

1 April 2014

LNCT 14/02

Flexibility - Code of Practice on Working Hours, Working Week

Dear Colleague

The SNCT has agreed a Code of Practice on Working Hours, Working Week. This is appended.

Aberdeenshire LNCT has agreed further Guidance and exemplification for schools and a process for a flexible approach to be agreed at school level and signed off by the LNCT. With such agreement and sign off, it introduces a degree of flexitime working on a planned basis.

There are three situations where flexibility may be used:

1. A planned approach to flexibility which requires the attached process to be followed and the LNCT to sign off. The exemplification sets out the principles to be applied and illustrates a flexible model as it is intended to apply “normally 2 weeks but not exceeding 4 weeks”.
2. Emergency situation where, for example, supply staff are unavailable. In such situations an individual teacher is not obliged to agree to flexibility. However, where they do so then the flexibility model would apply in terms of payback and the maximum period for payback is four weeks.
The exemplification set out in the models would apply as per the 2, 3 or 4 week model.
3. The Special Leave policy sets out occasions where paid leave is applicable, including Headteacher discretion for up to 2 days paid leave in other situations, and other periods of unpaid leave. Teachers are entitled to paid leave and there is no requirement to “pay back” such periods; the normal pattern of class contact would apply for weeks containing paid special leave.

However, for periods of unpaid leave or other occasions not covered by the Special Leave policy, flexibility may be agreed on an individual basis. In such cases, teachers would have reduced class contact to cover the time off and the maximum period to payback the school is 4 weeks.

For Special leave procedure, see:

<http://www.snct.org.uk/library/1470/Special%20Leave%20Procedure%20-%20Teachers.pdf>

Yours sincerely

Margaret MacKay (Employers' Side)
Pat Flanagan (Teachers' Panel)

Joint Secretaries

Flexibility – Planned Approach. Procedure to be followed.

1. Where a school is considering flexibility, the LNCT Joint Secretaries should be involved at the outset to ensure that the proposed model is consistent with SNCT Guidance.
2. There should be full collegiate engagement of all teachers in discussing the model and agreement of staff is required.
3. The model must be fully documented and there must be staffing in place to deliver the model. Any planned use of supply staff is not acceptable. The criteria to be applied are:
 - a. Flexibility should normally be applied over a two week period but not exceeding four weeks.
 - b. The maximum class contact in any one week is 25 hours.
 - c. A minimum 1/3 personal allowance for preparation and correction is applied for the actual class contact in each week
 - d. The collegiate time of 5 hours per week may not be varied.
 - e. Staffing arrangements must be in place for any planned approach to flexibility.
 - f. Any proposed use of planned flexibility should be conducted in parallel with the WTA discussions in term 4. Engagement with LNCT Joint Secretaries should ensure that any proposed planned flexibility would be submitted to the LNCT Joint Secretaries by 1st June
4. The model together with evidence of full staff engagement and agreement must be submitted to the LNCT Joint Secretaries for a compliance check in terms of the proposed model and full collegiate engagement and agreement by 1st June.
5. There will be full monitoring by LNCT Joint Secretaries of the application of flexibility.
6. The “status quo” is the current weekly model and where flexibility is agreed, it is only applicable for the following school year. Where there is no agreement for the subsequent year, then the current weekly model will apply

Current or Standard SNCT Working Time Arrangements

The current SNCT Handbook and Aberdeenshire Working Time Agreement out the working week of 35 hours as follows:

- A maximum of 22.5 hours will be devoted to class contact
- 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. The use of this collegiate time is agreed through the school's Working Time Agreement (WTA)

Max class contact	Personal Allowance (1/3rd)	Collegiate time	Total
22 hours 30 minutes	7 hours 30 minutes	5 hours	35hours

Non class contact ("free periods" or "McCrone time") is simply the difference between max class contact and length of school week (25 hours Primary and 27½ hours secondary). It is part of the 35 hour week above and is NOT additional time available to be directed by the Head Teacher.

During non-class contact time a teacher may:

- Undertake preparation & correction from their Personal Allowance.
- Undertake agreed collegiate activities as per the school's WTA.
- Exercise their right to work at a time and place of their own choosing. The school's signing our procedure should be used.

For atypical weeks - holidays, in-service days – the normal pattern of class contact applies. During such weeks, that may mean some teachers receive more non-contact time than they would be due on a pro rata basis and some teachers less.

Part-time teachers are employed on a pro-rata basis. They are not required to attend collegiate activities on days they are not employed with the single exception of parents' evenings.

Flexibility – For illustrative Purposes.

The divisions of time are retained but the class contact may be operated over a longer period, normally two weeks, but not exceeding 4 weeks.

- Max class contact of 25 hours in any single week, subject to an average of 22.5 hours over the agreed period of variation.
- An allowance of no less than one third of the teacher’s ACTUAL class contact commitment is provided for preparation and correction.
- Remaining time as per school WTA – fixed as 5 hours per week.

Time and place is retained which effectively provides a planned flexitime system. During “pay back” weeks, the teacher would only be required to be on school premises for their class contact time and collegiate meetings as per the WTA. Under flexibility, the teacher would still be employed for 5 days with the full 5 hours collegiate time and would have to attend such meetings whether they had class contact on that day or not. Three examples are given assuming the maximum class contact allowed of 25 hours.

Over 2 Weeks	Max class contact	Personal Allowance (1/3 rd)	Collegiate time	Total	Time owed
Week 1	25 hours	8 hours 20 minutes	5 hours	38 hours 20 mins	3 hours 20 mins
Week 2*	20 hours	6 hours 40 minutes	5 hours	31 hours 40 mins	Paid back
Total	45 hours	15 hours	10 hours	70 hours	0

Over 3 Weeks	Max class contact	Personal Allowance (1/3 rd)	Collegiate time	Total	Cumulative Time owed
Week 1	25 hours	8 hours 20 minutes	5 hours	38 hours 20 mins	3 hours 20 mins
Week 2	25 hours	8 hours 20 minutes	5 hours	38 hours 20 mins	6 hours 40 mins
Week 3*	17 ½ hours	5 hours 50 minutes	5 hours	28 hours 20 mins	Paid back
Total	67 ½ hours	22½ hours	20 hours	105 hours	0

Over 4 Weeks	Max class contact	Personal Allowance (1/3 rd)	Collegiate time	Total	Cumulative Time owed
Week 1	25 hours	8 hours 20 minutes	5 hours	38 hours 20 mins	3 hours 20 mins
Week 2	25 hours	8 hours 20 minutes	5 hours	38 hours 20 mins	6 hours 40 mins
Week 3	25 hours	8 hours 20 minutes	5 hours	38 hours 20 mins	10 hours
Week 4*	15 hours	5 hours	5 hours	25 hours	Paid back
Total	90 hours	30 hours	20 hours	140 hours	0

For atypical weeks - holidays, in-service days – the above time owed would not be fully accumulated. Similarly holidays etc. would not count as “pay back”.

Code of Practice on Working Hours, Working Week

There is evidence that current provisions have been set aside on an ad hoc basis in some schools. These include where the arrangement of providing Class Contact Time is organised in larger blocks of time, or where a teacher has provided cover in unforeseen circumstances.

Where there is a collegiate agreement in the school's Negotiating Group on a planned, flexible approach to working hours within an individual establishment and the national criteria outlined below is met, a school can develop an alternative approach to working hours. Schools are encouraged to engage with LNCT Joint Secretaries if advice is required on formulating an alternative approach. These will be submitted to LNCTs with the WTA for confirmation that they meet the national criteria.

LNCTs should also confirm:

- that agreements are set within a clear and transparent process which will be monitored by the school's negotiating group and the LNCT to ensure agreements have been reached collegiately.
- that there is a facility for monitoring the flexible approach within schools
- that advice and guidance, in accordance with this Code of Practice, is provided by LNCT Joint Secretaries to establishments on situations which may arise including emergency cover.
- that the implementation of this Code of Practice is monitored by LNCTs and reported to the SNCT on any unresolved difficulties which arise.

Thereafter, LNCTs will note plans on the basis of informed consent unless there is evidence that the national criteria have not been met or where the proposal produces staffing consequences which cannot be delivered.

National Criteria:

- (i) A school may operate class contact time, preparation and correction time and remaining time over a longer period, normally 2 weeks, but not exceeding 4 weeks;

- (ii) Maximum class contact time in any single week is restricted to 25 hours, subject to an average of 22.5 hours over the agreed period of variation.
- (iii) Any reconfiguration of class contact time would be subject to discussion and agreement between the Headteacher and the relevant teaching staff.
- (iv) The school proposal signed by the Headteacher and a representative of the teaching staff should be submitted to the LNCT Joint Secretaries.
- (v) Preparation, correction and collegiate activities are key elements of the work of teaching professionals and Headteachers must allow appropriate time for such core activities.
- (vi) The working week must average 35 hours over the agreed period of variation. Preparation and correction remains as a minimum, one third of the class contact time delivered each week. The remaining time is for collegiate activities, as per the schools Working Time Agreement. Where class contact time is varied from 22.5 hours per week the agreement must show how this will be averaged out over the period of variation, including staffing arrangements; time for preparation and correction will be guaranteed within that period.
- (vii) This flexible approach should be planned prior to the beginning of the academic year; this should be part of the school's annual working time discussions and not normally used to deal with short term cover situations. Any flexible approach will be reviewed on a regular basis by the school Negotiating Group, any revisions which are deemed necessary will be subject to the same level of joint agreement outlined in (iii) and (iv) and reported to LNCT.
- (viii) Planning at school level should be characterised by collaborative, consultative and collegiate processes focused on the best outcomes for the school and its pupils.

Time and place arrangements will be retained.