

Advice on implementing hours of work changes to STCA

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Purpose of this advice

From 9 August 2023 there are changes to the STCA to make the hours of work provisions compliant with legislation. This advice is to clarify what changes need to be made at the school level to help implement those new clauses.

Separate advice is provided for related changes in:

- Annual leave requirements from 2023
- Agreeing additional work time for holders of additional payments from 2023.
- Part-time non-contact changes for 2025

This advice covers the work time for the base scale salary. There is companion advice on the SPC website on managing the requirements around teachers who hold additional payments. See *'Advice on recording additional worktime.'*

Requirements

From 9 August 2023 the following STCA provisions apply to ensure compliance with legislation on hours of work:

5.1 Days and Hours of Work

5.1.1 *Teachers' work is any activity required to fulfil the expectations of their role or to undertake the duties assigned by them. An individual teacher's hours of work are influenced by factors such as:*

- (a) *The classes the teacher is timetabled to teach, which for a fulltime teacher will comprise no more than 20 hours per week or a combination of periods of time equivalent to 20 hours per week;*
- (b) *Timetabled non-contact hours, which for a fulltime teacher will be at least five hours per week or a combination of periods of time equivalent of five hours per week;*
- (c) *Whether it is a week/day students are required to attend school;*
- (d) *The preparation, evaluation and assessment time that may be generated by those classes and the students within them or by other requirements such as external examination prescriptions or the need to report on the progress of individual students;*
- (e) *The counselling and pastoral needs of students;*
- (f) *The administrative responsibilities of individual teachers either in respect of their curriculum or pastoral responsibilities or in respect of the general administration of the school;*
- (g) *The responsibilities of individual teachers arising from their appointment to a Kāhui Ako role; and*
- (h) *The extent to which individual teachers may participate in the extra-curricular programmes of the school.*

5.1.2 *Teachers' days and hours of work will largely reflect the variable flow of work during the school year, where workloads are higher during school terms and lower during term breaks and/or other times when student attendance at school may not be required. Teachers will work such hours as may reasonably be required to enable them to properly fulfil their responsibilities. For:*

- (a) *full time teachers, this is expected to average 40 hours per week across the year.*
- (b) *part time teachers, this is expected to be proportionate to their FTTE (e.g. a teacher who is 0.5 FTTE is expected to work an average of 20 hours per week across the year).*

Examples:

FTTE	Timetabled hours during term time	Hours per week averaged across the year
1.00	25 hours (up to 20 hours class-contact, remainder non-contact)	40 hours
0.75	18 hours 45 minutes (up to 15 hours class-contact, remainder non-contact)	30 hours
0.50	12.5 hours (up to 10 hours class-contact, remainder non-contact)	20 hours

- 5.1.3 *If a teacher receives a unit(s) or allowance(s) for additional responsibilities the employer and employee will agree any requirements that some or all of these responsibilities be worked at a specific time or place and any hours that are additional to those in clause 5.1.2. The agreement must be recorded in writing.*
- 5.1.4 *Employers will recognise the importance of setting and allocating reasonable and safe workloads for teachers including allocating duties that can be reasonably completed within the overall expected average weekly hours across the year. It is recognised that the workload will vary taking into account the factors set out in clause 5.1.1, and teachers will be required to work such hours in any week as may reasonably be required to enable them to properly fulfil their responsibilities.*
- 5.1.5 *Teachers will have flexibility in how they manage their allocated workload across the year, provided that they will be responsible for drawing to their employer's attention any situation where their pattern of work or workload allocated under 5.1.1 is such that they may exceed the total expected average weekly hours set out in clause 5.1.2. In this circumstance teachers should provide appropriate supporting information to demonstrate their work pattern and/or that their total expected weekly hours averaged across the year may be exceeded.*
- 5.1.6 *Where a teacher raises an issue with their employer in accordance with clause 5.1.5 the employer and the teacher will consult in relation to managing the teacher's workload. If the employer accepts that there is a workload issue they will be required to take reasonable steps to manage it.*
- 5.1.7 *Where a teacher raises an issue with their employer in accordance with clause 5.1.5, and the employer:*
- (a) has genuine reason not to accept that there is a workload issue, or considers that insufficient supporting information has been provided by the teacher, the employer will provide the teacher with the opportunity to provide further information. After consideration the employer will advise the teacher of their decision, and will provide reasons in writing; or*
 - (b) considers that the workload issues have arisen as a result of performance issues or other default by the teacher, the employer will advise the teacher that they are initiating the process outlined in clause 3.3.*

What changes

- Reasonable and safe workloads are to be considered when allocating duties.
- A normal year's work for a full-time base scale teacher is expected to be 40 hours per week for a full-time teacher and a prorated number of hours for part-time teachers.
- The 40 hours are inclusive of paid rest and meal breaks required by the ERA.
- The limits of 'open for instruction' on a normal school day are defined as 8:30am-4:30pm, or the agreed equivalent start and finish times.

- These hours are an average calculated over the 48 weeks of the year that are not annual leave or statutory holidays. For clarity this includes vacation time/term breaks that are not annual leave or statutory holidays.
- These average hours may be higher (by agreement) for teachers receiving additional payments (see the separate advice on those with additional payments).
- All duties allocated or expected are included in those hours.
- Teachers may raise with you when an allocation of duty exceeds the expected hours over the year. There is a process for managing those situations.

(Note that an average of 40 hours per week over the year, less annual leave and statutory holidays, would mean 1816 hours per year for a full-time base-scale teacher).

What does not change

- There is no requirement for teachers to log hours worked.
- The provisions do not change the pattern of work of teachers through the year.
- It remains at the discretion of the teacher when they work outside of the times they are on site when the school is open for instruction.
- The number of hours per week worked for each teacher will vary according to the demands in each week.
- There is no requirement to change timetables or school hours, or the hours teachers are required on site during the normal school day.
- The callback clauses still apply for hours outside of the normal school day or vacation periods that are not annual leave.

Timeline

Term 4 2023 Unless there is any reason to consider otherwise we suggest that a sensible starting point is an assumption that all your teachers are working an average of 40 hours per week.

When considering additional work activities consider how other work can be reallocated or efficiencies created so that hours of work are not exceeded.

From time to time, reviewing individual hours of work issues when raised.

2024 school year onwards

When considering additional work activities consider how other work can be reallocated or efficiencies created so that hours of work are not exceeded.

From time to time, reviewing individual hours of work issues when raised.

Managing a request to review

It is the responsibility of the employee to raise any concerns they have about the manageability of the allocated or expected duties within the expected hours.

The process is:

A teacher notifies you they may exceed the total expected average weekly hours.

The teacher provides (or is asked to provide) appropriate supporting information to show this in the context of the whole year's expected duties.

You review with the teacher their workload and allocated/expected duties, alongside the supporting information.

If you accept there is a workload issue you are required to take reasonable steps to manage it.

If you have a genuine reason not to accept there is a workload issue, or consider that not enough supporting information has been provided, you must give the teacher the opportunity to provide further information.

After consideration the further information,

- If you accept there is a workload issue you are required to take reasonable steps to manage it.
- If you do not accept there is a workload issue you will advise the teacher of your decision in writing, with your reasons.
- If you believe that the issues raised by the teacher are the result of performance issues or other default by the teacher, you must initiate the process in clause 3.3, beginning with the provision of advice, guidance and PLD.

Examples of reasonable steps

Some possible reasonable steps to an agreed workload issue may be to:

- Clarify your expectations around specific duties,
- Identify priorities within the allocated or expected duties,
- Remove or exchange some existing duty(ies) from the teacher,
- Provide ancillary support for some duties,
- Provide PLD in management of specific duties,
- Review school practices which may be contributing to unnecessary hours of work (e.g. meetings, administrative practices etc.),
- Consider if additional timetabled non-contact time would be a suitable response,
- Consider if the additional hours should be subject to an additional payment.