

Local proposals to change the school day.

Consultation and Advice



Contents


Purpose	3
Elements of a Good Process	4
A recommended process for Schools	6
Further advice on proposals for changes	7

Purpose

Following requests from members, the PPTA Executive has prepared advice on processes to be followed when there are proposals to change a school's instructional times.

The Secondary Teachers' Collective Agreement (STCA) requires that schools have a timetable policy developed in consultation with the teaching staff and there must be a review mechanism for such school policy. Where there is a proposal to change the operational times of the school this would require a change to the school's timetable policy and this will require consultation between the teaching staff and the employer.

This advice is to guide you through what would be expected in such a consultation process on changes to school times. It contains advice on the legal and industrial constraints around proposals to change the school day, a list of reasons that have recently been raised with branches for changes to the teaching times in some schools and advice on how branches and schools should approach any local suggestion to change the school's normal operating times.



Elements of a Good Process

1 Consideration

A proposal to change school operating times is likely to come from a genuine desire to improve the functioning of the school or learning or working conditions. Fair consideration should be given to a reasonable proposal regardless of its origins.

2 Consultation

The employer must actively consult with staff in good faith about any proposed change which may impact on their working conditions, including changes to their existing working hours, and should actively consult with parents before seeking to change existing school hours.

3 Reason

The reason(s) for the proposed change should be clearly identified and open to discussion. Examples of reasons schools have for considering changes to the hours they operate include:

- better management of teacher workload
- class size pressures
- more flexible access to specialist rooms
- improved access to curriculum options
- improved student participation in learning
- introduction of cluster learning situations (e.g. video classes)
- health and safety of students and/or teachers.

4 PPTA involvement

Hours of work are an employment condition. The branch, as representatives of the PPTA in the school, has a right as party to the employment relationship with the board of trustees to be consulted. Changes to the operating times of schools will require changes to the school's timetable policy. Part 5 of the STCA gives members the right to consultation over changes to the timetable policy

There should be full branch discussion of proposed changes regardless of any other consultation process used.

The branch should consider in good faith the reasons given for the proposed change and the advantages and their disadvantages and whether there are alternative changes that could achieve the indicated purpose.

The branch should seek to have a collective position on the proposal to change. It should ensure that all of the potential impacts of changed working hours have been properly considered. This includes impacts on students, part-time teachers, teachers who are parents, health and safety of staff and students, etc.

Branches are encouraged, if they need assistance, to seek further help or advice over proposed change to working hours from their field officer, their regional officers and/or their executive member.

5 When agreement might be appropriate

Agreement must be withheld from proposals that breach legislation or collective employment agreement requirements.

To change the working hours of any staff involved, the employer must have agreement. The whole branch may agree to change working hours or individuals may agree to change hours where this applies only to them. The collective agreement rights of teachers must not be undermined in the process of change and the workload of teachers should not be increased as a consequence of any proposed change. The individual circumstances of teachers should be taken into

account when considering possible changes. Agreement to change may be provisional upon addressing problem identified (e.g. the provision of crèche facilities for teachers who are parents of young children, increased travel to and from work, meal costs, etc).

A proposal to work outside the normal school day (or week) may arise in relation to individual teachers and apply only to them. Individuals should know that in agreeing to change their own working hours they may establish a precedent that may not be appropriate for other teachers. Where there is individual agreement this cannot undermine the right of the others to continue with their original conditions of employment. Individuals contemplating a change their working hours should consult with the branch to ensure they do not inadvertently undermine the rights of other teachers in the school or place them under unfair pressure. The employer and the branch should be clear through the consultation process that individual agreement to change hours is not a precedent for others.

Agreement to change should be on the basis of a reasonable trial period and there should be a review process within a specified time frame which allows the school to assess the effects of the change and to make a further decision on whether to continue or return to the original hours. In most cases a term is likely to be a reasonable trial period, but certainly any change should be reviewed after no more than a year.

A review may confirm that the change was effective, or identify improvements which could or should be made, or determine that the aims of the change were not met and that a return to the previous conditions is appropriate.

A recommended process for Schools

1 A proposal arises from discussion of potential improvement to the operation of the school.

2 The proposal is raised at a staff meeting and a consultation process is developed.

3 The consultation process involves:

- Establishing a timeline for initial discussion, the opportunity for consideration, a process for consultation, a period for consultation and feedback and a decision date.
- Providing full written information about the current situation and the proposed change.
- Determining the way in which school consultation will occur (PPTA branch meeting(s), staff meeting(s), written consultation, or some combination of these).
- If the change involves altering the timetable policy or changing employment conditions (including starting and finishing hours, lunch or other break times etc) arranging for meetings between PPTA branch officers and the school management.
- PPTA branch officers organising a branch meeting to determine the branch's process for discussion of the proposal, how it will gather membership opinion, consider relevant issues and feed back into the main process.
- Identifying any issues raised in the consultation and responding to those issues.
- Organising for consultation with parents and students if the change would impact upon them.
- Analysing the consultation outcomes and advising staff of those results.
- If the change is to proceed, determining a suitable trial period and review date, identifying how it will be reviewed and how identified or new risks will be monitored or addressed in the meantime.

4 Items likely to be considered in the consultation process include:

- Teacher workload
- Collective agreement requirements (See next page)
- Current employment conditions (See next page)
- Access for students to curriculum options
- Teacher and/or student health and safety
- Part-time teacher issues
- Education Act requirements (See next page)
- Employment Relations Act requirements (See next page)
- Family responsibilities of teachers
- Student transport
- Student assessment issues
- Student learning theory
- Coordination with student employment
- Any changed operational/ancillary costs of proposed changes
- Availability of school facilities

Further advice on proposals for changes

1 The Education Act and education regulations

The school week is 10 half-days, Monday to Friday inclusive.

A school day is two half days, one before noon and one after, and each half-day is at least two hours. School must be open (other than in emergency situations) for 380 half days per year. Maximum timetabled teacher time (i.e. timetabled contact plus timetabled non-contact for a full time teacher) is 25 hours per week.

2 The Employment Relations Act

The employer must, in good faith, consult employees or the union representing them about the collective interests of the employees and decisions which may impact upon them. This includes changes to established working practices like the start and finish times of their employment.

3 The Collective Agreement entitlements

Full time teachers are timetabled for no more than 20 hours contact per 5 school days. Year 1 full time teachers are timetabled for no more than 15 hours per 5 days, and Year 2 full time teachers for no more than 17.5 hours. Part time teachers employed for 18 hours or more must have some noncontact time and the school must endeavour to provide parttime teachers of 12 hours or more with pro rated non-contact. Individual teachers have reduced timetabled contact hours for units or other time allowances. Refer to part 5 of the STCA.

4 The established employment conditions

Working hours form part of teachers' agreed employment conditions. They are generally part of established custom and practice in schools. Change in employment conditions requires both consultation and agreement.

There is an accepted legal formal definition of consultation. The views in Wellington International Airport [1993] NZLR 671 (CA) were adopted by Goddard CJ in Communication and Energy Workers Union v Telecom NZ Ltd [1993] 2 ERNZ

429. The Chief Judge restated several propositions as a guide to employers and employees:

“(1) The word ‘consultation’ does not require that there be agreement.

“(2) On the other hand it clearly requires more than mere prior notification.

“(3) If there is a proposal to make a change, and such change requires to be preceded by consultation, it must not be made until after consultation with those required to be consulted. They ‘must know what is proposed before they can be expected to give their views’...

“(4) This does not involve a right to demand assurances but there must be sufficiently precise information given to enable the person to be consulted to state a view together with a reasonable opportunity to do so. This may include an opportunity to state views in writing or orally.

“(5) The requirement for consultation is never to be treated perfunctorily or as a mere formality. The person or body to be consulted must be given a reasonably ample and sufficient opportunity to express views or to point to problems or difficulties...

“(6) Consultation must be allowed sufficient time...

“(7) Genuine effort must be made to accommodate the views of those being consulted; consultation is to be a reality, not a charade...

“(8) Consultation does not necessarily involve negotiation towards an agreement although this not uncommonly can follow, as the tendency in consultation is to seek at least consensus;

“(9) Consulting involves the statement of a proposal not yet finally decided upon, listening to what others have to say, considering their responses, and then deciding what will be done...

“(10) The party obliged to consult, while quite entitled to have a working plan already in mind, must keep its mind open and be ready to change and even start afresh...

“(11) There are no universal requirements as to form or as to duration of consultation.

5 Health and safety Act

The employer must ensure a safe work environment for both the teachers and the students.