

## Working Time Agreements

### **Extract from 2015-2017 Pay Agreement**

The SNCT seeks to control workload through the 35 hour working week. The SNCT has issued previous guidance on Working Time Agreements (JS/05/08) and the management of workload.

The SNCT wishes to discourage unnecessary bureaucracy. School improvements plans should set out agreed actions to reduce bureaucracy and tackle workload.

**(SSTA recommends that embedding National Qualifications should be the major item within the School Improvement Plan in all secondary schools)**

In preparing a Working Time Agreement Schools require to consider:

- (i) The time available for collegiate activities within the 35 hour working week.
- (ii) The School Improvement Plan.
- (iii) The lessons arising from the current WTA.

Collectively we have a duty of care to staff and learners, and recommend the following best practice principles. These principles should inform future practice in all schools and should be used when reviewing current practice.

### **1. Introduction**

Since 2006 the pupil contact time for secondary teachers in Scotland has been limited to a maximum of 22.5 hours per week. Teachers are contracted to work for 35 hours per week. Part 2 Section 3.9 the SNCT handbook states that:

*“An allowance of no less than one third of the teacher’s actual class contact commitment is provided for preparation and correction. The use of remaining time will be subject to agreement at school level within LNCT guidelines, based on the Code of Practice on Working Time Arrangements (see Appendix 2.76).”*

SNCT Part 2: appendix 2.7 Code of Practice on Working Time Arrangements for Teachers states that:

*“Each educational establishment will prepare an annual programme of activities, which require the involvement of teachers. In each school, teachers will agree the range of collective activities contributing to the wider life of the school on a collegiate basis. The use of the remaining time (that is, time beyond the combined class contact and preparation/correction allowance) will be subject to agreement at school level and will be planned to include a range of activities, such as:*

- *additional time for preparation and correction;*
- *parents meetings;*
- *staff meetings;*
- *preparation of reports, records etc;*
- *forward planning;*
- *formal assessment;*
- *professional review and development;*
- *curriculum development;*
- *additional supervised pupil activity; and*
- *Career-Long Professional Learning.*

*The individual and collective work of teachers should be capable of being undertaken within the 35 hour working week."*

The activities listed above should be discussed by School WTA Negotiating Committees (SNCs) and time allocated to each element in individual School Working Time Agreements (WTAs).

The time commonly called "collegiate time" for secondary teachers is  $35 - (22.5 + 7.5) = 5$  hours per week. Hence the annual time is  $38 \times 5$  hours equating to 190 hours. The figure of 38 is used rather than 39 because the 39 week teaching year includes 5 in-service days.

It should be noted that "collegiate" time (sometimes mistakenly called "directed" time) is a matter for agreement at school level; it is not under the direction of the headteacher and/or the authority. To regard it as "directed" time would be to the significant disadvantage of SSTA members, teachers generally and the education service as a whole.

It is stressed that a written WTA must exist for every school, that each WTA is subject to scrutiny by the relevant LNCT and that the LNCT can require that errors and or omissions in any WTA are corrected. The following advice is therefore offered with regard to the negotiation of WTAs.

## **2. General**

**2.1** The Composition of School Negotiation Committees: SNCs must be set up on the basis that the teacher unions alone determine the composition of the teachers' side. Membership of the teachers' side should be in proportion to the relevant memberships of the unions operating in the school. It is strongly advised that there are no attempts made to exclude from membership of an SNC any teaching union represented on the SNCT and operating in the school even where the union represents only one member. There are potentially legal implications in this area which the Association would wish to avoid. It is the Association view that WTAs should be generally approved by the teaching staff on the basis of a secret ballot. The extent to which individual unions are represented on an SNC is not relevant in any terms of "voting". For the avoidance of doubt, the SSTA should not accept the establishment of any SNC which includes teachers who are seen as "representatives" of non-union teachers. Similarly any attempt by management to appoint or have appointed to SNCs teachers as "Representatives" of specific grades of teachers (e.g. "Principal Teacher Representative") should be firmly resisted and any failure by management to accept this point should be regarded as a failure to agree. The matter would then be referred to the LNCT. It is worth noting that non-union members are not represented on LNCTs or the SNCT. (An employer may make any arrangements it chooses to consult such teachers but the views presented to the employer should carry such weight as the employer determines. Such consultation would be outwith existing mechanisms.)

**2.2** Chairing SNC Meetings: There would appear in certain schools to be an assumption that the headteacher should chair the SNC. This should be resisted and where it occurs, the assumption should be challenged. The position should rotate. If the headteacher has (without formal agreement) held the post for the last three years, it is suggested that the teachers' side hold the chair for a similar period.

**2.3** Submission to the LNCT: As stated above, all proposed WTAs must be submitted to the LNCT for its comment and approval. No WTA is operable until this has been done.

**2.4 Monitoring the Agreement:** SNCs have a duty to do more than simply draw up the WTA. Regular meetings of the SNC must be scheduled (during normal school time i.e. the 35 hours) to permit discussion of any problems identified by either management or teachers.

### **3. Specific WTA issues**

The chief task of an SNC is to draw up the WTA. A WTA must specify the amount of time to be allocated to each of the contractual tasks identified in SNCT Part 2: appendix 2.7 (noted above). Specific advice relating to the timings is given below. It is strongly recommended that the WTA is accompanied by an agreed calendar of events. This allows precise calculation of the hours involved in each item contained within the WTA and is therefore most useful in preventing disputes as to how many hours teachers have worked.

**3.1 Additional preparation and correction time:** This is perhaps the most difficult issue to quantify. Variations do exist both within schools and between schools as to the amount of such time required by teachers. There can be no doubt, however, that current trends in the curriculum place significant demands on teacher time. This should be a minimum of 40 hours.

**3.2 Formal assessment:** As with the previous item, there can be no doubt that current initiatives result in an increase in the time required for this element. It should include allowance for all time spent on external assessment. It should be noted that this would include not simply the correction but related administrative time. Such assessments include (but are not restricted to) prelim examinations which may be used in support of Special Consideration for SQA exams, NABs, internal assessment for national qualifications and any other assessments carried out under the auspices of an external awarding body. It is clear that the amounts of time required by teachers for this task varies considerably across subjects and is highly dependent on classes taught. However, a reasonable estimate towards the higher end of the range is necessary to ensure that the concept of a WTA remains valid. It is this item which has caused the greatest difficulty for a significant number of teachers. Complaints that insufficient time has been allocated are common. The SSTA therefore recommends that a figure of at least 40 hours is now adopted.

**3.3 Preparation of reports, records etc:** A reasonable assessment of how long is required to prepare and complete each individual report (even where this is only one to two minutes) needs to take place. It is also worth noting that the tasks of collating, copying and sending reports to parents and carers fall into the category of "Administrative and other non-teaching duties" and are dealt with by the Statement On Teacher Professionalism in Part 2: Appendix 2.6 of the SNCT Handbook:

*"Teachers will not be asked to undertake administrative and non-teaching duties which are generally undertaken by support staff."*

**3.4 Curriculum development:** It is generally observed that most schools can only allow up to five hours for this item. Major curriculum development work remains work for seconded teachers.

**3.5 Continuous professional development:** It should be noted that this is in addition to the 35 hours of CPD which all teachers are contractually committed to.

- 3.6 Additional supervised pupil activity:** This is likely to be a statement that recognition is given to the wide range of voluntary activities undertaken by teachers.
- 3.7 Staff meetings:** These include all meetings staff are required to attend both within and outwith the pupil day. It is generally advised that such meetings are not scheduled for intervals or lunch breaks. The DM time must therefore be counted regardless of whether the DM is held during or outwith the pupil day. Members are advised to ensure that DMs do not over-run the allocated time.
- 3.8 Parents' meetings:** Time needs to be set aside to allow preparation for the meetings as well as the actual meetings. This may include, for example, looking out pupil work and setting it in order, making notes on each pupil to share with parents and carers, and discussion with colleagues where classes are shared.
- 3.9 Flexibility factor:** Many schools have included this item. It leaves perhaps 5 to 10 hours available for contingencies. If the figure arrived at significantly exceeds this amount, it can only be because certain essential items are missing from the proposed WTA. The whole WTA should be re-examined in such cases.

#### **4. Agreements and failures to agree**

As indicated above, the best method whereby teaching staff ratify a school WTA is by a secret ballot conducted and counted jointly by the staff and the management sides. If, however, the WTA is to be ratified by a decision of the School Negotiating Committee, a meeting of SSTA members should be held to indicate that a draft WTA be ratified.

Any failure to reach an agreement should be referred to the LNCT which should have mechanisms to deal with such eventualities.

The existence of a WTA and the contracted 35 hour working week does not mean that the SSTA advises its members that they should rigidly operate a 35 hour week. The Association represents members of a profession and the Association's own research clearly indicates that teachers generally work well beyond 40 hours per week. This stance, however, can only apply where the Association remains convinced that the school management or authority negotiates and operates on the basis of the importance and contractual validity of the 35 hour week. Statements from the Joint Chairs of the SNCT relating to "collegiality" which carry the Association's full support are of significant relevance in this regard. Where management ignore the terms of the WTA or operates in a manner totally at odds with the definition of collegiality, the Association will advise members as to appropriate action.

Further information and guidance on WTAs and related issues are always available from the General Secretary.