

School Management of Teacher's Work

Role of the Principal

Teacher's work is governed by the responsibilities outlined under the *Education Act 1972* and more specifically Regulation 42 of the *Education Regulations 2012*. A copy of Regulation 42 is provided on the last page of this document. The key industrial instruments are the *South Australian School and Preschool Education Staff Enterprise Agreement 2012* (the 2012 Enterprise Agreement) and the *Teachers (DECS) Award*.

The Act and Regulations make it clear that a principal ("head teacher") is accountable to the Chief Executive ("Director-General") and is given both the authority and the responsibility for the delivery of education at their site and the day-to-day management of their school. The responsibilities of a principal defined in Regulation 42 are included in the Position Descriptor for all principal positions.

The legislation and industrial instruments place a strong emphasis on effective consultation and collaboration. Clause 3.5 of the 2012 Enterprise Agreement outlines the role of the Personnel Advisory Committee (PAC) in a school. This clause states that *"the Principal has the delegated responsibility for human resource decisions at the school level, provided that these decisions are made in accordance with the consultation process"* outlined under the Agreement.

Principals, after appropriate consultation, are responsible for making the best decision about how duties can be fairly and efficiently allocated to school based employees so that work assigned to them can be done within a reasonable timeframe and with fair and reasonable conditions¹. The 2012 Enterprise Agreement provides workload protections through maximum face to face teaching time, minimum non instruction time (NIT), maximum average class sizes and the recognition of the requirement for teachers to undertake other duties.

Principals' human resource decisions are made through the consultative processes of the PAC and they can expect to receive cooperation and support from their staff in implementing the decisions.

Defining the School Day for Teachers

Regulation 42 of the Education Regulations clearly identifies the responsibilities of principals and teachers in relation to the management of the day-to-day operations of the school. This includes setting agreed times for staff attendance at school.

In undertaking their responsibility of the management of the day-to-day operations of the school², the principal should consult with staff on a set of common expectations about times when teachers will be on site and available for professional responsibilities. This decision will involve teachers being on site during locally defined core times, (e.g. from 8:30 a.m. to 4:00 p.m.) to fulfil their responsibility to assist the principal on the general management of the school³.

Defining the Use of NIT

Clause 5.2.5 of the 2012 Enterprise Agreement states that *"NIT includes the time during school hours allocated to teachers to enable them to undertake preparation of lessons, assessment of student work, report writing and curriculum development and shall include leadership time for Band A and Band B leaders in schools."*

Clause 5.2.7 of the 2012 Enterprise Agreement states that *"a teacher shall be entitled to a minimum amount of NIT per week which may be averaged over the school term or over the school year"*, if agreed between the principal and teacher in consultation with the PAC.⁴

¹ Refer 2012 Enterprise Agreement Clause 5.1.1

² Regulation 42 (1)(b)(ii)

³ Regulation 42 (2)(d)

⁴ Refer 2012 Enterprise Agreement Clause 5.2.12(b)

The terms assessment of student work, report writing and curriculum development have, and should continue to be, read broadly. For example, curriculum development can include work associated with the implementation of the Australian Curriculum.

Similarly, assessment of student work, and report writing can include tasks such as the writing of Negotiated Education Plans and data collection and recording. It must be noted that page 29 of the PAC Handbook states *“Teachers will be provided with adequate release time to liaise, develop and write an individual education plan having regard to the teacher’s workload”*. Whilst it may be appropriate for some of this to occur in NIT, consideration must be given to the need for additional release time where a teacher’s workload in this regard is high due to the number and complexity of students with special needs in their classes.

The effective use of the time allocated for NIT is normally determined by the individual teacher. Sometimes teachers will prefer to do this work collaboratively to facilitate group learning and as an efficient use of their time. However, there may be circumstances where teachers are given some direction from the principal about the activities undertaken in NIT to meet school priorities. This could include meetings to discuss individual or groups of students and the implementation of initiatives such as the Australian Curriculum.

Consistent with the general authority under regulation 42 and under guidelines established in the PAC Handbook the principal may at times require teachers to undertake certain tasks within their NIT, as long as the scope and timing of this task is negotiated and is reasonable taking account of the teacher’s overall workload. The principal in partnership with the PAC may agree to additional release time where reasonable and appropriate.

Other Duties

Clause 5.2.13 of the 2012 Enterprise Agreement states that *“in addition to face to face teaching, teachers may be required by the Principal, in consultation with the PAC, to undertake a range of other duties”*.

The nature and scope of other duties assigned to teachers vary as described on Page 25 of the PAC Handbook. This information goes on to indicate that *“if other duties are required then the Principal, in consultation with the PAC, will negotiate with the teacher the duties to be undertaken and the time required to undertake the task. This will apply in all cases, except where it is not practicable because of the nature or urgency of the matter”*.

Other duties are in addition to the time for face to face teaching and NIT and are usually completed outside the 1600 minutes of student instruction time, unless a teacher is given additional release time as determined by the principal in consultation with the PAC.

Other duties which are common to all teachers are defined on page 25 of the PAC Handbook *“as core duties to be managed by the Principal, in partnership with the PAC and may include:*

- *Preparation of lessons, assessment of student work beyond NIT entitlement*
- *Student reports*
- *Curriculum development*
- *Parent teacher interviews and parent consultation*
- *Managing class based student records which are for those students that a teacher is responsible for*
- *Yard duties*
- *Student health and wellbeing*
- *Recording student attendance*
- *Participating in performance management*
- *OHSW as it relates to classroom practice.”*

Teachers can be reasonably expected to undertake these core duties outside of student instruction time to fulfil their professional responsibilities. It should be noted that the tasks in the first three dot points in the list of core duties are substantially the same as those that can be undertaken in NIT as it is likely that teachers will require additional time outside of instruction time to complete these tasks.

The requirement for a teacher to perform other duties in addition to face to face teaching should always be decided within the context of clause 5.2.13 of the 2012 Enterprise Agreement which outlines a range of factors to be taken into account including:

- a) *As far as practicable, the equitable distribution of other duties within the school;*
- b) *The relative importance of the various duties to be undertaken;*
- c) *The time required to perform the duties;*
- d) *The range and frequency of the tasks to be performed;*
- e) *The classification, qualifications, training and experience of the teacher; and*
- f) *An appropriate level of NIT to assist with the preparation, assessment and reporting requirements.*

With regard to (f) this means that when determining how the undertaking of other duties will be performed, the principal, in consultation with the PAC, will determine whether any, and if so, how much additional NIT/release time is required.

These factors are also useful to refer to when negotiating with teachers about the scope and timing of NIT tasks.

The PAC Handbook provides further information regarding the management of other duties, namely *"In considering other duties, the Principal, in partnership with the PAC will have regard to re-assigning, managing better or managing more efficiently those duties which add additional work to teachers"*⁵. The Principal, in partnership with the PAC and in consultation with staff are encouraged to regularly examine other duties undertaken by teachers in an endeavour to minimise workload and increase efficiency.

Can a teacher be required to undertake other duties during Non Instruction Time?

NIT is a time allocation to provide teachers with time during school hours to enable them to undertake preparation of lessons, assessment of student work, report writing and curriculum development. Teachers should not normally be required to undertake other duties during the time allocated for NIT, excluding emergencies.

However, page 21 of the PAC Handbook states that *"At times it may be reasonable for teachers to undertake other duties required by the principal during the time allocated for NIT. Such arrangements must be negotiated with the teacher."* Page 21 also states that *"the requirement to undertake other duties does not reduce a teacher's entitlement to a minimum amount of NIT"*.

The provisions in the PAC Handbook mean that as long as the minimum entitlement to NIT is provided (which can be averaged by agreement), Principals may on some occasions require teachers to undertake other duties during NIT, subject to negotiation with the teacher about the scope and timing of the duties. This does not mean that if other duties are required by the Principal and the teacher elects or negotiates to undertake this during NIT, the teacher will be compensated with additional NIT (e.g. a teacher negotiates for a performance management meeting during their NIT rather than after school hours).

Notwithstanding the above, a teacher may at times choose or negotiate to undertake some of their other duties during their NIT rather than outside of instruction time.

Further information about the 2012 Enterprise Agreement, including Implementation Sheets on a wide range of topics including NIT, Other Duties and School Activities is available on the DECD intranet <https://myintranet.learnlink.sa.edu.au/hr/working-in-decd/employment-conditions1/acts,-awards-and-conditions/enterprise-agreement-2012-schools-and-preschools>.

If you have any queries regarding the information provided above, please email DECD:EB@sa.gov.au or feel free to contact Roselie Dohnt, Workforce Reform on 8226 7639 or the Industrial Relations Unit on 8226 1908.

⁵ PAC Handbook page 25

Regulation 42 – Responsibilities of teachers

(1) A head teacher of a school is answerable to the Director-General and—

- (a) in the case of a school with a governing council, is jointly responsible with the council for the governance of the school;
- (b) in any case, is responsible for—
 - (i) providing educational leadership in the school;
 - (ii) the management of the day-to-day operations of the school;
 - (iii) the welfare and development of the students;
 - (iv) the establishment and maintenance of a social and educational environment within the school favourable to—
 - (A) learning; and
 - (B) acceptable forms of behaviour; and
 - (C) the development within students of self-control, self-discipline and a respect for other persons and their property;
 - (v) the provision, and the day-to-day management of the provision, of instruction in the school in accordance with the curriculum determined by the Director-General under Part 7 of the Act;
 - (vi) ensuring that staff, students and parents are consulted about, and informed of, the disciplinary rules governing students' behaviour both inside and outside the classroom;
 - (vii) the administration of discipline within the school;
 - (viii) promoting the continuing professional development of the staff of the school;
 - (ix) encouraging staff of the school to participate in processes for determining policies for the school and resolving problems;
 - (x) the conduct of regular staff meetings—
 - (A) as an integral part of decision making and communication within the school; and
 - (B) in a manner providing full opportunity for staff involvement;
 - (xi) keeping the school council informed of relevant educational and other policies;
 - (xii) fostering community participation in school programs and in educational developments generally;
 - (xiii) the proper care and safekeeping of school property belonging to the Minister.

(2) A teacher of a school is answerable to the head teacher of the school and is responsible for—

- (a) being actively concerned with the welfare and development of the students in the teacher's care;
- (b) attending staff meetings (subject to the acceptance of non-attendance on grounds similar to those applying to absence from other teaching duties or for reasons acceptable to the head teacher);
- (c) participating in processes for determining school policies and properly implementing those policies;
- (d) assisting in the general management of the school as required by the head teacher.