Briefing for the Public Petitions Committee

Petition Number: PE1391

Main Petitioner: Susan Calcluth-Russell on behalf of Renfrewshire Parent Council Forum

Subject: Protecting the right of children to be taught by qualified teachers for 25 hours a week

Calls on the Scottish Parliament to urge the Scottish Government to make it a legal requirement that qualified teachers teach children for 25 hours in a normal school week, subject to existing local flexibility of school hours in primary 1 and 2

Background

It is general practice that children are taught for 25 hours a week. However, this is based on tradition rather than legislation or Government guidance. In 2010 Renfrewshire council proposed that children would be taught for 22.5 hours a week by qualified teachers and have 2.5 hours ‘enrichment’ activity taken by non-teaching staff. This would have saved the council money. There was considerable public opposition and the proposal was withdrawn. However, the episode highlighted that there is no statutory provision for the number of hours children are required to be taught each week. Nor is it required that children must be taught for the whole time they are in school. Rather, when they are taught, it must be by a teacher. There are four relevant provisions, two in statute, one in regulations and one is part of teachers’ conditions of service.

1. The school must be open for 190 days per year (Schools General (Scotland) Regulation 1975 regulation 5)

2. Teachers have 22.5 hours a week class contact time (Teachers terms and conditions). This was part of the McCrone agreement in 2001 and led to extra teachers being employed to maintain the pupil week of 25 hours.

3. Only registered teachers can teach a class (Schools General (Scotland) Regulations 1975 regulation 3). (So the ‘enrichment’ activities proposed by Renfrewshire could not be considered teaching a class).

4. Education Authorities must provide adequate and efficient school education (s.1 Education(Scotland) Act 1980). Renfrewshire would have to have
demonstrated to HMIe that their changes still provided adequate and efficient education for pupils.

**Scottish Government Action**

The issue was raised in Parliament on 13th January 2011. Minister for Skills and Lifelong Learning Angela Constance stated that:

> the regulations and the 2001 teacher agreement protect the standard of education in our schools. There is a minimum of 22.5 hours a week of teaching time and teaching can be delivered only by GTCS teachers. That is stated in the regulations. Of course, we should all welcome the opportunity for other people with specialist expertise, whether that is David Miliband, some sporting personality or another appropriately qualified individual, to enhance the curriculum in addition to the core curriculum and the 22.5 hours of teaching (OR 13 January 2011)

It was raised again at First Ministers Questions on 10th February when Alex Salmond noted that HMIe would assess whether the proposals were “fully in line with education guidelines.” (OR 10 February 2011)

**Scottish Parliament Action**

A number of MSPs expressed their opposition to the proposals in Renfrewshire. As mentioned above, the issue was raised at First Ministers Questions in February. The issue was also discussed at length during a Labour education debate on 13th January when a number of MSPs including Des McNulty, Wendy Alexander and Hugh Henry called for the Scottish Government to intervene. Others, such as Margaret Smith and Ian McKee considered that it was a matter for the local authority.

**Camilla Kidner**  
Senior Researcher  
29 March 2011

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