

28 February 2020

LNCT/12
Working Time Arrangements and School Based Consultation

This circular brings together the joint statement on Working Time Agreements and the guidance on school-based consultation for ease of reference.

The guidelines apply to all teachers, including those on fixed term and supply contracts, and are based on the Code of Practice on Working Time Agreements for Teachers (Part 2, Appendix 2.7) and the Code of Practice on Collegiality (Part 1, Appendix 1.4) of the SNCT Handbook of Conditions of Service.

This paper sets out the basis for developing the Working Time Agreements in schools. It is fundamentally important that all concerned approach the process in a spirit of enhancing trust, ensuring the professionalism of staff is recognised and encouraged and working together effectively to maximise the potential of each young person in Fife schools, whilst enabling teaching staff to manage their workload.

Shelagh McLean (Management Side)
Pauline Stewart (Teachers' Side)
LNCT Joint Secretaries

1.0 Introduction

- 1.1 This paper outlines the current agreement made between management and trade unions in the Education Service in Fife Council
- 1.2 The agreement is designed to make significant and sustained improvement to the professional conditions for teachers and to impact positively on the quality of educational provision and levels of achievement of young people in Fife.
- 1.3 Workload issues will continue to be monitored regularly and addressed by the Directorate's trade union/management Workload Management Group and the School Consultative Groups.

2.0 Working Year

- 2.1 The national agreement is clear that the individual and collective work of teachers should be capable of being undertaken within the 35-hour working week. This is a clear recognition that a professional approach to the work of teachers must be complemented by the requirement that workload is properly assessed and **managed**.
- 2.2 There is an allowance of **personal** time for teachers for preparation and correction of no less than one third of the teacher's actual class contact commitment. All tasks which do not require the teacher to be on the school premises can be carried out at a time and place of the teacher's choosing. It is the responsibility of the teacher to notify their appropriate line manager in school of their intention to carry out such duties out of school. (It is also the responsibility of the teacher to check, at the beginning of the day, that they are not required for cover.)
- 2.3 The pro rata time for teachers on part-time contracts is:

FTE	Class Contact Time	Collegiate time	Personal Allowance	Total
	Hr Mins	Hr Mins	Hr Mins	Hr Mins
1.0	22.30	5.00	7.30	35.00
0.9	20.15	4.30	6.45	31.30
0.8	18.00	4.00	6.00	28.00
0.7	15.45	3.30	5.15	24.30
0.6	13.30	3.00	4.30	21.00
0.5	11.15	2.30	3.45	17.30
0.4	9.00	2.00	3.00	14.00
0.3	6.45	1.30	2.15	10.30
0.2	4.30	1.00	1.30	7.00
0.1	2.15	0.30	0.45	3.30

These pro rata arrangements for teachers on part-time contracts, relating to remaining time, shall occur on days when the teacher is employed and will be agreed through

discussion in advance of the academic year. 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.

3.0 Planning the Working Year

- 3.1 For planning purposes only, the remaining available time, aggregated over the school session, for a full-time equivalent teacher, is 190 hours.
- 3.2 In planning for a session, schools should consider the balance between time needed for routine, maintenance activities and development needs. In the case of significant school, council or national initiatives schools should consider how appropriate time and support may be made available to meet agreed needs.
- 3.3 It is recommended that schools consider the use of in-service training days, along with time available within the contractual working week, so that a holistic picture of school activities may be prepared. School improvement planning should be accounted for within that overall picture and time clearly recorded within the school calendar for that session.
- 3.4 Prioritisation of activities is essential. In addition, an analysis of the time such activities currently take will enable schools to make a realistic assessment of the utilisation of the available time. In relation to certain activities, e.g. development tasks, setting appropriate deadlines for completion is commended as an effective approach through school improvement planning.
- 3.5 To support preliminary discussion in school, Appendix 3 – Planning Format for the Working Year may be used by individual teachers, school representatives and/or the school consultative group.
- 3.6 School staff have a key role to play in monitoring the agreement and the School Consultative Group should discuss this regularly throughout the year. **Schools should carry out a review of progress by Easter each year**, prior to the commencement of the planning process for the next session. It is for school representatives to determine how they consult their members.
- 3.7 The following guidance is given to assist the planning process at school level. (Consider examples of the range of collegiate activities outlined in Appendix 2.)
 - (i) For parents' meetings, the number of meetings should be determined by the need for good parent/teacher contact on individual pupil progress. It should be remembered that parents' meetings do not provide the sole opportunity for the transfer of information between teachers and parents. Parents' evenings may take place in the evening or at the end of the school day, subject to appropriate negotiation. Where it is agreed that a Parents' Consultation Meeting be held end-on to the school day, it is recommended that a break of 30 minutes should be built in prior to the start of the meeting. Preparation time available to teachers should equal parental contact time. Parental contact time, unless specifically agreed through the Working Time Agreement negotiations at school level, should not exceed 2½ hours per meeting.
 - (ii) Consider the additional time required for parental consultation.
 - (iii) Consider the range of staff meetings required, examples of which are referenced in Appendix 2.

- (iv) Consider the annual Professional Review and Development (PRD), professional learning and reading which are core activities for all teachers. Account should be taken of this in all schools.
- (v) Consider the time required for all tasks associated with formal assessment and moderation processes.
- (vi) Consider the time required for preparation of reports and recording pupil data, including monitoring and tracking. This should take account of pupil numbers and typical completion times.
- (vii) Consider the need for curricular development and implementation.
- (viii) Consider the time required for forward planning. While some forward planning may require to be undertaken on an individual basis, much of it will feature in school as a collegiate activity. In accounting for this time, work involved in constructing the school/faculty/departmental development plan and Standards and Quality reports should be included.
- (ix) Consider activity undertaken in the course of an agreed Continuing Professional Development (CPD) plan for the year or included as part of PRD.
- (x) Consider any other formal contact or supervision of pupils e.g. study support.
- (xi) Consider the adequacy of the personal allowance for preparation and correction, taking account of the circumstances of the school.
- (xii) Consider the specific school circumstances which can lead to the inclusion of other activities e.g. HMI visit, emergency meetings. Plans made at school level should reflect the diversity of circumstances and characteristics of the school. A sufficient level of flexibility should be left to allow for this. The number of hours given over to flexibility should normally be limited to no more than 5. Any such time unused would be assumed to be assigned for additional preparation and correction.

3.8 Agreed activities should then be arranged across the school session in a timetable in a way which reflects school needs; takes account of the different pressures on schools at different times; meets the national agreement of a 35-hour working week for teachers and is recorded in the school calendar. (The working time arrangements - planning format, Appendix 2, may be helpful as an aid to planning for schools.) The calendar should highlight key events such as reporting periods, parental consultations, staff/faculty meetings, SQA deadlines, professional review meetings and forward planning. The timings of activities related to improving learning and teaching e.g. classroom visits, will also be included in this calendar (see LNCT14). This will allow teachers to plan their commitments.

4.0 **Reaching Agreement**

- 4.1 When considering activities and developing Working Time Agreements, schools should take account of the SNCT Handbook of Conditions of Service, Part 2, and Appendix 2.18.
- 4.2 Each school's consultative group of teacher trade unions will consist of those trade unions represented within the current Education Forum. The school consultative group should constitute itself on a basis proportionate to the numbers of their members in school.

- 4.3 To support 3.6 above, each year, the Headteacher and, where appropriate, one other teaching member of the school senior leadership team, should review the working time arrangements in place for the current session through a discussion with the school joint consultative group or, where no group exists, other staff representative[s]. In advance, staff suggestions may be sought on priorities, time allocations for activities and a calendar for the upcoming year. Appendix 3 may be used for this purpose along with other information gathered via whole school self-evaluation processes. Trade Union representatives have the right to consult their membership fully.
- 4.4 Based on the principles outlined within this document, the Headteacher should agree the method, timescale and process of reaching agreement with the school consultative group in the first instance. The expectation is that, in most cases, the outcomes can be agreed promptly and amicably.
- 4.5 A period of negotiation should occur. Working Time proposals may be tabled from each side. The proposals should take full account of the priorities to be addressed and the calendar within which they are to be managed. If necessary, a programme of meetings for the school consultative group to convene should be set. Trade Union representatives have the right to consult their membership fully.
- 4.6 The draft agreement and calendar will be subject to full consultation with the whole teaching staff. The School consultative group should agree a mechanism by which staff have the opportunity to consider the draft agreement and comment on it prior to final agreement. Staff comments and suggestions for change should then be considered by the group, also prior to the final agreement. (The agreement will not be implemented unless there is clear evidence that it has been confirmed by the staff.)
- 4.7 The Headteacher, with the school consultative group, will finalise the agreement and calendar.
- 4.8 Agreement on the working time arrangement for the following session should be formally recorded between the headteacher and the trade union representatives. The school calendar is finalised at the signing of the Working Time Agreement and should not be altered or amended without the agreement of school staff, through the school consultative group. (The finalised calendar should be released following the signing of the Working Time Arrangements for that year.)
- 4.9 Thereafter, all teaching staff should be advised of the agreement and calendar. A copy should be available for all staff.
- 4.10 The Record of School Agreement on the Working Year (Appendix 2) and any planning formats should be returned, by the Headteacher, to both the Head of Education & Children's Services, Secretary of the Management Side, and the Secretary of the Staff Side, of the LNCT, to confirm agreement with the trade union representatives.
- 4.11 Where agreement cannot be reached at school level, the Joint Secretaries will be contacted by the Headteacher for the management side and/or by the union representative for the staff side. Referral for non-agreement can be made either in relation to the process or the proposals. If such a referral is made, the nature of the non-agreement should be detailed.
- 4.12 An optional consultation timeframe for determination of the agreement is attached as Appendix 1.

5.0 Related Issues/Further Work

- 5.1 Further guidance on school-based consultation is available at Appendix 4.
- 5.2 Unless specific change is notified or has been agreed in the national agreement, existing policies and guidance from the Education Authority continue to apply.
- 5.3 Teachers are required to undertake up to 35 hours CLPL activities

6.0 Conclusion

- 6.1 This paper sets out the basis for developing the Working Time Agreements in schools. It is fundamentally important that all concerned approach the process in a spirit where we wish to enhance trust, ensure the professionalism of staff is recognised and encouraged, and work together effectively to maximise the potential of each young person in Fife schools.

Note: The Secretaries of the LNCT are:

Staff Side

Pauline Stewart
EIS Fife Local Association
Unit 29 – Evans Business Centre
Mitchelston Drive
Mitchelston Industrial Estate
Kirkcaldy KY1 3NB

Management Side

Shelagh McLean
Education Service
Fife Council
Rothesay House
Rothesay Place
Glenrothes KY7 5PQ

Signed

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Pauline Stewart
Chair, Staff Side of LNCT

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Shelagh McLean
Head of Education & Children’s Services

Consultation Timeframe

Prior to Easter break

- Review of the working time arrangements for the current session (HT discussion with the school consultative group)
- Identification of any strengths or weaknesses in current arrangements. The process should be one in which good practice and strengths should be built upon for the following year's agreement

Before the end of April

- Headteacher discussion with the school consultative group. Based on the principles outlined within LNCT12, the method and process of reaching agreement to be established and arrangements made for the timescale and process at school level
- Trade Union representatives of the school consultative group will arrange to discuss, with their members, their negotiating proposals. Headteacher and the school consultative group develop proposals for a school agreement

May

- Negotiation process to be convened.
- Branch meetings may take place.
- Proposals may be tabled from each side
- If necessary, the Headteacher and the school consultative group to set a programme of meetings for the school consultative group to meet with management

End of May

- The draft agreement and calendar will be subject to full consultation with the whole teaching staff. Headteacher to implement the agreed mechanism by which staff have the opportunity to consider the draft agreement and comment on it.
- A final school consultative group meeting could take place. Staff comments and suggestions for change should then be considered by the group, prior to the final agreement.
- The Working Time Agreement for the following session to be signed off by the Headteacher and the elected representatives of the school consultative group (or delegates).

Second week in June

- Agreement/Non agreement communicated to Education Management and Trade Union joint secretaries by the Headteacher/school consultative group

Mid-June

- If no resolution is agreed by 17 June the arbitration process to be arranged by the joint secretaries
- Process concluded at local authority level. Onward referral to SNCT/Joint Secretaries if no resolution is agreed. Status quo ante to be put in place pending national resolution

August

- LNCT, through the joint secretaries, meets to consider the position across the authority

FIFE COUNCIL – EDUCATION SERVICE

RECORD OF SCHOOL AGREEMENT ON THE WORKING YEAR

SCHOOL _____

We agree that the attached plan is accepted as the pattern for the working year for teaching staff in this school for school session _____.

Signed _____ Headteacher/Head of Establishment

Name _____

Signed _____ Trade Union representatives

Name _____

Signed _____

Name _____

Signed _____

Name _____

Date _____

Note: Please forward a copy of the above to:

- (i) Head of Education & Children’s Services, (Secretary of the Management Side of the Education Forum), 4th Floor, Rothesay House, Rothesay Place, Glenrothes, KY7 5PQ

- (ii) Secretary of the Staff Side of the Education Forum
Secretary
EIS – Fife Local Association
Unit 29 – Evans Business Centre
Mitchelston Drive
Mitchelston Industrial Estate
Kirkcaldy
KY1 3NB

WORKING TIME ARRANGEMENTS - PLANNING FORMAT

SCHOOL _____

SESSION _____

Paragraph Reference (3.6)	Collegiate Activities	Time Allocations
Meetings		
i	Parent Meetings - Preparation time must equal parental contact time	
ii	Additional time required for parental consultation	
iii	Staff Meetings e.g.: a) Whole school staff meetings b) Faculty/departmental meetings c) School based evaluation and negotiations d) Working groups e) Collegiate/management meetings f) Meeting with Professional Associations	
iv	Annual professional review and development	
Total for Meetings		
Additional Activities		
v	Formal assessment and moderation e.g. marking of class work, exams, portfolios etc. for test or examination purposes	
vi	Preparation of reports/records etc. e.g. recording pupil information or reporting on pupil progress	
vii	Curriculum development	
viii	Forward planning	
ix	Continuing professional development	
x	Additional supervised pupil activity	
xi	Additional Time for preparation and correction	
xii	Contingency	
Total for the session		190

FIFE COUNCIL – EDUCATION SERVICE

PLANNING FORMAT FOR THE WORKING YEAR/WEEK

Annual Evaluation – to be co-ordinated by the School Consultative Group

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 Consultative Group’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?

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 an adjustment in agreed time for next session?

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

APPENDIX 4

GUIDELINES ON CONSULTATION

1 INTRODUCTION

- 1.1 These guidelines are based on the view that members of staff, regardless of their post or position within the Education Service, have an investment in a well-run and effective Service.

Within each school or part of the Service there is a pool of expertise which should be utilised to the maximum. It is an important aspect of management to ensure that this takes place. Consultation is one means of achieving this.

In its statement of values, Fife Council makes clear that an open participative style of management is required in all areas of its operation. This need for the involvement of, and consultation with, staff is further highlighted in initiatives within the Education Service, such as School Improvement Planning and Devolved School Management.

- 1.2 There are other reasons why consultation processes benefit the Service.

All staff are affected by policies and procedures at Authority or school level. Where these policies and procedures have been fully discussed and have the support of staff, they are more likely to be implemented successfully than those which do not have such support.

Consultation can enhance staff development in that staff may be involved in educational matters outwith their immediate interest or responsibility and may benefit from being introduced to various points of view.

- 1.3 Consultation allows individuals and groups to express views on an issue and to have their views considered prior to decisions being made.

It allows decision makers to benefit from a wide range of knowledge and experience without abdicating the responsibility for making the final decision. Consultation should be entered into on the basis that the views expressed will be considered and that changes in the proposals are possible. It must be seen to work; if views and comments are seen to be ignored the process will become discredited. Where decisions are reached which are seemingly at odds with staff opinion, managers will explain the reasons for these decisions.

It is important to recognise that consultation is not decision-making by majority vote.

- 1.4 This paper sets out guidance on various strands of consultation that are relevant within the Education Service of Fife Council.

2 LEVELS OF CONSULTATION

2.1 National Level

National bodies, issue documents for consultation. Depending on the nature of the issue and the time available, the Directorate should seek the views of Headteachers and Trade Unions to assist in the formulation of an Authority response. In the case of major issues, such a response will be submitted to the Education & Children's Services Committee for approval.

In this context, the frame for consultation is set by the national body. Within these constraints the maximum time possible will be given to schools and other organisations to respond. It is expected that Headteachers will involve staff in the consultation process.

- clarifying expectations;
- identifying where policy or practice is not achieving expected outcomes;
- ongoing monitoring.

In addition, the Directorate will seek the views of Headteachers, Trade Unions and other groups of staff on specific matters. Examples of this could include:

- draft policy statements;
- proposed changes to existing procedures;
- reviews of pilot projects;
- monitoring of existing practice;
- draft reports of Working Parties.

At times, consultation will extend to Parent Councils, pupils or the wider parent group. Within Fife Council, collaboration within other relevant Directorates/Services and consistency with corporate policy will also be relevant features to be considered in determining the nature and scale of any consultation exercise.

2.2 School Level

By national agreement Headteachers must consult staff at school level on specific issues, e.g. the use of planned activity time. However, the expectation of Fife Council is that staff will be consulted on all matters which would bring significant change in the working of the school or where the Council seeks a school response.

Regular meetings should be held between the Headteacher and Trade Union representatives to discuss matters of mutual interest or concern.

3 **GUIDANCE ON PROCEDURES**

- 3.1 When Fife Council is responsible for a consultation exercise, four working weeks will be allowed for that exercise.

If it is necessary to curtail the time available, the reasons for doing so will be given.

While it will not be normal practice to respond to each individual submission received, the reasons for the decisions made will be given.

- 3.2 In planning consultation, the following points should be followed.

- (i) It must be made clear that staff are being consulted and that the issue is not being raised purely for information.
- (ii) When specific proposals are being put forward for consultation, these must be available to staff in writing and not simply presented verbally or on overhead projection transparencies. Every attempt should be made to issue discussion papers in advance of meetings to allow time for consideration. Staff should be allowed a minimum of one working week to respond to consultation.
- (iii) While staff may be asked to respond as part of a group, e.g. as a whole staff or Trade Union or office staff, individual responses should also be possible. The length of time available for the consultation process should allow for meetings of groups of staff.
- (iv) The outcome of consultation should be notified to all who were invited to participate. It should be made clear when a decision has been made and what that decision is. If no decision has been arrived at, it should be made clear what follows.
- (v) A variety of means of consultation are possible. These include:
 - whole staff meetings
 - stage meetings
 - departmental meetings
 - working parties
 - committees
 - use of written submissions

No single method, of itself, will ensure effective consultation. Rather it will be the manner in which the consultation is approached and undertaken which will determine its effectiveness.

- (vi) Where meetings are used, the following principles should apply:
 - A clear agenda will be issued prior to the meeting. It will be possible for staff to place relevant items on this agenda.
 - Any discussion papers must be issued to allow time for consideration in advance of the meeting.
 - Consultation meetings must be given over to that purpose. They should not be taken up by routine announcements or other business.
 - Minutes of the meeting must be kept and circulated and must record any decisions taken.