



# East Lothian Council

Resources and People Services

Local Agreement on the Implementation of  
the 35 hour working week in schools and  
educational establishments for

School Session 2017/18

LNCT/2017/1



# LOCAL NEGOTIATING COMMITTEE FOR TEACHERS

## Local Agreement on the Implementation of the 35 hours working week in schools and educational establishments

Session 2017/2018

### 1. INTRODUCTION

#### 1.1 Status

The SNCT Handbook states:

- The individual and collective work of teachers should be capable of being undertaken within the 35 hour working week;
- ELC recognises that managers require time for additional duties outwith teaching and associated preparation in order to fulfil their broad professional duties.

The 35 hour week applies to all grades of teaching staff, including those in promoted posts. This is a guiding principle behind the National Agreement and consequently applies to all agreements made at school/establishment level.

The Local Negotiating Committee for Teachers (LNCT), comprising representatives from Resources and People Service and the recognised Teachers' Associations, has agreed the following arrangements in relation to the implementation of the 35 hour working week for sessions 2017/2018.

#### 1.2 Context

East Lothian Council and the teachers' associations recognise the professional status of the job of teaching, providing professional autonomy for individual teachers and a collegiate and participative style of working in schools and educational establishments.

The Council has workload guidance which was agreed at LNCT. At the heart of this agreement are the principles that:

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

It is acknowledged that workload continues to be a challenge and therefore schools must evaluate realistically the impact of workload when negotiating their Working Time Agreements (WTA). Cognisance should be taken of the priorities identified within the School Improvement Plan which will allow allocation of tasks to be realistically set considering the available hours within the Working Time Agreement.

The School Representative Group (SRG) must refer to the SNCT advice and also the Curriculum for Excellence Working Group Reports on Tackling Bureaucracy.

[www.gov.scot/Resource/0043/00438617.pdf](http://www.gov.scot/Resource/0043/00438617.pdf)

<https://scottishgovernment.presscentre.com/Multimedia-Library/CfE-Working-Group-Report-db1.aspx>

[http://www.snct.org.uk/wiki/index.php?title=Appendix\\_2.18](http://www.snct.org.uk/wiki/index.php?title=Appendix_2.18)

## 2. THE 35 HOUR WORKING WEEK

### 2.1 The division of the 35 hour working week

The 35 hours are divided into three parts:

- a) Class Contact Time – a maximum of 22.5 hours per week (18 for teachers on the National Teachers Induction Scheme).
- b) Personal Allowance – no less than one third of class contact time. The SNCT Handbook specifies that teachers on the above maximum shall receive a minimum Personal Allowance of 7.5 hours.
- c) Remaining Time – the use of this time will be subject to agreement at school and authority level and will be planned to include a range of activities (see appendix 2).

**NB** An appropriate amount of management time will be agreed at individual school or establishment level for each senior manager. This management time should only be taken for class cover in emergencies with no more than 50% lost in any one week, nor more than 25% in any four week period.

### 2.2 Personal Allowance and Remaining Time

The SNCT Handbook, Appendix 2.7 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 teacher to be offsite, for health and safety or other appropriate reason, he/she must inform school management.
- In weeks where there is a holiday or in-service day-the normal timetable applies. There can be no 'pro rata' arrangements for foreshortened weeks. A teacher who is unable to have non class contact due to a holiday or in-service day cannot claim

that time elsewhere during a foreshortened week. SMT should not allocate additional classes in a foreshortened week if doing so in a normal week would have the effect of pushing a teacher beyond contractual hours. As per the SNCT JS/13/45 *"...it is our expectation that in a foreshortened week headteachers and teachers will treat the foreshortened week as if it was a normal working week"*.

### 2.3 Remaining Time Activities Programme

For teachers timetabled for maximum teaching hours, the total Remaining Time will amount to 195 hours per annum (39x5 hours), at an average rate of 5 hours per week.

Activities agreed collegiately within the Remaining Time should be planned, wherever possible, in such a way that both the weekly 35 hour and annual 195 hours totals are not exceeded. There should be no aggregation of hours from one week to the next/previous week(s). Where there are exceptional circumstances and no cover is available, a member of the SMT can request that a teacher, with their agreement, exceeds their 22.5 hour contact time with payback, by the end of the following week. This should be confirmed in writing (email)

Schools/establishments should produce an annual agreed calendar of events in conjunction with the WTA which reflects agreed time allocations.

When agreeing the calendar for school based activities, activities should be spread across different days of the week to take account of differing working patterns. Most CAT and whole school development opportunities will take place on a Friday afternoon.

### 2.4 In-Service Hours

The total number of hours allocated to in-service training over an academic session is 35 with 5 of those allocated to remaining time. These 5 hours are already counted within the 195 hours agreed in the WTA. This makes an in-service day a 6 hour working day. Part-time teachers carry out in-service days on a pro-rata basis with 1 in-service day per working day and in accordance with priorities in the SIP and their PRD. The specific days attended should be agreed with the HT.

### 2.5 Part Time Teachers

Part time teachers shall undertake a pro-rata amount of WTA activities which shall occur on the days when they would normally teach. 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.

In order to offer the collegiate activities with the greatest impact, part-time teachers should attend sessions in their school on days they work in accordance with the SIP and their PRD. If this is not possible alternative arrangements should be made with the HT.

Visiting Specialists should liaise with the HT of their base school when completing their WTA and should provide them and the LNCT Joint Secretaries with a copy of their completed agreement.

### 3. REMAINING TIME: SCHOOL/ESTABLISHMENT BASED NEGOTIATIONS

#### 3.1 School Representative Group

Decisions made at school level must be collegiate in nature, involve all teaching staff and result from a structured and transparent negotiating process in line with the National Agreement. Each school shall form a School Representative Group (SRG).

1. SRG meetings should take place within the 35 hour working week. Time should also be made available from within the 35 hour working week for teachers to consider issues relating to the WTA individually and in department/stages.
2. The SRG will be responsible for evaluating and seeking opinions on the previous year's agreement. They will consider reducing workload and bureaucracy at every opportunity.
3. The SRG will be established with the following representation:
  - Head Teacher and/or Senior Management Team (SMT) representative.
  - Representative/s from each recognised trade union based on the figures below or part thereof.
  - Teaching staff representative must be elected annually.

UNION MEMBERSHIP PRIMARY	SRG MEMBERSHIP	UNION MEMBERSHIP SECONDARY	SRG MEMBERSHIP
1-20	1	1-40	1
21-40	2	41-80	2
41-60	3	81-120	3

4. Discussions in this group will be led by the Head Teacher or the SMT nominee as overall manager and the person ultimately accountable for the activities of the school.
5. The group shall consider the previous year's WTA in light of the feedback from teachers and re-draft the document taking these comments into account. A draft calendar will also be considered.

6. A record should be taken by someone other than the chair, of discussions within the SRG and shared with all teaching staff.
7. It is anticipated that there will be no more than three meetings of the SRG to finalise a WTA for the following academic session.
8. Where the SRG is unable to reach agreement it will be necessary to seek assistance from the LNCT Joint Secretaries.
9. The draft WTA and draft calendar must be issued to all teaching staff at least three working days in advance of a staff meeting to discuss these drafts.
10. A secret ballot will take place within five working days of the staff meeting. The votes will be counted and signed off by the Head Teacher and the representative of the union with largest membership in school. All teaching staff working in the school are eligible to vote.
11. A majority vote (51%) would confirm agreement for the final documents to be signed off by the Head Teacher and the union representative with the largest membership in school.
12. If the result of the ballot is to reject the proposed documents the SRG will reconvene to consider a revised proposal. Thereafter, steps 8 through to 11 will be repeated. If a subsequent ballot rejects the proposed agreement the SRG will seek the assistance of the LNCT joint Secretaries to agree a new draft to be put to ballot. Failure to agree will result in the status quo remaining pending resolution by LNCT Joint Secretaries.
13. The timescales to achieve the above must ensure that each school has a definitive WTA and Calendar submitted to the LNCT by the end of the first week in June.
14. Each school should note the membership of the SRG on their WTA and the section of the teachers they represent.

### 3.2 Monitoring

Working Time Agreements could be revisited and amended if necessary to take account of developments (e.g. inspections, unforeseen local or national priorities) with any changes submitted (electronically) to the LNCT Joint Secretaries for approval. This must be carried out through whole staff negotiation and agreement.

To ensure consistency across the Council and to secure a reasonable and achievable workload for all staff, each school must submit its WTA and Calendar to the LNCT no later than the end of the first full week in June.

A copy of the WTA and Calendar must be forwarded to both Joint Secretaries of the LNCT, Richard Parker – [rparker@eastlothian.gov.uk](mailto:rparker@eastlothian.gov.uk) and Gael Gillan – [eastlothian@eis.org.uk](mailto:eastlothian@eis.org.uk) and a further copy to Susan McNaught – [smcnaught@eastlothian.gov.uk](mailto:smcnaught@eastlothian.gov.uk)

## **GUIDANCE FOR NEGOTIATIONS**

These notes are intended to assist in negotiations by explaining the various headings used in Appendix 1. Headings are here for guidance but it may be helpful to consider variations in time allocations for promoted teachers. Guidance on the evaluation of previous WTA's is also included, as is SNCT guidance on collegiality.

### **National Improvement Framework**

The activities included in this section come from the Scottish Government document.

#### *Reporting on a Level Achieved*

This time is for familiarisation and ongoing use of benchmark guidance on achievement of curriculum levels

#### *Moderation*

Time to carry out and have professional dialogue on agreed moderation activities.

#### *Standardised Assessment Training*

This time is specifically for teaching staff to undertake training in the use of the new standardised assessments being implemented in August 2017.

### **School Improvement Plan**

This includes involvement in policy development, moderation, school review action plan, curriculum framework curricular development or in-school working groups and familiarisation with new developments. It can include work done on an individual and/or collective basis.

There will be time set aside for three afternoon sessions to continue work on the Curriculum Framework as requested by the Head of Education.

As a result of continuing reviews, schools will be issued with an Action Plan relating to specific actions to be taken forward.

All schools will carry out moderation activities. Time must be allocated for this to take place, including professional dialogue with colleagues

### **Primary Languages 1 + 2**

Time set aside for training and ongoing familiarisation.

### **Parental Consultation**

The timings of whole school/class parent's consultation will be agreed after appropriate consultation. Consideration will be given to providing time for preparation for these meetings as well as time for the meetings themselves. In secondary schools, where a teacher does not teach a particular year group they are not required to attend where this would exceed the total agreed hours. Where parent's consultations are finished for some but not all teachers, they should engage in other agreed activities linked to the WTA.



A time resource for any other meetings with parents, including those on an individual basis, which may take place throughout the session, should be recognised within the overall time allocated in the WTA for parental consultations. There should be an in-school agreement on the timings of individual parents' meetings (e.g. not in the playground, and not at the beginning of the day or end of the day unless an appointment has been made).

### **Meetings**

Meetings must include time for any meeting of a group of staff e.g. SRG meetings, whole school meetings, departmental, faculty, stage, cross-curricular, transition, attainment discussion and planning discussion.

Liaison meetings with colleagues, including Learning Support, and Visiting Specialists, come into this category or the planning category. A quota to take account of unscheduled meetings should be accounted for in this category.

### **Tracking and Assessment**

Time should be allocated where assessment is summative and part of a formal process e.g. unit assessments, preliminary examinations, standardised assessments.

### **Preparation of Reports**

A time allocation for the completion of reports, records, personal learning plans etc. should form part of this section. Where class sizes are less than 3,3 teachers should engage in other agreed activities linked to the WTA in consultation with the SMT.

The format used for reporting should not be changed during the course of a school session.

### **Planning**

This time is for teachers to work on forward planning. The format of this should be agreed during the WTA discussions and should not be changed during the course of a school session, unless agreed through the Staff Representative Group. The purpose of planning is to ensure the best quality learning experiences are provided for our pupils. Plans should be shared with the SMT to facilitate professional dialogue. Within the agreed planning format there must be enough detail to allow for continuity and progression for the class in the teacher's absence.

Termly plans should indicate the theme or context and outline experiences, outcomes and levels to be taught; the grouping of children for this teaching, and the key experiences and outcomes which will be assessed.

Termly plans provide information on individual, group and class work and should help define what is assessed, recorded and reported.

The teacher puts the termly plan into effect through his/her own detailed preparation. This may take the form of a weekly or daily plan or diary. This helps the teacher in classroom management and organisation, in structuring tasks for the children, and in ensuring resources are to hand.

Sufficient time within the school's Working Time Agreement should be allocated for the purpose of planning in this way. This can be supplemented by personal allowance if necessary.

Due to the withdrawal of unit assessments for National 5 qualifications in secondary schools there may be other activities required within the allocation of hours e.g. rewriting prelims.

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

The agreed PRD and Professional Update procedures have time resource implications. Time must be allowed for all teachers to self-evaluate throughout the year and participate in an annual meeting as part of the PRD and PU process.

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.

#### **Health & Safety**

This should include some planning for visits outwith school.

#### **Sharing Classroom Experience**

Each school will have an agreement on Sharing Classroom Experience which will be in line with LNCT 16/4. Time must be allocated for discussion prior to a classroom visit and for professional dialogue on the visit.

#### **Supporting the School**

Time allocated for supporting the school may be used for after-school clubs, sports activities, school shows, school fairs.

### **APPENDICES 4, 5 AND 6**

APPENDIX 4 – This document is included for clarity on the working weeks of full and part time teachers

APPENDIX 5 – This document is an example of how a teacher might track their work throughout a week.

APPENDIX 6 – This document shows examples of a variety of working weeks in the primary and secondary sectors. It exhibits how, without a clear plan of the working week, a teacher can easily exceed the 35 hour week.

These 3 documents should form part of the initial WTA discussions to clarify the allocation of working hours of teachers.

## WORKING TIME AGREEMENT 2017/2018

School .....

ACTIVITY	DESCRIPTION	TIME AGREED LAST YEAR	EXAMPLE HOURS
National Improvement Framework	Reporting on a level achieved. Moderation Standardised Assessment Training		10 hours 4.5 hours 14.5 hours
School Improvement Plan	Moderation, School review Action Plan Curriculum Framework Curriculum Development Employee Engagement Survey Action Plan		32.5 hours
Languages 1 + 2			6 hours Primary
Parental Consultation	Includes time for individual parent contact throughout the year.		20 hours
Meetings	Whole school, year group, faculty,		28 hours Primary 34 hours Secondary
Tracking and Assessment			12 hours
Preparation of Reports	33 hours annual report plus additional reporting as per Guidance		40 hours Primary 40 hours Secondary
Planning	Includes Secondary Qualification Within Secondary this time allows for reporting through ongoing tracking.		30 hours Primary 30 hours Secondary
PRD			2 hours
Health & Safety	EVOLVE		2 hours
Sharing Classroom Experience			4 hours
Supporting the school			4 hours
<b>TOTAL</b>			<b>195 HOURS</b>

As much detail as possible should be entered in the DESCRIPTION column. The hours in the TIME AGREED THIS YEAR are examples but the hours agreed within your WTA should not be excessively more or less.

Please supply any additional information below.

We confirm that the attached WTA has been agreed by teachers and is accepted as the pattern for the working year for all teaching staff in this school for session 2017/18

We confirm that a calendar of events concordant with the 35 hour week has also been agreed and is attached.

Signed \_\_\_\_\_

Head Teacher

\_\_\_\_\_

SRG Members inc. Role

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_

**NB:** The WTA should be signed by the HT and staff representatives on the SRG. A copy of the WTA, along with the school calendar for 2017/18 should be forwarded to both Joint Secretaries of the LNCT, Richard Parker, [rparker@eastlothian.gov.uk](mailto:rparker@eastlothian.gov.uk) and Gael Gillan , [eastlothian@eis.org.uk](mailto:eastlothian@eis.org.uk) by the end of the first full week in June 2017.

**Annual Evaluation – To be co-ordinated by the School Representative Group (Primary)**

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 Representative’s annual review of the Working Time Agreement.

1. Do you think this year’s agreement worked well for you?      Yes      No

2. Do you think the amount of time allocated to the activities was sufficient, insufficient or too much? Please indicate below any activities that require more or less time in the new WTA.

	Sufficient	Insufficient	Too much
Parental Consultation			
Meetings			
Assessment/tracking/record keeping			
Preparation of reports			
Curriculum Development			
Forward Planning			
PRD			
Flexibility to Support the School			
Absence Cover			
Flexibility			

3. Do you see any natural developments that could influence the local agreement in the coming year?

4. In your opinion, which areas of our Working Time Agreement will require an adjustment/change in agreed time for next year?

**Annual Evaluation – To be co-ordinated by the School Representative Group (Secondary)**

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 Representative Group’s annual review of the Working Time Agreement.

1. Do you think this year’s agreement worked well for you?      Yes      No

2. Do you think the amount of time allocated to the activities was sufficient, insufficient or too much? Please indicate below any activities that require more or less time in the new WTA.

	Sufficient	Insufficient	Too much
Parental Consultation			
Departmental Meetings			
Verification for SQA			
Whole School Meetings			
Preparation of Reports			
Curriculum Development			
School Improvement Planning			
PRD			
Absence Cover Policy			
Flexibility			

3. Do you see any natural developments that could influence the local agreement in the coming year?

4. In your opinion, which areas of our Working Time Agreement will require an adjustment/change in agreed time for next year?

**WORKING WEEK AND WORKING YEAR – FULL TIME TEACHER**

- The working year consists of 195 days of which five will be carried out as in-service days.
- The pupil contact year (190 days) is 1330 hours.
- A full time teacher's average working week is 35 hours.

Pupil Contact	22 hours 30 minutes
Personal Allowance	7 hours 30 minutes
Remaining time average	5 hours (2 hours 30 mins non-contact plus 2 hours 30 mins)

- There will be 'Hotspots' in the year where more Remaining Time hours are required e.g.

**Parental Consultation** - will result in a longer week e.g.

Two evenings of 4 pm – 7 pm plus 1 hour preparation per evening	= 8 hours
Remaining time (non-class contact) throughout school week	= 2 hours 30 minutes
<b>TOTAL</b>	<b>= 10 hours 30 minutes</b>

Total working week = 40 hours 30 minutes

This should be averaged over the year resulting in some weeks being less than 35 hours.

Every week will have AT LEAST 2 hours 30 minutes Remaining Time (non-class contact).

**Report Writing** – more specifically in the primary school

If 33 hours have been allocated within the school Working time Agreement for report writing these hours should be spread over several weeks, specifically weeks where you only have 2 hours 30 minutes Remaining Time. This task might begin in October to avoid a few weeks of 40 hours plus prior to reports being issued.

- The Remaining Time hours, which average 5 per week, shall be used for activities as agreed within the school Working Time Agreement.
- The principle is that a **maximum** of 22 hours 30 minutes per week will be devoted to class contact.
- A Personal Allowance 7 hours 30 minutes (one third of class contact) is provided for preparation and correction and is part of the contractually paid 35 hour week.
- The periods of time over break and lunch are NOT PAID.
- A foreshortened week, where it is not possible to carry out full class contact, will be treated as a normal working week.

## WORKING WEEK AND WORKING YEAR – PART TIME TEACHER

- The working year for teachers on part-time contracts will vary according to their contractual hours but will operate on a pro-rata basis. The following examples are for a contract of 3 days – Monday, Tuesday, Wednesday. For such a pattern a teacher will be required to attend 3 in-service days.
- The total working hours per week for this contract would be 25 hours 14 minutes
  - Class contact 16 hours 12 minutes
  - Personal Allowance 5 hours 24 minutes
  - Remaining time average 3 hours 38 minutes
- A **maximum** of 16 hours 12 minutes per week will be devoted to class contact.
- A Personal Allowance of 5 hours 24 minutes (one third of class contact) is provided for preparation and correction and is part of the contractually paid 25 hour 14 minute week.
- This part-time contract is paid for 38 Mondays, 38 Tuesdays and 38 Wednesdays, a total of 114 days. Due to holidays and in-service days there are not always 38 of each day in a year so might consist of 33 Mondays, 39 Tuesdays and 40 Wednesdays, a total of 112 days. Therefore the working days are two days less than paid days.
- The teacher who shares the class will be paid for 38 Thursdays and 38 Fridays, a total of 76 days. The actual working days will be 40 Thursdays and 38 Fridays, a total of 78 days. This teacher will therefore work two days more than paid days. These teachers would be required to negotiate with one another a 'pay back' situation where the 3 day-a-week teacher works two days for the 2 day-a-week teacher.
- The Remaining Time (non-class contact) hours, which average 3 hours 38 minutes per week, shall be used for activities as agreed by all teaching staff within the school Working Time Agreement. A teacher on a part-time contract will be required to negotiate which activities listed in the Working Time Agreement they will attend. They will not, however, be required to attend an activity on a day they are not employed.
- There will be 'Hotspots' in the year where more Remaining Time hours are required e.g.

**Parental Consultation** (part-time teachers will negotiate attendance at these between them possibly attending one each) will result in a longer week e.g.

One evening of 4 pm – 7 pm plus 1 hour preparation = 4 hours

**TOTAL = 4 hours**

Total working week = 25 hours 36 minutes

This should be averaged over the year resulting in some weeks being less than 25 hours 14 minutes.

**Report Writing** – (part-time teachers will negotiate their contribution to the reports) more specifically in the primary school. If 33 hours have been allocated within the school Working time Agreement for report writing these hours should be shared between the two part-time teachers and spread over several weeks. This task might begin in October to avoid a few weeks of excessive hours prior to reports being issued.

- The periods of time over break and lunch are NOT PAID.



WORKING WEEK/YEAR TRACKER EXAMPLE ONLY – This is an example of how a teacher might track their work throughout the week. APPENDIX 5

Date:	Class Contact	Personal Time Task	Personal Time	Remaining Time Task	Remaining Time
MONDAY	4 hrs 25	Prepare art material – locate maths resources – Maths correction	2 hrs	Staff meeting - Moderation	1 hr 15
TUESDAY	5 hrs 25	Locate writing resource – phone parent – Set up gym hall (break time) – Writing correction	1 hr 30		
WEDNESDAY	3 hrs 55	Search for internet site for science – prepare worksheet – collect resources for science lesson – correct science worksheets	2 hrs	Check emails – Planning – Meet with SFL -	1 hr 30
THURSDAY	5 hrs 25	Diary for next week – photocopy maths assessment worksheets – correct maths assessment	1 hr		
FRIDAY	3 hrs 20	Finish correcting maths assessments	1 hr	Curriculum Development	2 hrs
<b>TOTAL</b>			<b>7 hrs 30 mins</b>		<b>4 hrs 45 mins</b>

Personal Time Tasks

Prepare material for lessons  
 Locate resources  
 Correction  
 Diary  
 Talk to parents

Remaining Time Tasks

Staff meetings  
 Year group meetings  
 Report writing  
 Curriculum Development  
 PRD  
 Planning  
 Parental Consultation  
 Flexibility  
 Moderation

Sharing Classroom Experience  
 Supporting the school  
 Checking emails  
 Liaison Meetings

Signed on behalf of East Lothian Council

Name: RICHARD PARKER

Signature Richard Parker

Designation: EDUCATION SERVICE MANAGER

Date: 31.3.17

Signed on behalf of the Teachers' Side

Name: GAEL GILLAN

Signature G. Gillen

Designation: EIS LOCAL SECRETARY

Date: 31.3.17.