

## TEACHER PROFESSIONALISM AND WORKING TIME

### 1. Introduction

#### 1.1 The Annual General Meeting of the Institute held in June 2002 approved the following resolution:

“That this AGM instruct Executive Council to prepare advice to members on balancing the professional requirements of a teacher within the 35 hour week.”

#### 1.2 This advice derives from the March 2001 position paper entitled “Initial Guidance for Local Associations on Working Time”, the EIS leaflet “Teacher Professionalism and the Scottish Parliament” and the Institute’s policy and advice paper dealing with School Development Planning.

#### 1.3 “Teachers, after full registration with the General Teaching Council, do not require day to day supervision and direction. The EIS is committed to the professional autonomy of the teacher, to collegial management of schools and to greater democracy in schools. Collegial management should mean that the senior staff in schools are openly accessible to individual teachers whether promoted or un promoted and that all teachers should be supported by colleagues in their work within the classroom”. (Teacher Professionalism and the Scottish Parliament, page 9). The above quotation contains the essence of the strategy which underpinned the work of the Institute’s representatives on the post-McCrone implementation negotiations. The desire, therefore, to achieve a greater level of professionalism and professional autonomy was central to the negotiating objectives of the EIS in late 2000.

#### 1.4 The EIS, and a number of representatives from the Management Side, were committed to removing the “time zone” mentality which the 1987 agreement had fostered within the service and were determined to create a new climate of teacher professionalism by removing those aspects of the Main settlement which, by their very nature, were anti-professional and anti-teacher (eg Planned Activity Time). What was required was a new balance between professional teacher autonomy and professional responsibility and accountability. The following extract from Teacher Professionalism and the Scottish Parliament (page 5) highlights the main elements of the Institute’s approach.

“There have been major developments in changes and attitudes as regards accountability within the public sector. In particular we have now a greater understanding of the ways in which public sector organisations including schools can become learning organisations so as to improve their effectiveness and efficiency. There is a growing awareness that all employees should be able to participate in setting the direction of the organisation. In such organisations the range of skills of all members of the community are employed to the benefit of their clients. Such organisations develop means of promoting and responding to change which ensure that all are valued and recognise that accountability is a considerably more complex concept than some in the past have recognised.”

#### 1.5 In addition, the EIS was keen to underpin this re-professionalising approach with a commitment to Continuing Professional Development as a basic entitlement of all teachers. Again, our approach is highlighted by the following extract from Teacher Professionalism and the Scottish Parliament (page 4).

“Teachers have for years indicated the inadequacies in in-service training arrangements and the failings have more recently been acknowledged, for example, by the McCrone Report. The need for an appropriate, coherent national CPD strategy which addresses the collective needs of education, the collective needs of the profession and the individual needs of qualified teachers is a key element in guaranteeing high levels of professionalism for the future. A coherent national CPD strategy, with teachers as well trained, reflective practitioners at its centre, presents also new opportunities and challenges for the educational system as a whole. It places, more firmly than ever before, the teacher at the heart of the educational process.”

#### 1.6 However, the professional autonomy of the teacher must be balanced by other considerations and commitments. Teacher Professionalism and the Scottish Parliament (page 7).

“This autonomy cannot be absolute. Teachers have contractual obligations to employers. Teacher autonomy is further constrained by the need to recognise that teachers work within multi-faceted organisations which demand partnership and collaboration with others. These include professional colleagues, but also involve an ever increasing number of other agencies and individuals.”

## 2. School Development Planning and Teacher Workload

2.1 The general principles which should guide and inform the planning process are as follows.

- (i) The Plans must be realistic and achievable both in terms of the timeframes for its contents to come on stream and the time resource made available for Plan-related work to be undertaken in the course of the teachers' contractual working day, week and year.
- (ii) The Plans should have regard to the five priorities set (after consultation) by the Scottish Executive, and to the local authority service plan, but schools should not view these in a prescriptive or limiting way. Schools should also have regard to performance indicators in relation to the five priorities, but again not in a way that restricts the scope of the school's discussions concerning its own priorities.
- (iii) School development plans are an important factor towards addressing issues of teacher workload, in particular through the management of teachers' working time.
- (iv) The plans should set priorities for the work of the school but should contain fewer priorities than schools have often been required (or felt obliged) to set in the recent past themselves.
- (v) In larger schools the development plan could involve a certain amount of devolution of decision-making and implementation, for example, in secondary schools, subject departments should have a direct input to the process of formulating the draft Plan and a direct role in implementing specific elements within the approved Plan.
- (vi) To be effective, the planning process in schools should embrace all aspects of the work of the school, including new developments and initiatives, ongoing maintenance and consolidation of work, resource and financial management, workload issues and staff support. Some schools have found that the establishment of a School Planning Consultative Group (dealing with School Development Planning, the School's Devolved Budget and Workload management) is the most effective approach to use. The EIS considers that EIS School Representatives have a valuable contribution to make to such Consultative Groups or similar arrangements, either directly in that capacity, or indirectly following election to the Consultative Group by colleagues.

2.2 The School Development Plan is one method which offers teachers a protection against unacceptable increases in workload and School Development Planning is already the basis of some local Workload Agreements with education authorities. It offers some control over the pace of change within schools as well as the potential for staff within the school to ensure that the Plan can be implemented within the framework set by the 2001 agreement. However, the School Development Plan cannot in itself resolve all issues of workload. Teachers must have regard to the protections afforded in terms of their own contracts, and in particular the 2001 agreement. Teachers at all levels of the school must also have regard to the current climate where there is real encouragement to develop collegiality and to enhance teacher empowerment and professionalism throughout the education process. National, local authority and establishment-level frameworks allow the possibility for genuine collective bargaining to take place on issues regarding teachers' time and workload. Taken together, there is the potential to raise levels of professionalism, while at the same time managing working time and controlling workload burdens.

## 3. The 2001 Agreement

3.1 One of the key elements of the 2001 settlement was the emphasis on enhancing the professional status of the job of teaching, providing greater professional autonomy for individual teachers and introducing a more collegiate and participative style of management to our schools. The key to this agreement involves individual schools and individual teachers having their priorities addressed, and this may mean not only that local associations have to address different issues as priorities but also that different advice may require to be given to different schools within a local association. This advice, however, must remain within EIS national guidelines.

3.2 The actual wording of the agreement (as it relates to working hours) is to be found as Appendix I to this paper and a copy of the agreed code of practice on working time arrangements for teachers is to be found at Appendix II.

3.3 In the Code of Practice on Working Time Arrangements for Teachers it states - "The individual and collective work of teachers should be capable of being undertaken within the 35 hour working week." This applies to all grades of teaching staff and this should be the guiding principle of agreements at Local Authority and school level. Tasks must be assessed to determine how much time needs to be agreed for their completion. Analysis of the actual time which current tasks take, based for example on surveys/questionnaires/visits to schools, should enable schools and local associations to gain a realistic assessment of the actual time it takes to complete particular contractual activities.

- 3.4 There should be no aggregation of working hours over any period longer than a week. The only exception, and that only in the period up to 2006, may be Parents' Meetings. Each parents' meeting of 2 hours duration should be augmented to allow for preparation and travel so that a notional 5 hours is allocated for each meeting. The 5 hours should consist of the contractual time remaining beyond class contact and preparation and correction time in the week of the meeting and the preceding or following week or weeks (depending on sector).
4. Class Contact Time
- 4.1 Until August 2004, maximum class contact time will remain unchanged. From August 2004, maximum class contact in the primary sector will be reduced to 23.5 hours per week and from August 2006 maximum class contact time will be reduced to 22.5 hours in both the primary and secondary sectors. It is anticipated that classes and timetables will continue to be allocated in the normal way during this period and beyond.
- 4.2 However, if it is anticipated that teachers may be required to provide cover for absent colleagues etc it has to be remembered that such cover counts in full as class contact time. On this basis it is only those teachers who have or, at the end of the week, would have a class contact commitment lower than the maximum who can be asked to provide cover. In other words the total of allocated classes and cover in any one working week must not exceed the maximum class contact limit specified for that sector.
- 4.3 One of the key elements of the agreement relates to the fact that teachers do not need to be on school premises if the activity in question can be carried out at a different location and/or at a different time. However, in order to assist with the provision of cover etc within the school, teachers who may be expected to provide cover should be given a clear indication as to the times or periods when he/she is most likely to be required for cover purposes.
5. Preparation and Correction Time
- 5.1 All teachers are guaranteed a minimum of one-third of their class contact commitment as a personal allowance for preparation and correction. What a teacher does during this time, when this work is carried out and where it is intended that this work will be done are decisions for the individual teacher. However, if a teacher is not required for cover and intends to be out of school during the normal school day (i.e. when pupils are still on school premises) he/she should inform his/her immediate manager.
6. Remaining Contractual Time
- 6.1 The use of the remaining period between the combined time for class contact and preparation/correction and the 35 hours must be agreed at school level and can include, for example, the following activities: additional time for preparation and correction, parent meetings, staff meetings, formal assessments, preparation of reports and other records, curriculum development, forward planning, CPD, additional supervised pupil activity and professional review and development.
- 6.2 Agreement will need to be reached on the allocation of time for promoted staff to carry out their responsibilities. Attention should be drawn to that part of the agreement which states 'managers require time for additional duties outwith teaching and associated preparation in order to fulfill their broad professional duties'. In those areas where a local agreement or guidelines exist on time for promoted staff, it is recommended that these should be the basis on which local agreement is sought.
- 6.3 During the course of the summer term, each school should agree a timetable of collegiate activities for the following session which should include the dates and times of parent meetings and meetings of departments/groups of teachers/committees/consultation groups/whole staff, and should take account of all major workload generators such as reporting, formal assessments and forward planning. All staff must be involved in the decision making process as regards the timing of collegiate activities and initial discussion should take place within the EIS branch at establishment level. It would be appropriate in small school branches for the EIS Rep to lead discussion in order for the membership as a whole to reach agreement on the timetable prior to further discussions with other trade unions and management. In larger branches it would be appropriate to set up a Sub-Committee whose role would be to produce a draft timetable for submission to the full EIS branch for possible amendment and agreement. Thereafter, it would be appropriate to enter into discussions with representatives of other teaching trade unions prior to negotiation and agreement with the head of establishment. Such decisions should not be taken without, where necessary, reference to the Local Association Secretary and should be in line with agreements at Local Authority level.
- 6.4 When considering this timetable, a number of staff meetings should be allocated for the purpose of monitoring the time which has been allocated already for collegiate activities in order to facilitate decisions to be made when planning for the next session

- 6.5 Once agreement has been reached on the school timetable for collegiate activities (eg parent meetings, staff meetings etc), it is important to ensure that the maximum professional discretion is available to teachers in determining their priorities for the use of the remaining time. During the course of the year there will be different pressures on schools at different times and it is essential that agreement on the use of this remaining time addresses those particular pressures. It should be remembered that all activities which do not require the teacher to be on school premises can be carried out at a time and place of the teacher's choosing.
- 6.6 It would be inappropriate and unprofessional for management to expect teachers to complete any timesheets. A more appropriate strategy, for example, would be to agree reasonable submission dates for tasks, eg forward plans and reports, and the teacher organises his/her workload to complete these agreed tasks. A proportion of the available time (say 20% minimum) should be left flexible to allow for additional preparation/correction, which could be called upon on occasion by agreement to meet unplanned commitments, e.g. meetings with external agencies; emergency meetings, e.g. HMEI; varying individual teacher needs. Schools will require to review, for example, current record-keeping and forward planning/individual planning strategies, reporting arrangements and forward planning procedures, ensuring that these are cut where time is not available within the balance of contractual time beyond class contact and preparation and correction. Annual reviews of the use of additional time will feed into the planning cycle and must ensure tasks are prioritised and accommodated within the 35 hour week to properly manage and limit teacher workload.

## 7. Continuing Professional Development

- 7.1 An additional contractual 35 hours will be available for Continuing Professional Development but this time will include an appropriate balance of personal professional development, attendance at national accredited courses, small scale school based CPD and other CPD activity. Key to this element of the agreement relates to the fact that every teacher must have his/her CPD plan agreed with an immediate manager. It is also important to bear in mind that all CPD activity must take place at an appropriate time and place.
- 7.2 The agreement on an annual CPD plan should take into account the fact that a number of CPD opportunities will only become known during the course of the year and therefore time should be set aside to allow for additional CPD activity to be included in the annual plan at a later date. The objective in constructing the annual CPD plan must be to address genuine needs to the extent that the availability of suitable opportunities permits, and not to fill the available hours mechanistically. In addition, as it will take some considerable time for all CPD courses to be accredited and for all CPD providers to be nationally registered, the first two years of this aspect of the agreement will, almost certainly, concentrate on personal professional development and small scale school based CPD.

## 8. Conclusions

- 8.1 Agreement will require to be reached on an annual basis in relation to the use of working hours, particularly in relation to the collective or collegiate activities which contribute to the wider life of the school. These agreements will, normally, be based on guidance agreed by the Local Negotiating Committee for Teachers.
- 8.2 Any dispute at school level, whether collective or individual in nature, should be resolved using mechanisms agreed within the LNCT and would only be referred to the SNCT at national level if the dispute relates to the interpretation of a national element of the agreement.
- 8.3 School level agreements will have to be monitored by the Local Negotiating Committee to ensure that there are no breaches to local and/or national agreements and to provide information for the SNCT in relation to determining when the objective conditions are in place to move to the final contractual arrangements in August 2006.

## APPENDIX I

### The McCrone Agreement

The fine text of the agreement covering working hours is to be found on pages 6-8 of the agreement and is written in the following terms.

#### Working Hours: Working Week

Agreement has been reached on the working week as follows:

- the introduction of a 35 hour week for all teachers from 1 August 2001;
- a phased reduction in maximum class contact time to 22.5 hours per week equalised across the primary, secondary and special school sectors;
- during the phasing period, the class contact commitment of a teacher will be complemented by an allowance of personal time for preparation and correction: this allowance will be 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: teachers will notify the appropriate manager of their intention in this respect; and
- from August 2006, at the earliest, the contractual obligations of teachers will be expressed in relation solely to a 35 hour week within which a maximum of 22.5 hours will be devoted to class contact.

It has been agreed that the process of change needs to be properly managed and therefore supporting phasing arrangements have been developed which involve:

- the introduction of a personal allowance of one third of actual class contact time as described above;
- the use of the remaining time (that is, time beyond the combined class contact and preparation/correction allowance) will be subject to agreement at school level and will be planned to include a range of activities, such as:

- additional time for preparation and correction
- parent meetings
- staff meetings
- formal assessment
- preparation of reports, records etc
- curriculum development
- forward planning
- continuing professional development
- additional supervised pupil activity
- professional review and development;

- a key role for the Scottish Negotiating Committee for Teachers (SNCT) in determining when the objective conditions are in place to move to the final contractual arrangements, and
- a set of criteria that will enable the SNCT to determine when all the appropriate conditions have been met. These are outlined in Annex C.

The following table summarises the transitional arrangements.

		Maximum Class Contact	Minimum Personal Allowance (33%)
Stage 1	From August 2001		
	Primary	25.0	8.5
	Secondary 23.5	8.0	
	Special	22.5	7.5
Stage 2	From August 2004		
	Primary	23.5	8.0
	Secondary 23.5	8.0	
	Special	22.5	7.5
Stage 3	From August 2006		
	Primary	22.5	7.5
	Secondary 22.5	7.5	
	Special	22.5	7.5
Stage 4	From no earlier than August 2006 All Sectors 22.5	Within the 35 hour working week	

- In order to complement the phasing arrangements and the new structure of the working week, a Code of Practice on Working Time Arrangements has been agreed. The text of the Code of Practice is provided at Annex D.
- In the case of promoted post holders in schools, the Implementation Group has considered their working arrangements and has agreed that managers require time for additional duties outwith teaching and associated preparation in order to fulfill their broad professional duties.

#### Continuing Professional Development (CPD) and the Working Year

- The length of the working year for teachers will continue to be 195 days.
- Teachers shall have an ongoing commitment to maintain their professional expertise through an agreed programme of continuing professional development.
- An additional contractual 35 hours of CPD per annum will be introduced as a maximum for all teachers, which shall consist of an appropriate balance of personal professional development, attendance at nationally accredited courses, small scale school based activities or other CPD activity. This balance will be based on an assessment of individual need taking account of school, local and national priorities and shall be carried out at an appropriate time and place.
- Every teacher will have an annual CPD plan agreed with her/his immediate manager and every teacher will be required to maintain an individual CPD record.
- It is recognised that a quality based framework for professional development will take some time to deliver and therefore, teachers will work towards but not be expected to meet the full commitment until August 2003.

## APPENDIX II

### CODE OF PRACTICE ON WORKING TIME ARRANGEMENTS FOR TEACHERS

The working hours and duties of teachers are negotiated nationally and form part of the agreed conditions of service for teachers. This code of practice has been drawn up to describe in more detail the rights and responsibilities involved in translating national conditions of service into practice.

The code of practice will operate within the context of national and local negotiating arrangements.

For the duration of the transitional period, individual contracts will contain an additional condition that working time arrangements will operate in accordance with the national code of practice.

The code of practice will be kept under review during the transitional period.

It shall inform discussions on working conditions at local level and will require to be supported by effective consultative arrangements at establishment level that ensure full participation by all staff in key decisions affecting their establishment. Discussions will be led by the Head Teacher as overall manager and the person ultimately accountable for the activities of the school.

With these mechanisms in place, it should be possible to resolve disputes, which may be individual or collective, without recourse to grievance procedures. This would not affect a teacher's existing right to resort to formal grievance procedures.

It is also intended that the Code of Practice will assist teachers to manage their workload more effectively. Effective planning procedures should assist with the Management of workload.

In terms of assisting with local planning and with the control of teacher workload, national priorities will be set. These will be few in number and will normally be constant over a reasonable period of time. Teachers have a right and an obligation to contribute to the process by which national and local priorities are determined. Programmes of change will require the full participation of staff at establishment level in decisions about the pace of change.

Each educational establishment will prepare a school plan in accordance with the Standards in Scotland's Schools etc Act 2000. The plan will reflect establishment, local and national priorities. Plans will take account of staffing and other resources required. All teachers will have the right to be fully involved in the development of the plan and to be consulted on their contribution to the plan, and the responsibility for realising the school's development priorities. If a plan requires to be reviewed to take account of individual or collective circumstances, staff will be involved in any review as appropriate.

Teachers have a responsibility to work co-operatively with colleagues and others to pursue the overall objectives of the service. Each educational establishment will prepare an annual programme of activities, which require the involvement of teachers. In each school, teachers will agree the range of collective activities contributing to the wider life of the school on a collegiate basis. The use of the remaining time (that is, time beyond the combined class contact and preparation/correction allowance) will be subject to agreement at school level and will be planned to include a range of activities, such as:

- additional time for preparation and correction
- parent meetings
- staff meetings
- preparation of reports, records etc
- forward planning
- formal assessment
- professional review and development
- curriculum development
- additional supervised pupil activity, and
- continuous professional development

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

To assist the process of reaching agreement on collective time, each education establishment will put in place effective mechanisms. Such mechanisms will be determined at local authority level and shall reflect local circumstances. The negotiating machinery at local authority level and at national level will monitor the effectiveness of school mechanisms in ensuring agreement on, and prioritization of, teachers' working time.

Individual teachers will use their professional judgement in relation to the prioritization of tasks. In exercising their professional judgement, teachers will require to take account of objectives determined at school, local authority and national levels.

For most teachers, preparation and correction will be the most time consuming activities outwith class contact time. This requires to be reflected in the way that a teacher's working time is deployed. In terms of the remaining time, teachers will be available for meetings and other collective activities during the course of the 35-hour working week. 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.

Teachers have a right and a responsibility to contribute to the development of a quality service. They have a professional commitment to develop their skills and expertise in classroom practice and other related matters through an agreed programme of continuing professional development. An additional contractual 35-hours of CPD per annum will be introduced as a maximum for all teachers, which shall consist of an appropriate balance of personal professional development, small scale school based activity, attendance at nationally accredited courses or other CPD activities. As part of this professional commitment teachers will have a CPD plan that is agreed annually with their line manager based on assessment of individual need. Teachers are also required to maintain an individual CPD record for professional purposes.