

## LOCAL NEGOTIATING COMMITTEE FOR TEACHERS

### Local Agreement on the implementation of the 35 hour working week in schools and educational establishments

#### Session 2021/22

## 1. INTRODUCTION

### 1.1 Status

The National Agreement states:

1. The individual and collective work of teachers should be capable of being undertaken within the 35-hour working week:
2. Managers require time for additional duties out-with 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 agreements made at school/establishment level.

The Local Negotiating Committee for Teachers (LNCT), comprising representatives of the City of Edinburgh Council and the recognised Teachers' Associations, has agreed the following arrangements in relation to the implementation of the 35-hour working week for session 2021/22.

### 1.2 Context

The City of Edinburgh Council and the teachers' associations are committed to enhancing the professional status of the job of teaching, providing professional autonomy for individual teachers and a collegiate and participative style of management in schools and educational establishments.

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 identified staffing and time.

It is acknowledged that workload continues to be a problem and therefore schools must **evaluate realistically** the impact of workload when negotiating their "Working Time Agreements (WTA) for 2021/22.

The School Negotiating Committee (SNC) must refer to the SNCT advice and also the Curriculum for Excellence Working Group Reports on Tackling Bureaucracy. The links to these are given below:

<http://www.gov.scot/Resource/0043/00438617.pdf>

<http://www.gov.scot/Resource/0047/00473538.pdf>

<http://www.snct.org.uk/library/2132/JS%2015%2062.pdf>

The National Agreement, A Teaching Profession for the 21st Century, has been revised and a further statement on Teacher Professionalism has been issued through the SNCT as part of the pay deal agreed in March 2014. The link to this is given below and as Appendix 6:

<http://www.snct.org.uk/library/1732/SNCTStatement%20on%20Teacher%20Professionalism.pdf>

Following Education Scotland's meetings with Management and Union representatives at the start of session 2016/17, A Statement for Practitioners was issued from HM Chief Inspector of Schools (August 2016). The links to this are given below:

<http://www.snct.org.uk/library/2284/JS-16-69%20Teacher%20Workload.pdf>

<https://www.education.gov.scot/Documents/cfe-statement.pdf> (pages 2 and 3)

## **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 – maximum of 22.5 hours per week (18 hours for teachers on the National Teachers Induction Scheme).
- b) A Personal Allowance of not less than one third of teaching 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 (that is 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 (see appendix 2).

**NB** The appropriate amount of management time will be agreed at individual school or establishment level for each manager. This management time should only be taken for covering extreme emergencies in line with current absence cover agreements (**i.e. Not more than 50% management time can be 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 member of staff to be offsite, for health and safety or 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 personal allowance or otherwise, at the teacher's discretion, as time out-with the 35-hour week.
- Non-contact time should be allocated in meaningful blocks, to allow for effective use. Whilst the exact time will vary from establishment to establishment, 45-minute blocks would be considered a minimum useful allocation.
- In weeks where there is a holiday or in-service day, the normal timetable will be observed for the rest of that week.

## 2.3 Remaining Time Activities Programme

In session 2021/22, for staff timetabled for maximum teaching hours, the total Remaining Time will amount to - 195 hours per annum (39x5 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 (35 hours) and annual (195 hours) totals are not exceeded.

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 must produce an annual agreed calendar of events, or similar document, available to staff and the LNCT, which reflects the agreed time allocations.

When agreeing the calendar for school-based activities, the following should be noted:

- a) a clash with the dates identified by CEC as Framework days should be avoided. The only Framework dates are 1 October 2021, 21 January 2022, 13 May 2022
- b) the draft Local Authority Education Renewal and Improvement Plan, which sets out clear annual objectives to be incorporated into School Renewal and Improvement Plans, is already with schools. SNCs should consult this when drawing up WTAs, to ensure that they properly resource, though time and personnel, those activities they choose to take forward;

- c) where schools are taking forward Learning Community cluster priorities, Learning Community cluster dates must be set early enough to inform school WTA/calendar planning.

## **2.4 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 (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.

Visiting specialist staff should refer to the LNCT agreement on the Management of Visiting Specialists.

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

### **3.1 School/Establishment Negotiating Committee**

Decisions made at school/establishment 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/establishment shall form a school/establishment-based negotiating committee (SNC).

The teaching staff of each school/establishment shall determine how its own SNC 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 may comprise all teaching staff. Care must be taken to ensure that all teaching staff affected by the WTA, including part time staff, visiting specialists etc., have the opportunity to be involved in the process.

The remit of the SNC is to:

- a) Evaluate the previous year's WTA in line with SNCT/LNCT advice.
- b) Negotiate school or establishment-based agreements on the use of remaining time, within the constraints of para 2.3 above, for approval by all teaching staff.
- c) Produce a calendar of events, or similar document, which shows the activities covered by the allocation of remaining time hours concordant with para 2.3.
- d) During the session, reconvene:
  - 1. to review the implementation of the current WTA;
  - 2. revise the school WTA through negotiation, as required to reflect changing circumstances, e.g. HMIE visit.

**Please note that any changes to the agreed programme/calendar/duties should be agreed within the SNC. Such changes should be due to unforeseen events, such as snow closures. New initiatives, such as new reporting systems, should not be introduced part-way during the school year, unless they have been previously planned and time for training and implementation set aside in the WTA.**

### **3.2 The Operation of the SNC**

SNC 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 relating to the WTA individually and in department/stages.

Selecting the Committee's administrative convener or chairperson will be a matter for individual committees. However, the Headteacher has a key role in leading discussions in accordance with the provisions of the SNCT Handbook appendix 2.7. Should an establishment where teachers are employed not have a Headteacher, then the Head of Service will nominate an appropriate senior manager to lead such discussions.

It is essential that a review of current WTAs, and of school calendars, is undertaken before negotiations on the new agreement begin. This can be done by survey, in a whole staff meeting, or in other ways, but must seek the views of all staff.

### **3.3 Failure to Agree**

In the event of agreement not being reached within the SNC, a ballot of all teaching staff should be conducted on the models which reflect the options arising from the discussions of the SNC.

If the ballot of teaching staff results in a tie, then the SNC should reconvene to consider how they can move forward by revising the proposals.

After further thorough negotiations if there is still no agreement, the matter can be referred to the LNCT. This, however, should be seen as a last resort. Such matters will be referred in the first instance to the LNCT Joint Secretaries to seek resolution. In this case the previous year's WTA should remain in place until things are resolved.

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.

### **3.4 Monitoring**

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

The WTA must be signed by the Headteacher and staff representative(s). A copy of the WTA, School Renewal and Improvement Plan and school calendar for session 2021/22, should be forwarded to the school's QIEO by 25th June 2021 (Primary & Special) and 3<sup>rd</sup> September

(Secondary – delayed due to ACM arrangements this year). Although the calendar may be further refined during the autumn term, it should have the key dates necessary to enable forward planning, and to ensure that Remaining Time Activities do not exceed 5 hours/week. It is recognised that, this year, meeting this deadline may be very challenging for some schools, and any establishment that feels this may be the case for them should notify their QIEO as soon as possible.

A proforma, recommended for use, is attached as Appendix 1.

#### **4. LOCAL AGREEMENT**

This local agreement has been reached in the LNCT and is consequently binding on the signatory parties. It may be adjusted by negotiation to meet changing future needs.

**Signed: Lorna French**



**Acting Joint Secretary (Management)**

**Date: 27 May 2021**

**Signed: Alison Murphy**



**Joint Secretary (Teachers)**

**Date: 26 May 2021**

## APPENDIX 1: Working Time Agreement 2021-22

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

ACTIVITY	TIME AGREED
Additional preparation/correction	
Parent meetings	
Staff meetings	
Formal assessment	
Preparation of reports/records etc	
Curriculum development	
School planning (including forward planning)	
Continuing professional development <sup>1</sup> <ul style="list-style-type: none"> <li>• Equalities training<sup>2</sup></li> <li>• Cybersecurity training</li> <li>• Health, safety and wellbeing<sup>3</sup></li> <li>• Tracking and monitoring electronic system<sup>4</sup></li> <li>• Digital learning<sup>5</sup></li> </ul>	3hrs 1hr 2hrs 4hrs 2hrs
Additional supervised pupil activity	
Professional review and Development/Teachers' Charter <sup>6</sup>	
Other Activities/Flexibility	

<b>TOTAL</b>	<b>195</b>
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<sup>1</sup>These are hours allocated for CPD activities organised at school level. A teacher's maximum 35 hours of personal CPD is separate to this.

<sup>2</sup>This is a minimum time to overtake core equalities training – it is recognised that many schools may allocate further time, depending on their individual priorities and plans.

<sup>3</sup>This is likely to be an absolute minimum – depending on ongoing pandemic mitigations etc, more time may be needed to allow staff stay up to date with developments. It should also be noted that, as we move out of the pandemic, the H&S frameworks that have been developed in schools (H&S committees, staff updates etc) should continue, as they have wide applicability to many areas of school life, from mandatory H&S training to updating SHE reporting protocols to looking at mental health and wellbeing.

<sup>4</sup>If schools are planning on upgrading/altering tracking and monitoring this session, then time must be set aside to allow for this – schools will need to determine whether more time is needed, depending on the scale of the proposed change.

<sup>5</sup>Again, this is a *minimum* time. It is recognised that schools are at very different places regarding the implementation of the digital learning strategy, and so some will need to devote considerably more time to this area.

<sup>6</sup>The increased allocation for this year is to enable staff to become familiar with the new Teacher Charter framework for Professional Learning and Development (The Teacher Charter).

**Please supply any additional information below.**

We confirm that the attached WTA and calendar has been agreed by staff and is accepted as the pattern for the working year for teaching staff in this school/establishment for session **2021/22**.

Signed \_\_\_\_\_

Head Teacher

\_\_\_\_\_

SNC Members including Role

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_

**NB:** The WTA should be signed by the Headteacher and staff representative(s). A copy of the WTA, SRIP and school calendar for session **2021/22**, should be forwarded to the school's QIEO by Friday **25<sup>th</sup>** June

## **APPENDIX 2: (Guidance for SNC negotiations)**

These notes are intended to assist the SNC by explaining the various headings used in the summary monitoring proforma (Appendix 1) above. Headings are here for guidance, it may be helpful to consider variations in time allocations for unpromoted and promoted staff. Guidance on the evaluation of previous WTAs is also included, as is SNCT guidance on collegiality.

SNCs should be aware that, in the CEC briefing to Headteachers on Improvement Plans, it states:

***Please ensure that all tasks and resources in your School Renewal & Improvement Plans can be fully resourced to be delivered within teachers' working time, through the Working Time Agreement. Please refer to the WTA Timeline (below). Recent advice on this is contained in SNCT circular 15/54 – Pay and Conditions of Service Agreement 2015-2017.***

<http://www.snct.org.uk/library/2100/SNCT1554.pdf>

### **1. Explanation of para 2.3**

#### **Additional time for preparation and correction**

Having due regard to individual teacher workload, additional preparation and correction time may be required. This will also include termly plans for primary schools

#### **Parents' meetings**

The timings of whole school/class parents' meetings will be agreed after appropriate consultation. Consideration will be given to providing time for preparation for these meetings as well as for the meetings themselves and where appropriate, for a social break and/or travel time. (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, will continue). **It is assumed that the efficiencies that became available through online Parents' Evenings may continue, depending on discussion with school Parent Councils and School Negotiating Committees.**

A time resource for any other meetings with parents, including on an individual basis, which may take place throughout the session should be recognised within this category.

#### **Staff meetings**

Staff meetings must include time for any meeting of a group of staff e.g. for SNC meetings, for whole school staff meetings, departmental, faculty, stage, or cross-curricular.

Liaison meetings with colleagues, including learning support, visiting specialists, Child Planning Meetings etc. come into this category. A quota to take account of unscheduled meetings can either be accounted for in this or in the flexibility category below.

### **Formal Assessment**

Assessment should be considered as part of preparation and correction. Time should however be allocated where assessment is summative and part of a formal process, e.g. unit assessments, preliminary examinations, standardised assessments.

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

A time allocation for the completion of reports, records, personal learning plans etc should form part of the 35 hour working week. An individual teacher's workload must be taken into consideration in relation to these duties. Additionally, the format used for reporting should not be changed during the course of a school session, unless agreed through the School Negotiating Committee.

### **Curriculum development**

This includes involvement in policy development, curricular development or in-school working groups and familiarisation with new developments e.g. it can include work done on an individual and/or collective basis.

### **School Planning (including forward planning)**

Time for planning, including where appropriate the construction of the school/departmental improvement plans and Standards and Quality reports, should be allowed for staff involved in these tasks. Where new planning format(s) are being introduced additional time should be allocated to allow staff to become familiar with these. Additionally, in Primary/Nursery schools, the format used for forward planning should not be changed during the course of a school session, unless agreed through the School Negotiating Committee.

Primary teachers must ensure they are familiar with the LNCT agreement on primary forward planning (<http://www.snct.org.uk/library/2462/LNCT%20-%20Principles%20of%20Forward%20Planning%20updated%20Mar%202018.pdf>). They should note that this says:

*The Annual Overview should be an outline of key opportunities for learning in each term across levels **(no more than two sides of A3)** to be completed by /during August In Service Day. Termly Planning should be no more than one side of A3, and weekly and daily plans should be regarded as working notes to help organise learning for the class teacher. Weekly and daily preparation is a matter for the individual teacher and there is no requirement for it to be submitted for approval.*

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

Time for school-wide professional development issue e.g. Shared Classroom Experience should not be confused with the personal CPD programmes agreed with individual teachers under the agreed professional review and development (PRD) process. Personal CPD time should not be included in the WTA.

### **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 and Professional Update procedures have time resource implications. Time must be allowed for all staff to self-evaluate throughout the year and participate in an annual meeting as part of the PRD and Professional Update 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.

### **Other activities/Flexibility**

Teachers regularly perform a variety of extra duties which benefit the school and the pupils and these 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 WTA to allow for such emergent or emergency situations.

**Please note that any changes to the agreed programme/calendar/duties must be agreed within the SNC.**

## **2. WTA Evaluation:**

The WTA is a mechanism to address overall teacher workload.

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.

A staff survey to determine whether the last year's WTA time allocations were realistic is one possible mechanism SNCs may choose to use. Please see Appendices 4 and 5 for example templates.

The LNCT will carry out an audit of teacher activity to assist in workload management.

## **3. Collegiality:**

The LNCT promotes collegiate decision making, in line with the SNCT handbook appendix 1.4:

Indicators for Collegiality at School Level include:

In schools, collegiate working is carried out within the context of the 35 hour working week. Strong, effective communications operate within the collegiate school. The prevailing atmosphere fosters mutual respect and encourages frank, open and honest communications amongst all staff.

There is evidence of a range of meetings including meetings involving the school's management team and representatives of the staff as a whole and which may include representatives of trade unions and professional organisations. The outcomes of such meetings are communicated to all relevant staff.

All staff contribute to the construction of the WTA through a process of consultation, professional dialogue and negotiation; consequently, all staff have a sense of ownership of the agreement. The agreement is transparent, is signed by all members of the SNC and is submitted to the LNCT by the specified date. Once finalised, the terms of the agreement are respected by all members of staff and inform the work of the school over the session to which the WTA applies.

All staff members recognise their responsibility to contribute to the school development process and to participate in this process in a collegiate and constructive manner. There are clear mechanisms in place to allow staff to make their views known; staff express their views openly and professionally. The opinions of staff are valued and are used as input to the school's development plan and policy development processes.

**It is essential that school policies and decisions are regularly reviewed and all staff participate in the review process. Any changes required to the plan during the session are subject to appropriate consultation and must take account of teacher workload.**

### **APPENDIX 3: (Timeline)**

*This timeline is a guide. Schools should feel free to adapt it to their needs. If a school knows that its WTA has not worked well, or is in need of a major overhaul due to changing circumstances, then a longer period for review and consultation may be required. It is also recognised that this timeline was drawn up prior to the pandemic, and aspects of it are not deliverable under current circumstances. However, the core principles are still valid, so it is included for information, to help inform the work of SNCs, and hopefully to guide post-pandemic planning.*

#### **April of current school session:**

WTA documents sent to schools.

If not already done so, set up School Negotiating Committee (SNC). Begin with review of WTA and calendar with staff (see Appendices 4 and 5 for examples of evaluations). Format of review to be agreed by group.

#### **May:**

Based on review, SNC to draw up proposals for 2019/20 WTA and calendar.

*Note that SRIP development and WTA planning should inform each other – SRIPs must show realistic time allocations which are reflected in the WTA.*

#### **June:**

When SNC reach agreement on WTA and calendar, they should be signed off and sent in to QIEO, along with SRIP (note that members of the SNC should ensure that they have consulted widely with staff, including part-time teachers, about the agreement).

#### **End of school session – calendar, WTA and SRIP all submitted to QIEO**

**Start of new session** – if draft calendar submitted in June, then final calendar should be shared with all staff now.

#### **December/January:**

Review operation of WTA and calendar, and also time allocations from SRIP, so far. Note areas where adjustments might be needed for next session.

**March/April:**

Set up School Negotiating Committee (SNC). Begin with review of WTA and calendar with staff. Format of review to be agreed by group. Cycle continues as above (*schools do not need to wait until they have received the new WTA documentation to begin this process, since the review is about the current agreement*).

**At any point through the year, if changes are required to the WTA or calendar, these MUST be brought to the SNC and agreed.**

**Failure to Agree:**

If the SNC is not able to agree on a WTA, a whole-staff ballot on the different proposals should be held. If ballot has a clear result, WTA, calendar and SRIP should be sent to QIEO.

If ballot is a tie, SNC should reconvene – they may wish to ask for informal advice from QIEOs and/or unions when drafting new proposals, but should, in any case, alert their QIEO that there may be a delay in submitting.

If there is still no agreement, then the matter can be referred to the LNCT. **In this case, the previous WTA will remain in place until agreement is reached.**

**APPENDIX 4: Evaluation 1**

**To what extent did this year's agreement allocate a realistic amount of time in relation to each aspect of 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 in your opinion 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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## **APPENDIX 5: Evaluation 2**

### WTA Evaluation

*Assumption is that this would be sent out as an email survey, with the school's current WTA attached, but it can obviously be used and adapted in many ways (e.g. prompt questions for staff discussion in a workshop).*

The first 5 questions relate to the WTA (i.e. the agreement about the 5 hours/week collegiate time that make up part of the 35-hour week).

1. Which allocations of time seem about right to you?
2. Which categories need significantly more time?
3. Which categories could see time reduced?
4. Which collegiate activities that take up a lot of your time are not accounted for in the WTA (remember that you get 7.5 hours/week personal preparation and correction time – the 5 hours/week WTA time is for school or departmental activities)?
5. What activities currently in the WTA do you think should be removed, and why?

These questions are about the school calendar.

*It is very hard to write generic questions about school calendars. The following are a few examples, but clearly every school will need to think of its own.*

1. This year we tried putting all parents' evenings closer together – do you think we should continue with this? If no, what pattern would you prefer?
2. This year all CAT sessions have been on a Friday afternoon. It has been suggested that we should move 50% to twilight sessions. What are your views on this?
3. The prelims are currently in January. It has been suggested that they are moved to late November/early December. What are your views on this?
4. Are there times of the year when you find the workload particularly difficult? If yes, what alterations to the calendar do you think might help?