



ETD Teaching Staff Enterprise Agreement Claim 2014

Submitted to ETD 1 April 2014 by Branch Secretary Glenn Fowler

Claim 1 and Core Priority: Reduced face-to-face teaching time

That weekly contact hours for classroom teachers remain 21.5 in primary school and 19 in secondary school but that, of that time, 1.5 hours for primary school teachers and 1 hour p/w for secondary school teachers be set aside to support the development of professional learning communities in all schools. This equates to 60 hours per year and 40 hours per year respectively.

The complexity of teacher work has increased markedly in recent years.

A range of Commonwealth interventions into the professional landscape has seen teachers working to and applying for certification against the *Australian Professional Standards for Teachers*. Many schools are creating professional learning communities, engaging in instructional /observational rounds, and participating in action research. These efforts are important, and supported by evidence, as teaching moves into the realm of clinical practice driven by data analysis. Educationalists speak in unison when they say that the most important in-school factor in enhancing student outcomes is the quality of teaching. Teachers want to enhance their professional practice because they know it is good for students. They want an ongoing cycle of reflection and feedback from trusted peers, as is now expected by the Teacher Quality Institute. The reflections on professional learning are valuable, but the task of formalising this is a new one. The new and greater expectations that most teachers readily accept in principle *cannot continue to be simply lumped on top* of the work that teachers are already doing. Teachers need time set aside to work meaningfully and collaboratively with each other to enhance the already high quality of their teaching. This is why teachers require a reduction in face-to-face teaching time to support the development of professional learning communities.

Additionally, school staffing and recruitment procedures have also changed a great deal in recent years. Staff selection often takes place at the school level. This provides teachers and school leaders with unprecedented “buy in”, but it has also created serious cases of “panel fatigue”. Classroom teachers and school leaders

now recruit, select and certify. This is adding to the pressures felt every week by teachers and must be acknowledged as a new and major complexity factor.

The technological revolution has presented many opportunities for teachers as they plan and deliver lessons, but it has presented many challenges also. Incorporating ICT into one's teaching does not occur without significant support, and technical reliability has been sadly lacking with regard to a number of new initiatives. Teachers need the time to work together to embrace new modes of delivery or it is in danger of being paid lip service.

Another area of increasing expectation is the development of Individual Learning Plans (ILPs). More and more students are requiring ILPs. It is valuable professional work in that it assists students, but it places an increasing workload burden upon teachers. This is yet another workload complexity factor that must be recognised by the employer in determining what a reasonable weekly workload is for teachers.

The OECD's *Education at a Glance* Report for Australia in June 2013, showing data from 2011, notes that ACT teachers have a heavy teaching workload, with more face-to-face teaching time than the vast majority of the 35 OECD countries.

The OECD average for public school teachers in *primary schools* is 790 hours per year. ACT public primary school teachers teach 860 hours per year.

The OECD average for public school teachers in lower secondary schools or *high schools* is 709 hours per year. ACT public high school teachers teach 760 hours per year.

The OECD average for public school teachers in upper secondary schools or *secondary colleges* is 664 hours per year. ACT public college teachers teach 684 hours per year.

The AEU acknowledges the support of ETD for first year teachers who, since 2012, have had their weekly face-to-face teaching load reduced by 1.5 hours in primary school and 1 hour in secondary school. This equates to an extra 60 hours per year in primary school and 40 hours per year of embedded professional learning which is used flexibly through negotiation. Teachers can embed themselves in another teacher's classroom, have an experienced teacher work in their classroom, and set aside quality time for debriefing and reflection. It has been an excellent investment, with first year teachers describing the time as "invaluable". One has told AEU officers:

Having a slightly reduced teaching load has meant that I have time to seek feedback and advice from mentors within my school to improve my teaching practice. The reduced load has also allowed me to observe best-practice educators at work in their classrooms and learn from their example. It has allowed me the thinking-space that I need to ensure that I am reflective about my teaching and can identify areas in which I have strengths and ways in which I can improve.

Without this time, it would have been difficult for me to seek and receive detailed feedback and advice when I needed it.

In fact, second-year teachers have told the AEU of their profound disappointment at seeing the high-level support structures and professional conversations to dissipate once their first teaching year is over. This is not the result of poor intent at their school, but a lack of adequate time and resourcing.

The AEU calls on the ACT Government to make a similar investment in all classroom teachers for the good of the Territory's students.

Governments of recent years have gone down a number of reform paths. Some have been ill-advised, non-consultative, against the will of the profession, without an evidence base and, ultimately, a waste of public money. Teachers do not fear accountability, but we believe the most powerful form of accountability comes through collaborative practice.

The sort of reform advocated here ticks all the boxes that other reforms have missed.

This is about making more lessons great lessons.

It is about guaranteeing into the future the high quality of instruction and facilitation that teachers deliver. Teaching is an almost impossible job, and nobody gets it perfectly right all of the time. That is why we must invest to put structures in place to ensure that all teachers engage in meaningful, ongoing, hands-on professional learning.

The Commonwealth Government's *Australian Teacher Performance and Development Framework* was endorsed by the ACT Government on 3 August 2012. The document states that:

- Australian teachers report that they do not always get the feedback they need to improve. In an OECD survey, 63% of Australian teachers reported that appraisal of their work is largely done to fulfil administrative requirements.
- There is strong evidence that better appraisal, coaching and feedback leading to targeted development can improve teacher performance.
- A performance and development culture is characterised by a clear focus on improving teaching as a powerful means of improving student outcomes. In particular, it requires that teachers: know what is expected of them; receive frequent, useful feedback on their teaching; and access high quality support to improve their practice.
- It is important that teachers and school leaders experience performance and development as something that ties together the various activities they are engaged in, rather than a separate and additional process. Alignment to

school plans and school-wide approaches to professional learning are particularly important.

- Improving teacher quality through a performance and development culture is important work that is worth doing. It is also a collective responsibility. The next step is for all involved in Australian education to take a deliberate, structured and long-term approach to building a culture that provides a satisfying and challenging environment in which all Australian teachers can improve their practice and the outcomes their students achieve.

Further, the *Australian Charter for the Professional Learning of Teachers and School Leaders*, also endorsed by the ACT Government, states that a high quality professional learning culture will be characterised by:

- a high degree of leadership support for ongoing adult learning and risk taking;
- collective responsibility for improving practice;
- disciplined collaboration aimed at specific and relevant goals that relate to the learning needs of students;
- high levels of trust, interaction and inter-dependence;
- a focus on the professional learning that is most likely to be effective in improving professional practice and student outcomes; and
- support for professional learning through school structures, explicit planning and *the allocation of time* (AEU emphasis).

The *Charter* reports that in a recent OECD survey:

[T]eachers from around the world report that individual and collaborative research, qualification programs and informal dialogue have the greatest impacts on their practice. Attendance at conferences and seminars and one-off visits to other schools are reported to have less impact. This is confirmed by research on the size effects of different types of professional learning on student outcomes, which suggests that observation, practicing new approaches and feedback are more effective methods than discussion, lectures and field trips to other schools.

Leading UK education academic Dylan Wiliam, who has provided much advice to leaders in the Directorate in the past, recently published on the importance of properly resourcing professional learning communities. He said:

The only way to make system-wide improvements in teacher quality is to make professional development for serving teachers a central feature... Professional development has too often been regarded as something that is done to teachers on five days a year... In Shanghai, most teachers get some form of professional mentoring every single day... We need to design our education system so that teachers get support for improving their practice every week if not every day.

And in his March 2014 report *Making Time for Great Teaching*, the Grattan Institute's Ben Jensen wrote:

High performing systems around the world know that improving the effectiveness of teaching is the way to lift school performance. They seek to increase the quality – not the quantity – of

teaching. They know teaching improves when teachers learn from each other. So they ensure teachers are mentored and teach classes in front of skilled observers, who provide constructive feedback. They make time for teachers to undertake practical research in their schools on how to lift student learning. Governments and many schools have tried to implement similar professional learning programs. But success has been limited. A major stumbling block is finding the resources and time in the school week. Each year we ask schools and teachers to do more. In fact, we need to get them to do less, so they have more time to improve their teaching.

The evidence is in. It is time to give teachers the appropriate time and space that they need to mentor, coach, observe, appraise, provide feedback, analyse data, conduct school-based research and collaborate more meaningfully than ever before.

Anything less is short-changing ACT students.

Claim 2: Salaries

That ACT teacher and school leader salaries be nationally competitive at all levels. This would sensibly mean that ACT salaries appear in the top three jurisdictions.

This is crucial to ensure that the ACT continues to be a system of choice for graduates and that the very best candidates are not dissuaded from teaching in the ACT. Nationally competitive salaries are vital for the attraction and retention of great teachers.

Claim 3: Maximising permanency

That the employer states in the Enterprise Agreement the circumstances under which a fixed term contract may be offered to a teacher.

The AEU acknowledges that there are circumstances under which it is appropriate to offer a fixed term contract rather than permanent employment, and seeks agreement with ETD as to what these circumstances are. The AEU would be concerned if the recent shift to local staff selection be accompanied by a “try before you buy” mentality as it has in other jurisdictions.

Claim 4: Certainty for teachers nearing retirement

That any teacher who confirms in writing that they will resign from their permanent teaching position within two years of the end of the current calendar year not be required to transfer from their current position. This does not apply if the teacher has been placed at their current school for less than five years.

Irrespective of how long they have been at their current school, no teacher should be required to transfer if they confirm that they have only one year left before they resign.

Claim 5: Supporting teachers who are leaving a school against their will

That any teacher who is asked to leave a school following an Annual Professional Discussion be guaranteed:

- ***Notification of a suitable new placement before the end of Term 4***
- ***A placement length of at least two years unless the classroom teacher requests an alternative time length***

If such conditions are not met, the teacher is to remain in their current position for at least one more year at ETD's expense.

The AEU notes that under sub-clause S3.9 of the current Enterprise Agreement receiving schools are obliged to provide transferred teachers with access to professional development to assist in their transition to the new educational setting.

Claim 6: Payment of fees for applying for certification against national standards

That ETD pays, on a maximum of one occasion within a three year period, any fees associated with a teacher's application for certification against the Highly Accomplished National Standard or Lead Teacher National Standard.

Some private schools pay the application fees for their teachers. Unless ETD does the same, the certification process will never be equitable. Not only does the status quo fail the fairness test, it detracts from ETD's capacity to promote the merits of its schools in comparison to private schools.

Claim 7: The guarantee of paid time for WSRs

That Workplace Safety Representatives (WSRs) are provided with 40 hours per year (an average of one hour per school week) at ETD's expense to meet their obligations.

The ACT Government is coming under increasing pressure from its Comcare liability and ETD is far from immune. The proposed time allowance is an excellent investment by the employer in the safety, health and well-being of its people, and it should be guaranteed through the Enterprise Agreement.

Claim 8: Time for AEU Sub-Branches to meet

That, in the first four weeks of Term 1 each year, Principals negotiate with Sub-Branch Presidents one quarantined hour within each term at which no meeting can take place other than an AEU Sub-Branch meeting.

Industrial democracy is crucial to the health of any workplace, and this must be embedded in a site's annual structures to ensure that it is not overlooked in the whirlwind of activity that envelopes all modern workplaces, especially schools.

Claim 9: Paid maternity leave for employees who are on LWOP and working for an employee organisation

That maternity leave is paid for by ETD, as the substantive employer, if its employee is in the first twelve months of service for an employee organisation such as the AEU.

Claim 10: Appropriate synergy between all teacher appraisal instruments

That ETD and the AEU participate in an audit of EA clauses and agreed documents that relate to teacher appraisal to ensure that there is appropriate synergy between them, and that all redrafting be completed no later than June 2015.

Further, greater alignment should be sought between the assessment processes for Accelerated Incremental Progression, Executive Teacher (Professional Practice) and Certification against the Highly Accomplished and Lead Teacher Standards, and that officers from the Teacher Quality Institute are invited to contribute to that aligning exercise.

Claim 11: Domestic Violence Leave

That provision is made for Domestic Violence Leave.

This progressive step would provide a higher level of support for an employee in need whilst he/she accesses appropriate domestic violence support services. Employers and unions must play a role in assisting victims of domestic violence to maintain paid employment and support them through the process of escaping violence.

The AEU notes that the parties to the imminent ACTPS agreement have agreed in principle to a Domestic Violence Leave clause and expect an identical clause to be included in the Teaching Staff Enterprise Agreement.

Claim 12: School Principals

That terms, conditions, a career and remuneration structure be developed for principals which is in operation from the start date of the new Enterprise Agreement and which:

- *Provides increases in remuneration which recognise the increased and increasing complexity of principal work and which ensure principal salaries in the ACT are nationally competitive;*
- *Provides a simple and transparent assessment and recognition of the workload comprising the relative complexities identified in, among other documents, the “Review of Principal Structure (2012)”, the five leadership areas of professional practice described in the ‘ACT School Leadership Strategy’ and the loadings for disadvantage funded in the ‘Heads of Agreement between the Commonwealth Government of*

Australia and the Australian Capital Territory on National Education Reform’;

- ***Provides for a minimum of maintenance of remuneration over the duration of a placement;***
- ***Provides incentive for principals to work in a school with particular challenges/opportunities and which may have a lower category;***
- ***Provides principals with the opportunity to enhance their leadership capabilities by working in different schools and system roles;***
- ***Provides that all principal vacancies be advertised at transfer in the first instance;***
- ***Provides for the accrual by principals and deputy principals of two weeks of professional leadership development time for each year of service in a substantive principal or deputy principal role, to be acquitted in blocks of a duration negotiated with their supervisor; and***
- ***Provides for the full financial support by the Directorate of principal certification against the Australian Principal Standard upon its introduction.***

Claim 13: Meeting the Needs of All Students

See attached AEU policy.

Claim 14: ICT in schools

Given it is a priority of government that ICT be integrated across the curriculum and the very significant investment made by government in ICT:

That a set of ICT performance measures be developed that are required to be met by the service provider/s.

That additional resources be allocated to ICT in ACT public schools to ensure a stable working network is available at least 98% of the time. (Stable network to be defined as: Teachers and Students are able to use ICTs in classrooms and beyond when and as required.)

That a minimum of one Information Technology Officer (ITO) is guaranteed for each ACT public school to ensure that a teacher’s engagement with ICT is only ever educational in focus and not technical. That in larger schools this number be increased and that the resources to fund this extra provision be funded from outside individual school budgets.

Claim 15: Teachers of VET

That teachers of VET have a reduced face-to-face teaching load equivalent to or pro-rata of one line for every four lines of VET classes at ETD’s expense. This time allowance may be accessed on a weekly basis or be accumulated and accessed as needed and through negotiation with the principal.

Claim 16: Teacher Librarians

That Teacher Librarian is added to the table currently in Section O (“Structural Matters” p.80) as a “preferred local designation” in the Classroom Teacher classification.

That resource management time is guaranteed for Teacher Librarians. Resource management time is additional to non-teaching/release time. It is fundamental to the Teacher Librarian’s role and is essential for management, facilitation and development of the library’s resources. A minimum 7 hours of administrative times (in usable blocks) should be allocated when classes/organised groups are not scheduled with the teacher librarian.

The following activities may constitute resource management activities:

- Development, documentation and review of library resource centre policies to reflect school and system priorities
- Collection analysis, collection development and “weeding” to ensure the library collection meets the needs of the school community
- Development and administration of resource budgets and reporting to school administration
- Employment of strategies to maximize access to print and electronic resources
- Day-to-day administration of the collection (loans, returns, losses)
- Original cataloguing
- Shelving, SCIS cataloguing, book covering, resource repairs (when no library assistant or volunteer support is available)

Furthermore, Teacher Librarians require confirmation that:

- They are to be allocated a lunch break of the same duration as other teachers
- When the library is open at lunchtime the duty should be shared equitably amongst all staff on the playground duty roster
- Teacher Librarians are not to be removed from their teaching or administrative duties for the purpose of relief teaching during teacher absence.

That teachers without appropriate recognised teacher librarian qualifications who work in the Teacher Librarian role are required to begin attainment of one of the following qualifications within two years of assuming the position: Graduate Diploma of Applied Science (Library and Information Management), Graduate Diploma of Education (Teacher Librarianship), Master of Applied Science (Library and Information Management), Master of Applied Science (Teacher Librarianship), Master of Education (Teacher Librarianship), Bachelor

of Education (Teacher/Librarian) and Master of Information Services (Teacher Librarian).

Claim 17: School Psychologists

That the quantum of the SEA (to be renamed “Attraction & Retention” arrangement) be increased to 50% of the base rate of relevant remuneration, to encourage new staff to enter the service and retain existing staff.

That a maximum psychologist:student ratio of 1:500 be recognised in ACT public schools in line with the NSW Coroner’s recommendation, and the number of FTE positions increased accordingly.

Claim 18: Teachers at Birrigai@Tidbinbilla and Instrumental Music Program

Delete the current sub-clauses S2.10 and S2.11 so that teachers in these sites operate under the same transfer provisions as all other teachers.

Claim 19: Birrigai@Tidbinbilla

That the previously agreed exemption from provisions of Section O of the ACT DET Collective Agreement 2007-2009 be updated for inclusion into this Enterprise Agreement through the agreed documents section (currently Clause M2).

Claim 20: Analysis of Potential Workload Impacts

That all new employer initiatives that may have an effect on the workload of staff not proceed until consultation with the AEU Branch (for system initiatives) or Sub-Branch (for school initiatives) has been accompanied by the submission of ETD’s Analysis of Potential Workload Impacts tool. The design of the tool should be revisited by ETD and the AEU during this EA negotiation.

Currently this tool is merely “available” but must become an obligation for the proposer of any new initiative which will increase workload.

Claim 21: Salary back-dating

The operative start date of the EA must be 1 October 2014 and any back pay necessary should be made to that date.

Claim 22: Professional Learning requirements

That the current requirement for teaching staff to attend five (5) days of approved professional learning each year be reconsidered in light of TQI professional learning requirements, and the new Enterprise Agreement synthesise ETD’s professional learning requirements and those of the TQI.

Claim 23: Payment to Casual Relief Teachers meeting TQI Professional Learning requirements

That ETD centrally funds Casual Relief Teachers being paid at their usual rate for each hour they spend meeting TQI professional learning requirements, to a maximum of 20 hours per year.

Claim 24: School Leader placements

That unattached School Leaders are provided with a suitable long-term placement within one school term of becoming unattached. Mechanisms must be established for transferees to be prioritised over those aspiring to promotion. If the unattached School Leader requires further development before transferring to a new role, that development must be provided by ETD as a matter of urgency and funded centrally.

Claim 25: Different kinds of School Leader positions

That agreement is reached on an updated list of “preferred local designations” under the “Classification and Local Designations” section of the Enterprise Agreement (currently Clause O1.1).

Claim 26: New Educator Support Plans

That New Educators (teachers in their first three years of service) negotiate with their supervisor during Term 1 a “New Educator Support Plan”. This document should be less than one page in length and should outline the intended use of the New Educator Support Days for that year.

The plan could be amended during the year as required and following negotiation between the New Educator and his/her supervisor.

Claim 27: Acceptable temperature for workplaces

That ETD guarantees an indoor temperature between 17° and 30° in all workplaces at all times.

That ETD agrees to discuss minimum and maximum temperatures for outdoor work.

Claim 28: Central funding of industrial leave

That ETD centrally fund the attendance of employees at industrial relations courses and seminars.