitment of non-QTS teachers was purportedly meant to provide schools with 'additional flexibility' to employ scientists, engineers and other 'extremely well-qualified' professionals (DfE 2012), thereby recasting employment practices in public education (Martindale 2019).

For some scholars however, academisation is underpinned by New Public Management principles (Rayner, Courtney, and Gunter 2018) and intends to increase the growing influence of business entrepreneurialism (Woods, Woods, and Gunter 2007). The Academies Act effectively removed safeguards regarding working conditions (Stevenson 2013) and can therefore be seen to be *explicitly* devised to enhance employment and work flexibility—in contrast to policies having an indirect effect on flexibility (Barbier 2011). Looking at the regulatory changes described above, one could expect two types of effects: an increasing diversification of teachers' pay and working conditions, and a more widespread employment of non-qualified teachers.

Data and methods

This paper reports on a case study of the labour market for secondary school teachers in London. It is part of a broader project analysing transformations in teachers' professional regulations worldwide. The case study is based on fieldwork carried out in three London boroughs between April and November 2019. The characteristics of the London labour market for teachers compared to the national market (higher number of vacancies and greater proportions of less experienced teachers) make it a particularly well suited case for understanding how flexibilisation can operate in pressured labour markets.

The 32 London boroughs, each corresponding to a local authority (LA) district and governed by a London borough council, make up Greater London. The three London LAs were selected to provide contrasting cases, in terms of: 1) the academisation process (i.e. the proportion of LA-maintained schools, of sponsored/converter academies, of

academies in large MATs); 2) their geographical position (inner vs outer London); 3) the socio-economic composition of schools—namely, proportions of pupils eligible for Free School Meals (% FSM); 4) political leadership (Labour vs Conservative council majorities).

Within these boroughs, we approached fourteen schools and managed to secure access to eight. We recruited schools with a diversity of positions on the teacher labour market, resulting from schools' legal status (LA-maintained vs. academy), religious denomination, selective status, levels of deprivation (% FSM), current and recent Ofsted inspection results, and membership of multi-school organisations or inter-school networks (namely, MATs, dioceses, and Teaching School Alliances (TSA)). School names were changed to help ensure anonymity; these pseudonyms start with the letter A for standalone academies, with M for academies belonging to MATs, and with L for LA-maintained schools (see Table 1).

Table 1. Characteristics of the three boroughs included in the study

We conducted 28 interviews with individuals that had responsibility over employment relations, teacher recruitment, and/or HR management (see Table 2). Eighteen interviews were conducted with individuals working in organisations operating across schools (3 LAs, 3 Dioceses, 2 large MATs, 2 recruitment agencies, two TSAs, one trade union). In addition, we interviewed ten senior leaders (i.e. head teachers and assistant or deputy head teachers) in the sampled secondary schools.

Our interview schedule followed a common structure for each interviewee but was adjusted to each organisation to elicit accounts linked to concrete examples of practices and situations (Miles and Huberman 2003). Three broad themes structured the

interviews: 1) overview of the organisation (e.g. position on the labour market, industrial relations); 2) recruitment of teachers (e.g. hiring practices; recruitment channels; use of non-permanent staff); 3) retention and career progression (e.g. HR management; continuous professional development (CPD)). All but two interviews were audio-recorded and fully transcribed, and analysed thematically using NVivo. The coding scheme combined descriptive codes and analytical categories derived from the literature.

We draw on this qualitative material to understand how and when organisations make use of flexibilisation. Accordingly, we approach flexibilisation from the perspective of employers, as opposed to that of teachers. Following Carter & Stevenson (2012), we selected interviewees to reflect varying kinds of local policy implementation. Thus, we selected boroughs and schools to reflect a wide range of recruitment strategies and HR practices. The qualitative nature of the data was intended to capture the complex forms that flexibilisation can take. It addresses the need for analyses of deregulatory processes that are "grounded in local empirical studies" (Papanastasiou 2017). The interview data was supplemented with evidence from DfE documents, national collective bargaining documents, trade union publications, and other available documentation (e.g. pay policies, working time policies) pertaining to the sampled schools and organisations.

Table 2. Number of interviewees by type

Results

The (limited) use of external flexibility: constraints on the hiring of unqualified teachers

The following sub-sections reveal numerous constraints surrounding the use of the recruitment flexibility granted by recent deregulatory policies. First, there is considerable legal uncertainty about the relaxation of rules for hiring unqualified teachers—a category of staff only recently 'normalised'—exacerbated by a context of high stakes accountability and a constant fear of Ofsted inspections. Secondly, teaching qualifications remain a marker of legitimacy, because of professional norms and the 'problem of value' that arises from hiring staff whose quality cannot be guaranteed. Thirdly, the diversification of training routes (in particular school-based routes) provides new opportunities to obtain QTS while working in schools.

Legal uncertainties

Interviews revealed that there is considerable legal uncertainty surrounding the recruitment of non-QTS teachers. A trade union representative reported that funding agreements between academy trusts and the DfE "often" include requirements about recruiting only qualified staff—however, this was not the case for the academies and MATs included in our study. Furthermore, our interviewees suggested that recruiting unqualified teachers could become a risk factor for failing to meet the "safer recruitment" guidelines imposed on schools. For the officer in LA_1, a Conservative-majority council supportive of academisation, safeguarding remained the absolute priority when schools got the 'Ofsted call':

> *The officer's first responsibility is to go and see our children safe in this environment. And we think that the children are safe and schools oversee things as children are safe, but you never want Ofsted to come and find something as a surprise. So what usually happens when the*

> *school gets an Ofsted call is one of my team, who is the safe-guarding lead for schools, goes in and then checks through their safeguarding processes the night before their inspection (LA_1, Senior official)*

Despite academies having full freedom in the area of recruitment, the officer explained that checking safeguarding processes included checking teachers' qualifications, implying a link between safer recruitment and teachers' QTS status. HR personnel in large MATs had similar concerns. One such senior manager who had previously worked in the private sector regretted the fact that education was lagging behind in terms of creative, modern recruitment strategies and staff management. Nevertheless, they admitted that 'caution' was often the only viable option:

> *Within education, I do think that having observed over a time, I used to think that everybody was just… a bit set in their ways and they had other things to worry about and never really thought about recruitment in-depth, where you would in other organisations where you've got time and resources to do it. But, in reflection, I think that there's a lot of stuff around safeguarding and safer recruitment that you just don't want to get wrong. So, if you start playing around with recruitment, you need to have thought it through from beginning to end, every implication, foreseen and unforeseen, to make sure that there is no impact on safer recruitment (MAT_1, Senior manager)*

Hiring non-QTS teachers, whether it was legally allowed or not, was thus seen by some as a 'minefield' in terms of the all-important safer recruitment procedures.

Qualifications still matter

Beyond safeguarding and regulatory issues, hiring teachers without QTS seemed to contravene professional norms. Marksman Academy, for instance, was part of MAT_A, whose policy, according to the head teacher, was not to employ unqualified teachers. When asked if they would ever consider hiring the latter, they replied, "*We would never appoint anybody without QTS*". After expanding on the reasons for this, they

concluded with: "*you'd have to ask the question, what are you doing as a teacher if you're [choosing to remain unqualified]?*". Further, some school leaders suggested that unqualified teachers could pose a 'problem of value' (Beckert 2009), as the quality of their teaching was unknown. As the senior leader of an academy explained:

> *When you've got teachers who may be taking exam classes, at GCSEs and A-Levels, if they're not qualified, then you run the risk of the quality of education not being as high. At the moment we're an 'Outstanding' school [as judged by Ofsted], and we'd want to hold on to that. But sometimes you can come across an absolute gem through that kind of way. Like we've got a maths teacher who we did get through long-term supply. He's incredible, so we've taken him on full-time now. (Azur Academy, Senior leader)*

The diversification of training routes in a competitive market

Pressure against the widespread appearance of unqualified teachers might also come from teachers. Several interviewees expressed scepticism that teachers would want to remain unqualified: this meant potentially being paid on lower pay scales with less margin for progression, and being at the bottom rung of "school hierarch[ies]" (Diocese_1, Senior manager). This seemed inconceivable given the existence of many routes for gaining QTS, including some with bursaries or salaries. The head teacher of an academy in MAT_B suggested the value of such routes:

> *You know I haven't really thought about [hiring unqualified teachers] because whenever we advertise, people who apply are teachers… But you know, if I thought someone was really great and could be a teacher I'd just put him on [MAT_B's initial teacher training scheme], because they'll come, and then they'll train, and in a year they're going to have QTS and then they're going to be on the teacher pay scales and, you know, you want to support their progression. […] if you had someone who you thought was good, why wouldn't you, you know, recruit them to train? (Montacute Academy, Head teacher)*

The point about progression seemed to be especially pregnant for our interviewees. Many of them, whether school leaders or 'mid-level actors', described investing in teachers' training and CPD as key for retaining staff and addressing teacher shortages. Azur Academy, for instance, funded some teachers' Master's degrees, while Merriott Academy (Lead school in a small MAT), had one mathematics teaching assistant whom they were supporting to become qualified. These efforts were described as initiatives to increase staff retention, and appeared to be a key part of schools' efforts to differentiate themselves on the labour market. This association may have made keeping unqualified teachers without helping them to gain teaching qualifications an unattractive option for schools.

Overall, these insights indicate that there are significant constraints on the hiring of unqualified teachers in schools. These constraints suggest that the hiring of non-qualified teaching staff is not a desirable staffing model and that there may be few occasions where such teachers may be hired—at least for the time being, as one trade union interviewee said:

> *There is some use of [unqualified teachers], I think that is, it's, most the case, I think, it's because [schools] haven't been able to get somebody else, as opposed to naturally trying to save money […] But I will say it's a concern I've got that I think it's going to increase, one to deal with saving money and another, as well to fill gaps when you can't get people. (Trade union representative)*

The last words of the extract above suggest a final mechanism preventing the appearance of a peripheral workforce of unqualified teachers: because this could pit schools against unions. Teacher trade unions have long opposed the hiring of unqualified teachers, as they deem that it endangers the status of the profession as a whole. Several school leaders and mid-level actors, in turn, were wary of antagonising the unions, given the latter's capacity to mobilise staff.

The internal flexibilisation of the 'core' workforce: towards the erosion of standard employment?

Several obstacles and disincentives deter recruiters and HR managers from eschewing standard recruitment practices in the sector. This suggests that external flexibility (as per the 'normalised' hiring of non-QTS teachers) has not been the main channel for the flexibilisation of the workforce. In the following, we argue that another reason for this is that academies (and LA-maintained schools in some areas) have instead made use of the leeway regarding internal flexibility granted by recent deregulation.

In this section, we analyse HR strategies that make staff more flexible by transforming working time, job boundaries, the allocation of staff to multiple workplaces, and finally, staff remuneration. We show that temporal and functional flexibility measures are quite widespread but can be most pronounced in large MATs. In contrast, pay flexibility is more limited, as it opens the door to uncontrolled risks and uncertainties in a competitive labour market. It also raises problems of equity, which in turn may conflict with professional norms. This indicates that the constraints on pay flexibility are in part similar to those limiting external flexibility.

The intensification of work

The intensification of work can be defined and measured in various ways. The first concerns working time as measured by the prescribed hours that employees should work. A second involves looking at workload, work pressure, and shifts in the balance between less demanding and more demanding tasks (Carter and Stevenson 2012). MacBeath, O'Brien, and Gronn (2012) for instance define 'intensification' as "a term that encompasses increasing pressure to do more in less time, to be responsive to a greater range of demands from external sources and to meet a greater range of targets, accompanied by impatient deadlines to be met" (422). The very intense and increasing

workload of teachers in England is now well-established in the literature (Allen et al. 2020). The workload issue could also be intrinsically linked to the status of teachers as employed professionals: "Instead of prescribed hours or shift work, professionals' working time has only been governed by the underlying ethos of 'getting the job done'" (Mangan 2009, 2). Education employers have long taken advantage of this because contract terms are incompletely specified, or in other words, they are 'moral contracts' generating expectations and obligations that are more often taken for granted than formally expressed (Belley 1996).

The recent mix of deregulation and austerity has further intensified work in different ways. Our interviews indicate that there has been a deterioration of working conditions regarding working time. The extension of working hours in large MATs especially is the main concern for trade unions, some MATs having removed limits on working time even though STPCD provisions on this are already very loose:

> *[Teachers'] workload is huge anyway you know, so it's kind of a maximum of 1265 hours in a year, and 195 days. And there's also an overarching provision in the STPCD, for teachers to have to work such reasonable hours as necessary I think, which is kind of an open-ended commitment. So why a multi-academy trust would need even looser arrangements than that, it's always been a big worry for us. (Senior union official)*

MAT_A had no limit at all on working time for teachers. According to one senior union official, most of the complaints raised by union members in the MAT concerned working time. Relatedly, in Marksman Academy, which belonged to MAT_A, extended school days were built into the school's organisation, such that teachers had to be in school for longer.

In other cases, MATs may have "good policies" negotiated with unions on working time, but individual academies do not always follow these agreements:

> *A big issue with multi-academy trusts, [MAT_A] as well as [MAT_B], is that they give an awful lot of independence to the principals who actually head those schools. And so with [MAT_B], for example, there are quite good provisions in the national contract around things like planning preparation and assessment time for teachers. Those provisions are often not followed by individual academies and cause disputes, leaving us in the ludicrous position of having to assert… have a dispute with [MAT_B], to get them to implement their own contractual arrangements. (Senior union official)*

The extreme intensification of teachers' work could lead to what Sims and Allen (2018) call a 'recruit-burnout-replace' staffing model. Their statistical analysis of staff turnover suggests that a small number of schools consistently run a 'high-use-high-loss' staffing model. We were told by several of our interviewees that this model—based on a constant inflow of trainees and Newly Qualified Teachers (NQTs)—can be found in some large academy chains. A senior manager working in Diocese_1, who previously worked as an HR manager in one such MAT, summarised the strategy as follows:

> *I know for a fact there's one academy chain who, their whole ethos is "well we'll have them in for a couple of years, we'll work them really..." they pay high, give them lots of benefits, work them really hard, long hours, forget all the restrictions in the STPCD. People leave, they've had enough, but that's a particular strategy for them is, you know, you pay them high, work them hard and you just accept it, they'll move on. (Diocese_1, Senior manager)*

This model also has to be understood in the context of financial austerity, given that these '*young, enthusiastic, aspiring teachers*' (Littlerock School, Head teacher) tend to be cheaper than more experienced staff. In the words of a senior manager in MAT_A, making sure that staff can cope with strenuous working conditions entails attracting the right people, through generating a 'talent pool'. Such 'talents' are found among the trainees of the MAT's own training programme, and among Teach First participants. Teach First, a teacher training programme that aims to attract top graduates into teaching

for at least a two-year commitment, is characterized by an extreme pressure placed on trainees who are in charge of a full timetable after only six weeks of in-house training (Bailey 2015). As a senior leader of Marksman Academy describes, Teach First trainees, seen as a valuable pool of recruitment, are already socialised into this culture of hard work:

> *A lot of people who went through Teach first go to work here because the missions really align very well and MAT A draws on Teach First quite a lot for its intake […] I guess it's just that common language and common background, and when people say they've done Teach First, I guess it's that shared experience, and you find that you immediately start off a conversation about how awful year one was, and how horrific it was and sort of like you were in the trenches together, you know, like you've both seen battle, and I think that creates that immediate bond […] (Marksman Academy, Assistant head)*

The intensification of work can also take other, less visible forms, such as a close monitoring of absences. In some academies, policies (not agreed with the unions) and HR practices regarding attendance management could discourage teachers from taking time off. The local trade union representative in LA_1 (where most secondary schools are academies) observed the following:

> *There is certainly an increase in attendance management now, in other words, where teachers are off sick, they're looking at their attendance, basically if they keep their job or not. I support them there. Because of the funding, in the past, I think schools if they had somebody off a bit, they would just bring in other teachers and they would you know, maybe go for a longer time before they took action. Now with funding so tight, once people start taking some time off they're looking at it, and possibly looking to, worst case scenario, a dismissal. (Trade union representative)*

Another less visible form of work intensification is the reduction of non-contact time for teachers and the increase in class sizes. The latter can be a last-resort 'strategy', used not only to cut staffing costs but also to deal with acute staffing shortages, both in

academies and LA-maintained schools. Thus, Langport School, an LA-maintained school rated as 'outstanding' by Ofsted that traditionally faced few staffing issues, nevertheless had been unable to find a suitable English teacher for the 2019/2020 academic year. To avoid bringing in supply teachers, the head teacher reported that they had increased class sizes in that subject from 24 to 30 pupils for the year. They explained: "*I'd rather do that, where I know what the quality of experience is going to be, than have somebody where there may be ongoing issues*" (Langport School, Head teacher).

Widespread functional flexibility and increasingly porous job boundaries

Functional flexibility means moving employees cross-functionally between tasks and workplaces based on the assumption that their skills are transferable (Bernhardt and Krause 2014). We found numerous examples of task-related functional flexibility. This less 'visible' form of flexibilisation, relying on a more intense use of internal resources, was commonly used to avoid using expensive and/or unreliable external staff provided by supply agencies, whose 'opportunistic behaviour' (Grimshaw, Earnshaw, and Hebson 2003, 272) was vehemently denounced by our interviewees. The latter reported that, like non-QTS teachers, supply teachers posed a fundamental problem of value (Beckert 2007), as they were either an unknown quantity or "*really hopeless a lot of the time*" (Merriott Academy, Senior leader) in terms of the quality of their teaching.

Covering for other teachers is a prime example of a situation where the definition of tasks and duties are blurred. Whereas the STPCD specifies that teachers "should be required to provide cover only rarely, and only in circumstances that are not foreseeable"[5], academies are by definition not bound by these regulations. Accordingly,

[5] In the early 2000s, maximum limits were placed on the time teachers could be expected to spend covering for absent colleagues. To provide support with short-term supervisory cover, a new

the trade union representative in LA_1 (where academies abound) witnessed an increase in cover teaching. This, they said, was cheaper for the school than bringing in supply teachers, "*especially if you don't give them extra money, you just say 'Now you're going to cover that lesson'*" (Trade union representative). Ironically, some agency interviewees also mourned the abusive use of flexibility around teachers' working time: because teachers had "*time off where they're not on timetable all day everyday*", they could provide cover, thus curtailing the need for supply teachers (Agency_2, Director).

Interviewees in every sampled school reported instances of teachers covering for other teachers. In some academies, this internal flexibilisation was even built into the organisation of the school day. Thus, Marksman Academy (MAT_A) had policies on managing cover internally which sought to avoid the use of cover supervisors and supply teachers: an extended school day (with more 'free periods', i.e. periods when teachers were not teaching their class) and lower teaching loads for some staff allowed for teachers to cover for absent colleagues. Likewise, senior staff were expected to cover for colleagues when unplanned absences occurred.

Although legitimised by the goal of providing high quality education to pupils, internal cover was acknowledged as an issue by a member of MAT_A's central services:

> *So what schools can end up doing is try to fill the gaps internally or find ways to manage it creatively across schools so that they are not hiring people who don't have that subject knowledge or expertise to be able to teach the children effectively. And that is tough for schools to continue doing that. (MAT_A, Senior manager)*

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post called 'cover supervisors'—staff without qualified teacher status—was created in secondary schools (Carter and Stevenson, 2012).

Likewise, in Montacute Academy (MAT_B), the one in-house cover supervisor (employed by the school on a permanent, full-time contract) was unable to cover all absences. Teachers were therefore expected to cover for their colleagues, as the head teacher did not want "*people in the school that are not permanent members of staff, because they don't have relationships with the children*" (Montacute Academy, Head teacher).

In the other schools—i.e. not only those in large MATs—there was also a preference for managing absences internally. A senior leader in Merriott Academy, an 'Outstanding' academy in a well-to-do area, equally admitted that teachers covered each other's lessons, claiming that this was preferable to using supply teachers. The head teacher of Littlerock School, a school experiencing recruitment difficulties following a negative Ofsted inspection, also admitted to sometimes asking permanent staff to cover other teachers' lessons. They referred once again to the 'higher' goal of providing quality education—and the ethical tensions underpinning such decisions:

> *I have to question my… morals, when I can't just employ somebody just to say 'Well, we've got a body', so that's where we get at… where senior teachers in the school have to maybe pick up classes and all the rest of it. And then you're asking people to perhaps teach outside their subject area. We don't have a lot of that here, but that's what you have to do cause it's not… it's not right for children just to have any… just a body standing in front of them, it's not… This is education, this is the most important thing to a child. (Littlerock School, Head teacher)*

Staff redeployment within multi-school organisations and new expectations of the 'ideal' flexible worker

Functional flexibility can entail geographical mobility, i.e. the redeployment of staff across school networks. Among our interviewees, this flexibility was strongly promoted by HR managers of multi-school organisations (MATs, Dioceses). It was embedded in contractual provisions and associated with discourses lauding the 'flexible'

worker who would enthusiastically take up the challenge of working across schools. Meanwhile, union representatives feared that such mobility might become increasingly involuntary.

Mobility across networks of schools was embedded in some MAT-level contracts, meaning that this was a possibility, at least in theory, even if rarely or not yet used in practice. MAT_B for instance created contracts whereby teachers were expected to work in two or more local schools. These contracts were supposed to help attract high quality candidates, and retain experienced, confident teachers, although a senior manager in the MAT admitted that staff tended to be, at the time, "reluctant" to move. Their description of the MAT's future plans in terms of internal mobility implicitly suggested that some of this mobility might have to be "pragmatic" rather than a desired choice, namely for teachers in subjects with low curriculum needs (MAT_B, Senior manager).

MAT_A also tried to promote a "*culture that encourages mobility*". A senior manager, who referred to their previous experience in the private sector, evoked that this could encourage 'mobile' teachers to embrace a career in their network:

> *So, if you're looking to build a career and you feel like you've found a multi-academy trust that you are quite aligned to, then there are maybe opportunities to work with multiple leaders and maybe multiple opportunities for advancement rather than just waiting for that linear career path. (MAT_A, Senior manager)*

Some key preconditions for mobility were already in place at the time of fieldwork, starting with staff contracts. Teachers on the senior leadership team in Marksman Academy (MAT_A) were employed by the network, making transfers to other network schools possible:

> *So… it's possible that in four years' time, if there is a school that really really needed somebody to lead on [my specialism], I could be asked*

> *"please can you go and work in this school?" That'd be quite unusual but, yes. (Marksman Academy, Senior leader)*

Diocese_1, which had recently created a MAT, also considered the mobility of staff as an advantage. Technically, because teachers' contracts were with the trust, not with schools, staff could be asked to move to other schools:

> *That's one of the benefits of being a trust […] because they are employed by the trust, so you can direct them and say, "we don't need you here, so you need to go there". It's never happened, but technically you could insist […] (Diocese_1, Senior manager)*

The limited individualisation of pay, to the benefit of some and the detriment of most?

Financial flexibility principally means making employment costs reflect supply and demand in the labour market. However, it can also mean a shift towards assessment-based pay systems (Atkinson, 1984). While the first type of flexibility is only granted to academies (not bound by national pay scales), the second type of flexibility is now granted to all state-funded schools.

The rationale for giving such flexibility to academies was to allow them to recruit 'brilliant people' such as candidates *"with a first class degree in physics from Imperial College"* (Diocese_2, Senior manager). In principle, flexibility could give HR more room for manoeuvre to pay more for shortage subjects.

We found no evidence of academies or MATs putting in place fully individualised remuneration systems (i.e. systems where remuneration is negotiated with each individual teacher). This is consistent with a recent survey of academies (Cirin 2014). As highlighted by a senior union official, most MATs have chosen a common pay structure for their employees, with no significant departure from the national pay scales recommended by

unions. Several reasons explain this relative conformity with existing norms. First, common rules allow the mobility of staff:

> *There's no advantage for [academy employers] in moving away for example from the teacher pay structure that is in place in other local schools. Because if they do, they'll find it very difficult to recruit teachers from other schools. You know, if they have completely different pay arrangements… (Senior union official)*

A second (and related) reason is financial: academies, like all schools, are constrained by tight budgets. The head teacher of Marksman Academy (MAT_A) for instance, when asked if the school used its freedom over pay, promptly reminded us that the school was funded per pupil, just like maintained schools, and did not have other streams of funding. The school's competitiveness regarding pay compared to schools applying the national pay scales could therefore only be incremental.

Thirdly, academies and MATs worked to the old scales instead of 'playing the market' for fear of upsetting the unions and encroaching on shared norms in the profession. This was deplored by an agency director, who argued that it made their job more difficult:

> *[Academies] could solve some of these recruitment issues by using the facilities that they have, I just feel that they don't do that well. Maybe it will, some of the good MATs do, I think, who have a bit more confidence and a bit more… Some of them will do it but I think, there is just a fear of what this person who has been here ten years, therefore it's not fair that you will pay a very good up-and-coming maths NQT even though there is sort of a maths shortage, even though they produce good results, that I suppose, that almost business approach, a bit more commercial is just not there yet. (Agency_2, Director)*

The individualisation of pay could indeed be seen as 'unjust', either because new hires are paid the 'market rate', or because they are underpaid, leading to a "*two-tiered workforce where you get cheaper teachers coming in*" (Trade union representative),

generating "*huge animosity within school[s]*" (LA_3, Senior official). Indeed, academies could have staff who were employed before academisation (therefore keeping their pay and conditions under TUPE regulations) as well as new staff with different employment conditions.

Flexible pay is also present in all schools in the form of assessment-based pay. All schools (including LA-maintained schools) were required to introduce performance-related pay (PRP) for all teachers following a major reform in 2013. This change removed pay progression based on length of service and required schools to link performance and pay more closely. Thus, schools could withhold progression pay without initiating or considering capability proceedings, leaving pay progression largely at the discretion of head teachers. Furthermore, the STPCD has been loosened and only sets out the minimum and maximum values of different pay ranges—schools can determine their own pay scale points within each pay range. These changes mean that LA maintained schools share some of the freedoms associated with academy status regarding pay.

As pointed out by one senior union official, with the "crippling" funding problems faced by English schools, "*performance-related pay is almost always used to put downward pressure on pay, it's hardly ever used to provide accelerated promotion or bonus payments*". Even when the individualisation of financial rewards benefits employees, it creates greater insecurity for the teaching profession as a whole, eroding one of the defining features of the UK public sector (Kirkpatrick & Hoque, 2006), namely collectively agreed rules applying equally to all members of a profession:

> *Teaching has never been particularly well paid, compared to other graduate professions in this country. But what teaching was always able to offer was a very clear, defined pay structure, and a kind of career progression framework. That, we can't offer that now to graduates, you know, because your pay—we have to be honest with them—will depend on the funding position of the individual school*

you're in, the particular attitude your head teacher takes. (Senior union official)

Discussion

The objective of the present paper was to capture forms of flexibilisation resulting from an accelerated deregulation of teachers' employment and work, and to 'resume' the dialogue between educational research and the sociology of work and employment. First, we have argued that there are much more varied forms of flexibilisation at stake than the recruitment of unqualified teachers (Martindale 2019) and provided a detailed account of external and internal flexibilisation strategies of diverse educational organisations. By shifting our focus from the degradation of teacher professionalism and workforce quality (Sims and Allen 2018; Bach, Kessler, and Heron 2006) to the deterioration of working conditions (Carter and Stevenson 2012), we have highlighted a significant process that is seemingly underway in our sample of schools: the pervasive (although uneven) flexibilisation and erosion of standard employment arrangements. Significantly, we have established that this process has taken place in schools with varying legal statuses, student intakes and performance levels, and in a variety of LAs. Just as crucially, it has occurred in London—an area with a highly pressured teacher labour market, which should curtail the erosion of standard employment relations. Flexibilisation may well therefore be present in other London schools, and even in other areas of England with less pressured teacher labour markets. It may also have implications for teacher attrition and the quality of teaching and learning in schools; these ramifications should be explored in further research.

Secondly, we have emphasised the interplay between the two forms of flexibilisation. The use of an unqualified workforce is not as widespread as expected. We show, however, that this is because employers can rely more easily on other forms of flexibilisation, namely temporal, functional and, to a limited extent, financial flexibility.

The push towards external flexibilisation also seems to be contained by a mixture of diverse but surprisingly convergent norms and interests from the state, teaching unions, and employers. In a context of high-stakes accountability emphasising performance and quality, the uncertainty about room for manoeuvre seems to make HR managers and head teachers risk-averse. Flexibilisation processes—both external and internal—also seem to be buffered by trade unions' reconfigured negotiations with new employers (especially MATs). These factors suggest that the occurrence of flexibilisation beyond our sample may depend not only on how pressured teacher labour markets are, but also on the practices of trade unions and of school and MAT HR managers.

It should be noted that this interplay between external and internal flexibilisation may not hold across all forms of flexibilisation. Namely, while we have argued that internal flexibilisation has 'buffered' against the recruitment of unqualified teachers, it may equally have benefitted from other measures which open up the teacher labour market, such as the proliferation of teacher qualification routes. These newer routes, namely school-based training routes and the Teach First route, respectively aim to encourage career changers and ambitious graduates to join the teaching profession. As described above, our interviewees implied that teachers using these routes could be more willing to accept challenging or deteriorated working conditions. This line of analysis troubles the neat distinction we make between internal and external flexibilisation.

Our findings also touch on teachers' professionalism in at least two ways. The intensification of work, increased mobility, and insecurity (especially regarding pay) may not foster self-reflection, self-evaluation, constant learning, and collaborative action—qualities espoused by current ideas on teacher professionalism (Reeves and Drew 2012). Likewise, the recent diversification of training routes, as already mentioned, could provide new modes of socialisation into the profession. Some of these could encourage

an ethos of ‘hard work’, thereby facilitating the flexibilisation of the workforce. This is particularly true of the Teach First programme, which is underpinned by a managerial discourse of ‘resilience’ (Bailey 2015). Such resilience could allow a “sustaining [of] the unsustainable”, reflecting the working culture and conditions of the financial sector (Bailey 2015, 245). Further research could examine these implications for teacher professionalism by investigating teachers’ contrasting perceptions of their careers.

Thirdly, by bringing employment relations back in the debate on education reforms, we have provided an original and much-needed perspective on current transformations affecting teachers’ employment. As noted in the introduction, employment relations and working conditions were salient issues in the literature in the 1980s-90s. However, this literature mostly examined teachers’ work through the lens of a loss of autonomy, increasing control of management, de-skilling, and proletarianisation (Ball 1988). Further, while some current trends in the restructuring of the workforce were present or nascent in the 1980s-90s (Lawn 1995; Ozga and Lawn 1988), they took place within broader shifts towards increasing centralisation (and state control) in areas such as the curriculum, pay scales, contractual definitions of duties, and performance appraisal systems. They also occurred in a context where teachers were ultimately employed by the state (Ozga and Lawn 1988). Current deregulatory changes, mainly brought about through the academies programme, depart significantly from these trends. Our research demonstrates the relevance of looking at employment relations in the context of these transformations. The flexibilisation strategies we describe are mobilised mostly (though not only) by managerial staff in MATs working in specialised HR services, whose ‘corporate habitus’ embraces processes ‘belonging to the modern, real world of business’ (Courtney 2015, 222). In addition, these chains have specific governance processes in place (Salokangas and Chapman 2014), with governors sometimes being disciplined by

market principles (Wilkins 2015) and business sponsors (Papanastasiou 2017). In this increasingly prevalent form of 'middle-tier' employer (Woods and Simkins 2014), the individualisation and flexibilisation of employment relations take on another dimension.

Finally, our analysis of how deregulatory policy changes and shifts in governance affect teachers' employment relations will be relevant to scholars looking beyond England. Several countries, such as Sweden, Australia, and the USA, have embarked on significant educational governance reforms. These reforms, similarly to the English academies programme, have given significant autonomy to schools, and have increased the role of non-state actors in delivering education. Parding, McGrath-Champ, and Stacey (2020) note that, in Sweden, these reforms have had important, though geographically mediated, effects on teachers' working conditions. Importantly, the authors mention that these reforms could affect teachers' working time and salaries—aspects of internal flexibilisation that we address here. More broadly, Wilkins, Gobby, and Keddie (2020) note that such reforms could have important effects on teachers' professionalism, and therefore on teachers' work. These arguments suggest that our analysis may have broader, international relevance, and should be similarly undertaken in other educational systems.

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