

**The City of Edinburgh Council  
Children and Families Department**

**Local agreement on the implementation of the 35 hour  
working week in schools and educational establishments**

**Session 2008/09**

**1. INTRODUCTION**

**1.1 Status**

The Local Negotiating Committee for Teachers (LNCT), comprising representatives of the Education, Children and Families Department and the recognised Teachers' Associations has agreed the following arrangements in relation to the implementation of the 35 hour working week for session 2008–09.

The manner in which schools/educational establishments reach agreement is very important. Decisions made at school/establishment level must be collegiate in nature, involve all teaching staff and result from the following structured and transparent negotiating process, in line with the National Agreement.

**1.2 Context**

One aspect of the National Agreement is the emphasis on enhancing the professional status of the job of teaching, providing greater professional autonomy for individual teachers and a more collegiate and participative style of management in schools and educational establishments. The City of Edinburgh Council and the teachers' associations are fully committed to this.

The Council has a workload agreement which was signed with the teachers' associations in March 1998. At the heart of this agreement are the principles that:

- a) a reasonable level of workload is secured and maintained for all staff;
- b) as high a proportion of teacher time as is possible is directed towards the core tasks of learning and teaching;
- c) essential development work is taken forward at a manageable pace, underpinned by the provision of appropriate resources, including staffing and time.

The Code of Practice on Working Time Arrangements for Teachers (set out in the National Agreement - Annex D) indicates a range of activities (not exhaustive) which can be undertaken within the 35 hour working week and therefore provides the basis for local working time agreement (WTA) agreement at school/educational establishment level.

The Scottish Negotiating Committee for Teachers (SNCT) took an overview of the Working Time Agreements (WTAs) in the course of session 2007-08. The SNCT view is that **“workload would still appear to be a problem”**. Therefore schools are encouraged to evaluate the impact of workload when reviewing their WTAs in line with para 5.3 of this local agreement.

### **1.3 Scope**

This agreement sets out arrangements which relate to the implementation of the 35-hour working week for session 2008-09 for teaching staff. A separate WTA process has been developed for the use of the Music Instructor Service.

## **2. THE 35 HOUR WORKING WEEK**

### **2.1 Status**

The National Agreement - Annex D states:

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

This applies to all grades of teaching staff, including those in promoted posts. This is a guiding principle behind this agreement and consequently, shall apply to agreements made at school/establishment level.

### **2.2 Management time for promoted post holders**

The National Agreement states:

*Managers require time for additional duties outwith teaching and associated preparation in order to fulfil their broad professional duties*

The appropriate amount of management time will be agreed at individual school/establishment level for each manager. This management time should only be taken for cover in extreme emergencies in line with the current local absence cover agreement. (i.e. not more than 50% management time can be lost in any one week, nor more than 25% in any month)

### **2.3 The division of the 35 hour working week**

The 35 hours are divided into three parts:

- (a) Class Contact Time - maximum of 22.5 hours per week. No teacher can be required to exceed this total.
- (b) A Personal Allowance of not less than one third of teaching contact time. The National Agreement specifies that teachers on the above maximum shall receive a minimum Personal Allowance of 7.5 hours.
- (c) Remaining Time (that is time beyond the combined class contact and personal allowance) – The use of this time 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**

With regard to an individual teacher's workload, consideration will be given for additional preparation and correction time.

### **Parents' meetings**

Whole school/class parents' meetings could take place in the evening or end-on to the school day, subject to appropriate consultation with parents and staff. Consideration will be given to providing specific time for preparation for these meetings, and where appropriate, for a social break. It is expected that current arrangements where staff do not require to attend for groups of pupils they do not teach, and leave if parental appointments are finished, would prevail. Other parent meetings should be recognised within this category.

### **Staff meetings**

Staff meetings must include time for any meeting of a group of staff e.g. to negotiate the working time agreement, for whole school staff meetings, departmental, stage, cross-curricular, or management business. Scheduled liaison meetings with colleagues, including visiting specialists, come into this category.

### **Formal assessment**

Assessment of a diagnostic or formative nature should be considered as part of normal preparation and correction. However, time should be allocated where assessment is summative and part of a formal process, e.g. end of unit tests, National Assessment Bank, National Testing or preliminary examinations. In the case of the preliminary examinations, consideration will be given in relation to other time being made available to any teacher through, for example, the use of external invigilation.

### **Preparation of reports, records etc.**

A time allocation for the completion of reports, records etc. should form part of the 35 hour working week. There may be a need to consider an individual teacher's differential workload in relation to these.

### **Curriculum development**

This could include any involvement in policy development, curricular development or in-school working groups. The asymmetric week arrangement which will continue to operate, other than in nurseries, provides an opportunity to focus on and carry through developmental aspects of learning and teaching in a more productive environment. This would include, where appropriate, the time to develop issues on an individual or collective basis.

### **Forward planning**

Time for forward planning, including where appropriate the construction of the school/class/departmental improvement plans and Standards and Quality reports, should be allowed for all staff involved in these tasks.

### **Continuing Professional Development (CPD)**

Time for school-wide professional development issues should not be confused with the personal CPD programmes agreed with individual teachers under the agreed

professional review and development (PRD) process. The National Agreement terms for personal CPD are given below. Personal CPD time should not be included in the WTA.

*There is an additional contractual maximum of 35 hours of CPD per annum for all teachers, which consists of an appropriate balance of personal professional development, attendance at nationally accredited courses, small scale school based activities or other CPD activity. This balance is based on an assessment of individual need taking account of school, local and national priorities and is carried out at an appropriate time and place.*

### **Additional supervised pupil activity**

Additional supervised pupil activity may include the following; supported study classes, running clubs, taking groups for sports or creative/aesthetic activities, rehearsing for school shows, detentions and individual pupil support. (The examples given are illustrative rather than exhaustive.)

The City of Edinburgh Council recognises the value of a wide range of out of hours learning activities and the National Agreement provides the opportunity to ensure members of staff involved in additional supervised pupil activities during the 35 hour week can have this work recognised.

**NB Teachers who supervise programmes of supported study within the 35 hour working week cannot be paid extra for this contribution.**

### **Professional Review and Development (PRD)**

The agreed PRD process has a time resource implication. It is suggested that appropriate time be allowed for each individual undergoing PRD. Sufficient time should also be allocated to enable line managers to conduct the process in relation to the number of reviewees for whom they have responsibility.

### **Other activities/Flexibility**

Many teachers regularly perform a variety of extra duties which benefit the school and the pupils. If it is agreed that these are in line with the school priorities, they should be formally recognised as forming part of a teacher's workload.

The absolute prescription of Remaining Time may not allow scope to react to short-notice operational pressures or to take account of individual situations. Therefore, consideration should be given to building a flexibility factor into the RTA agreement to allow for such emergent or emergency situations.

## **2.4 Remaining Time Activities Programme**

In session 2008-09, for staff timetabled for the above maximum teaching hours, the total Remaining Time to undertake activities from the list in paragraph 2.3 above will amount to:- 195 hours per annum (39 x 5 hours), at a rate of 5 hours per week.

Activities agreed collegiately for the use of the Remaining Time should be planned in such a way that both the weekly and annual totals are not exceeded.

In order to control workload there should be no aggregation of hours from one week to the next/previous week(s).

While a teacher's workload should conform with and be achievable within the 35 hour working week, it is recognised that individual teachers may elect to deliver their workload in ways which may exceptionally exceed 35 hours a week.

Schools/establishments should produce an annual calendar of events, or similar document, available to staff and the LNCT, which reflects the agreed time allocations under the working time agreement.

## **2.5 The five in-service days**

Part 2, section 3, para 3.2 of the SNCT handbook states;

*The working year for teachers shall consist of 195 days of which 190 days will coincide with the school year for pupils with the remaining 5 days being worked by the individual teacher on duties as planned by the council.*

There are 3 weeks which contain one in-service day and one week which includes 2 days together (August). The use of these days will be planned by the Authority, taking account of school, local authority and national priorities.

## **2.6 Part time staff**

Part 2, section 3, para 3.6 of the SNCT handbook indicates that part time staff shall undertake a pro-rata amount of WTA activities which shall occur on days when the part-time teacher is employed. The exception to this rule is parents' meetings when the part time teacher will comply, on a pro rata basis, with the arrangements agreed for the establishment.

The Code of Practice on WTA Arrangements (Part 2, Appendix 2.7, of the SNCT handbook) indicates that plans may require to be reviewed to take account of individual circumstances, i.e. that 'personal' plans to meet individual needs may be required. This is especially true of part-time teachers.

## **3. TEACHING TIME**

### **3.1 Class contact time**

Class contact time consists of timetabled class contact and class cover duties. The class contact time dictates the amount of personal allowance (not less than one third of the class contact total).

### **3.2 Cover arrangements**

In cases where members of staff have been timetabled as cover teachers, this time will count in full as class contact time.

## **4. PERSONAL ALLOWANCE and REMAINING TIME**

### **4.1 The National Agreement - Annex D – The Code of Practice**

The Code of Practice states:

*If a teacher is not required to be on the school premises for certain duties, for example preparation and correction, these may be undertaken at a time and place of the teacher's own choosing. Teachers will be expected to notify the appropriate line manager of their intentions in this respect.*

The following, however, should be considered:

- Non-teaching times within the pupil week:- it is agreed that where it is open for a member of staff to be off site, for Health & Safety and other appropriate reasons, he/she must inform school management.
- These times shall not be regarded as absolutely sacrosanct, in that staff should agree that where emergency cover is required re-arrangements can be made.
- Non-contact time within the pupil week can be used for remaining time duties as per the school/establishment WTA, (as per para 2.3(c) above), as personal allowance or otherwise, at the teacher's discretion, as time outwith the 35 hour week.

## **5. REMAINING TIME: SCHOOL/ESTABLISHMENT BASED NEGOTIATIONS**

### **5.1 School/ Establishment Negotiating Committee (SNC/ENC)**

There is a requirement for an agreement on the utilisation of Remaining Time to be reached in each school or educational establishment.

Visiting Specialists/ Peripatetic staff may require alternative 'personal' WTA arrangements.

A mechanism to reach WTA agreement requires to be established in each school/educational establishment. Consequently, each school/establishment shall form a school or establishment based negotiating committee (SNC/ENC). The remit of the SNC/ENC will be to:

- a) evaluate the previous year's WTA in line with SNCT advice – see para 5.3 below;
- b) negotiate school or establishment based agreements on the use of remaining time within the constraints of para 2.4 above for approval by all teaching staff;
- c) review and/or revise the school/establishment WTA agreement, if necessary.

The teaching staff of each school/establishment shall determine how its own SNC/ENC is to be constituted. The membership of the Committee will be determined by the staff as a whole to reflect the composition of the teaching staff and include representatives of the recognised teaching associations.

Where teaching staff numbers are small, the SNC/ENC may comprise all teaching staff. Care must be taken to ensure that all teaching staff affected by the WTA have the opportunity to be involved in the process, including visiting specialists, learning support staff etc.

### **5.2 The operation of the SNC/ENC**

SNC/ENC meetings should take place within the 35 hour working week. Time should also be made available from within the 35 hour working week for staff to consider issues individually and in departments/stages.

The key purpose of the SNC/ENC is to establish school/establishment based WTA agreements. As the membership of the Committee reflects the balance of all teaching staff and represents both trade union and non trade union interests, agreements will be able to be concluded within the Committee and subsequently be presented for approval by the whole teaching staff. The method chosen to establish approval will be determined at school or establishment level.

Selecting the Committee's administrative convenor or chairperson will be a matter for individual committees. However, the Headteacher, as the overall manager of the school, has a key role in leading discussions in accordance with the provisions of the National Agreement - Annex D. Should an establishment where teachers are employed not have a Headteacher as overall manager, then the Head of Service will nominate an appropriate senior manager to lead such discussions.

### **5.3 WTA Evaluation**

SNCT advice is that schools undertake an evaluation of the previous WTA as part of the process of reaching agreement. It is important that existing or emergent workload problems are identified and addressed. The following questions should be addressed:

- *To what extent did this year's agreement allocate a realistic amount of time in relation to your professional responsibilities?*
- *Identify any area where the time required under any given heading has been significantly different from what was planned?*
- *Do any of the headings in the current Working Time Agreement require adjustment in agreed time for next session?*
- *Are any new priorities emerging that require an allocation of time?*

Appendix 2 is a proforma which SNC/ENCs may find useful for the evaluation exercise.

### **5.4 Failure to Agree**

In the event of agreement not being reached within the SNC/ENC, there are a number of options that can be considered e.g. a casting vote system, a ballot of some kind, a request for an appropriate external arbitrator; there may be others. As the agreements to be struck are school/establishment based, the choice of option in such circumstances cannot be prescribed as a part of this agreement.

If a dispute remains unresolved following the application of a locally agreed option, then the dispute can be considered by the LNCT. Such matters will be referred in the first instance to the LNCT joint secretaries to seek resolution.

Notwithstanding the above, all teachers will retain their contractual right to access the Council's formal procedures to resolve individual or collective grievances or disputes.

### **5.5 Monitoring**

To ensure consistency across the Council and to secure a reasonable and achievable workload for all staff, each school/establishment will submit its WTA agreement to the LNCT.

A calendar of events, or similar document, concordant with para 2.4 above should be agreed by the SNC/ENC. This document should be available to the LNCT if requested.

The WTA agreement should be signed by the Headteacher and appropriate staff representative(s) then forwarded to the Secretary of the Management Side and the Secretary of the Teaching Side of the LNCT by 20 June 2008. A proforma, recommended for use, is attached as Appendix 1.

## **6. ADDITIONAL CONTINUING PROFESSIONAL DEVELOPMENT**

### **6.1 Extent of CPD activity**

The National Agreement requires teachers to complete an additional maximum of 35 hours of CPD per annum, as stated in the Agreement, section 2:

*....which shall consist of an appropriate balance of personal professional development, attendance at nationally accredited courses, small scale school based activities or other CPD activity. This balance will be based on an assessment of individual need taking account of school, local and national priorities and shall be carried out at an appropriate time and place.*

The personal CPD should not be utilised or counted into the WTA.

## **7. Review**

This agreement will be the subject of review and renegotiation each session.

Signed:

Mike Rosendale

Colin Mackay

Joint Secretary (Management) Joint Secretary (Teachers)

Date: 15.3.08

Date: 15.3.08.

**The City of Edinburgh Council  
Education, Children and Families Department**

**Working Time Agreement**

**School/Establishment** \_\_\_\_\_

<b>ACTIVITY</b>	<b>TIME AGREED</b>
Additional preparation/correction	
Parent meetings	
Staff meetings	
Formal assessment	
Preparation of reports/records etc	
Curriculum development	
Forward planning	
Continuing professional development	
Additional supervised pupil activity	
Professional review	
Other Activities/Flexibility	
<b>TOTAL</b>	<b>195</b>

**Please supply any additional information below.**

We confirm that the attached WTA agreement has been agreed by staff and is accepted as the pattern for the working year for teaching staff in this school/establishment for session 2008-09.

We confirm that a calendar of events, or similar document, concordant with the thirty-five hour week as set out in para 2.4 above has been agreed and is available to the LNCT on request.

Signed \_\_\_\_\_ Head Teacher

\_\_\_\_\_ Staff Representative(s)

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Date \_\_\_\_\_

Note: **Please forward a copy of the above by Friday 20 June 2008, at the latest, to both:**

Mike Rosendale  
Joint Secretary (Management Side) of the LNCT  
Business Centre 1/1, Waverley Court,  
East Market Street, Edinburgh, EH8 8BG

(i) Colin Mackay  
Joint Secretary (Teachers' Side) of the LNCT  
c/o EIS Edinburgh Local Association  
Unit 15 Abbeymount Techbase  
2 Easter Road, Edinburgh, EH7 5AN

**APPENDIX 2**

SNCT Annual Evaluation – to be co-ordinated by the School Negotiating Committee

Teachers are encouraged to evaluate their personal workload against the generic figures agreed in their school. This will enable teachers to use professional judgement in relation to how their time is being used. It will also yield information which will feed into the School Negotiating Committee's annual review of the Working Time Agreement.

**To what extent did this year's agreement allocate a realistic amount of time in relation to your professional responsibilities?**

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**Identify any area where the time required under any given heading has been significantly different from what was planned.**

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**Do any of the headings in the current Working Time Agreement require an adjustment in agreed time for next session?**

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**Are any new priorities emerging that require an allocation of time?**

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