The School Day
Fact sheet

Introduction

The purpose of this fact sheet is to provide information to schools about a range of operational matters occurring during the school day such as the hours of duty of teachers, hours of operation of schools, attendance of teachers at meetings, requirement of teachers to be on duty during relief from face to face teaching (RFF) and other non teaching time, punctuality at work etc.

The School Day

The nominal "standard" operating hours for school are 9.30am to 3.30pm for primary schools and 9.00am to 3.30pm for high schools.

When schools operate under "standard" hours, the duration of the break times include a midmorning break of 15 minutes and a midday lunch break of one hour.

Since 1991 principals have had the power to vary "standard" operating hours in schools. This means that few schools continue to operate on "standard" hours and have varied starting and finishing times of the school. This also meant a variation to the duration of the breaks that previously applied under standard hours.

For example, in a high school, standard school hours could be varied so that school starts at 9.00am and finishes at 3.15pm with a midmorning recess and lunch break both of 30 minutes duration. This means that while there is a change to the school's finishing time and student breaks, there is no change to the face to face teaching time delivered to the students.

Principals retain the power to vary the existing school operating hours. Where principals are considering taking such action, they should continue to consult with staff, the school community, their Director, Public Schools and any other relevant stakeholders as part of their decision making process.

Hours of Duty of Teachers

It is important to note that the school day is not the same as the hours of duty for teachers.

It is a long standing requirement of the Department that teachers are required to be on duty at school for periods of time that fall outside the start and finish times of school.

The legal basis for that requirement is contained in Determination 3 Hours of Duty, made under the Teaching Service Act 1980 (the TS Act) and published in the Education Gazette, February 1971.

This power under the TS Act allows the Secretary to establish conditions of employment for teachers such as leave and hours of duty. Determination 3 is as follows.

3. HOURS OF DUTY

Teachers

a) "Teachers are required to be on duty at their schools half an hour before school work begins in the morning and may be required to be present, if thought necessary by the teacher in charge of the school, for half an hour after the dismissal of school in the afternoon. Where special circumstances arise which, in the interests of the school, necessitate attendance beyond these hours, the attendance of the staff may be required."

This means that teachers are required to be at work and on duty for 30 minutes before school starts. In practice this requirement varies between primary and secondary schools and is further explained below.

The determination also makes provision for:
• teachers to remain at work and on duty beyond the 30 minutes after school finishes where deemed necessary by the principal; and

• teachers to be at work and on duty beyond these hours where the principal, after considering special circumstances, may require that attendance.

The "special circumstances" referred to in the determination that necessitates this attendance includes, but is not limited to, attending staff meetings, participating in professional development activities, attending parent-teacher interviews, undertaking bus supervision, and responding to exceptional and emergent circumstances etc.

Primary schools - face to face teaching hours

A primary school teacher is required to teach face to face for 4 hours and 45 minutes each day.

Over a week this equates to 21 hours and 45 minutes face to face teaching time per week for a fulltime teacher, excluding RFF time.

High schools - face to face teaching hours

The provisions for the allocation of face to face teaching for teachers, head teachers and deputy principals in high schools are found in Clause 16 Allocation of Duties in High Schools in the school teachers award. They are as follows.

Teachers - 28 periods per week plus up to 3 periods per week for sport. (This equates to 20 hours and 40 minutes per week).

Head teachers - 22 periods per week plus up to 3 periods per week for sport.

Deputy principals - 14 periods per week plus up to 3 periods per week for sport.

A “period” in a high or central school is defined in clause 2.46 of the school teachers award as a 40 minute teaching period.

For information relating to teaching high school classes outside normal school hours, reference should be made to Clauses 15 and 17 of the school teachers award.

The school teachers award can be accessed at:


Where schools have operational arrangements such as periods of one hour duration, cyclical timetables etc, the time equivalent or average number of minutes over the week, fortnight or cycle length should remain the same.

Attendance before and after school

Supervision

In accordance with Determination 3, it is a requirement that all primary school teachers are on duty 30 minutes before school commences. However, for the purpose of supervising students it may not be necessary for all secondary school teachers to be on duty for the 30 minutes before school commences. The requirement for secondary school teachers to be on duty during the 30 minutes before school commences will be determined at the local level by the Principal.

Provisions regarding the care and supervision of students in school grounds when the school is open are found in Chapter 5- Professional and Legal Responsibilities of Teachers in the Teachers Handbook that can be accessed at:


Punctuality

Teachers are expected to be punctual and arrive for work on time.

Information about dealing with teachers (and other employees) who are consistently late for work is contained in the Department’s Fair Warning – Fair Action fact sheet that is available on the Employee Performance and Conduct Directorate’s intranet page.

Staff meetings and other non supervisory duties

All primary and secondary school teachers can be required to be on duty before and after school for non supervisory duties which includes, but is not limited to, attending staff meetings and parent teacher meetings.

It is the responsibility of the principal to set these activities for staff at the school. This is a management decision by the principal that does not require the agreement of staff or staff consent.

The duration, timing and frequency of staff meetings will be determined by the principal after consideration of the delivery of educational programs to students, the professional responsibilities of teachers and the operational needs of the school.

It is recommended that principals discuss matters such as the scheduling, duration, timing and purpose of meetings with staff while planning for meetings and before making final decisions on these matters. This enables meetings to be scheduled and planned in advance so that staff have time to make arrangements, for example travel and child
care arrangements, to ensure they attend the meetings as required.

If the principal requires teachers to attend staff meetings or any of these activities, before or after school in accordance with the determination, the teacher must comply with that requirement.

A principal is not required to obtain the consent or agreement of teachers regarding their attendance at before or after school meetings.

It is sometimes suggested that a teacher is entitled to use their “professional judgement” and make their own decision whether they will or will not attend these meetings. This suggestion is not correct and teachers should be advised of this position.

If it is necessary, the principal has the authority to direct a teacher to attend out of school hours meetings. Where a teacher has been so directed, they must comply with the direction as failure to do so is a serious matter that could lead to disciplinary action.

Duration of after school meetings

Determination 3 gives principals the authority to require teachers to be on duty and attend meetings after school for periods longer than 30 minutes.

This means that staff meetings can be scheduled, for example, up to 1.5 hours weekly or fortnightly after school and teachers can be required to attend.

Attendance of primary school teachers at school during relief from face to face (RFF) teaching

A primary school teacher who is released from class to access their RFF entitlement is still on duty and is required to be at school on duty to meet any professional responsibilities that may arise.

This means that a teacher cannot use their RFF time to arrive at school after school has started in the morning or to leave school in the afternoon before school hours have finished.

Attendance of high school teachers at school during non teaching periods

A high school teacher who is not timetabled for face to face teaching at times during the day (commonly referred to as a “free period”) is still on duty and is required to be at school to meet any professional responsibilities that may arise. It is a time when the teacher may not be timetabled for face to face teaching but is still required to be on duty at work.

It is not a teacher’s free time to do with what they wish such as attending to personal business or leaving the school premises etc.

This requirement to be at school and on duty also applies in circumstances where there is a variation to the school routine where a teacher who would normally have been teaching face to face, does not have a class as a result of that variation.

For example, teachers of Year 12 classes where students have left school to sit for the HSC. A teacher who would ordinarily have been teaching their Year 12 class is not entitled to use this time to arrive at school after school has started in the morning or leave school in the afternoon before school hours have finished. The teacher is still required to be on duty for the school’s operating hours.

A teacher who absents themselves from work in these situations, unless they have the prior approval of the principal and the circumstances for the absence are exceptional, will be required to submit an application for leave without pay for ¼, ½ or ¾ of a day depending on the period of their absence.

Break and meal times for teachers

The midmorning recess break and lunch break are designated breaks for students in between lessons.

There is no industrial entitlement for teachers to a morning tea break. However, in practice the midmorning break for students is generally taken as a break by teachers.

There is a minimum industrial entitlement for teachers to a 30 minute unpaid break during the working day. This break can occur either during the students’ midmorning recess or lunch break as determined by the school’s supervision roster.

Whether or not this break of 30 minutes is continuous will depend upon the school’s routine and length of student breaks. It is acknowledged that the 30 minute break is the teacher’s own time and whilst they can participate in “non teaching duties” such as attending meetings during this time it should not be expected.

Other than this 30 minute unpaid break, a teacher is required to be on duty at all times during the school day and can be required to undertake duties such as playground supervision during the student breaks etc.

Attendance and sign on requirements

All teachers are to record their attendance daily upon arrival at school in either a departmental attendance book or a school printed attendance list. The school can determine which method they will use.
Teachers should initial next to their name on the attendance record on arrival at school.

The recording of actual start and finish times is only required where a teacher arrives or departs at times other than the official hours of duty.

For example, if the teacher is teaching Years 11 and 12 outside of normal school hours or if the teacher arrives late for work etc.

The procedures for recording the attendance of teachers are found in Chapter 11.2 Attendance and Leave Records of the School Manual for Financial Management and this is available on the Schools Finance Directorate's intranet page.

Lateness to work

There may be occasions where a teacher may be late to work because of emergent circumstances that are beyond their control. These circumstances are by their very nature, infrequent and unexpected.

Lateness to work by a teacher (or any other staff member) is not acceptable. Where this is occurring regularly, the principal should discuss the matter immediately with the staff member involved. It is expected that in the majority of instances, this should be sufficient to resolve the matter. A teacher may be required to submit an application for leave, with or without pay, as part of this process.

In circumstances where a discussion has not resolved the matter and the employee continues to be late for work, the principal should deal with the matter in accordance with the Fair Warning- Fair Action: Managers’ Procedures to Support Professional Behaviour. Absences that involve a part of a day are processed on the basis of ¼, ½ or ¾ of a day. This means that a teacher will be deducted pay for ¼, ½ or ¾ of a day depending on their arrival time.

The provisions relating to deductions for part day absences are found in Chapter 4 Leave, Section 4.1, General of the Teachers’ Handbook which is available at:


Roll call and assemblies

In secondary schools, stand alone roll call of 10 minutes or less is not counted as teaching time. However, when a school incorporates roll call into a reading, pastoral care or other education program, the time scheduled to deliver the program and mark the roll is counted as teaching time.

School assemblies are generally counted as teaching time and teachers are required to attend assemblies.

Leaving school premises during hours of duty

There is no entitlement for teachers to leave their work premises during the hours of duty other than during their lunch break. Other than the lunch break, the rest of the day is paid work time and the Department expects that a teacher will be at work undertaking duties as required.

If a teacher wishes to leave their work premises during their lunch break, the teacher must:

1) advise the principal (or delegate) before leaving the premises;
2) comply with all school safety monitoring procedures eg signing in/signing out, work, health and safety provisions etc; and
3) return to work ready to resume duties by the end of the lunch break.

If an exceptional or urgent reason arises that requires a teacher to leave the school during their hours of duty, the teacher must:

1) advise the principal (or delegate) of the reason;
2) obtain the approval of the principal to leave school during work time; and
3) complete an application for leave for the period that they are absent from the school.

Frequently Asked Questions

1) Does a principal need the consent of staff to hold staff meetings?

No. Principals should discuss scheduling of regular and intermittent meetings with staff prior to the meeting however attendance at meetings is not voluntary.

2) Are teachers entitled to a one hour lunch break?

No. A teacher is entitled to a minimum 30 minute unpaid break during their hours of duty.

The one hour lunch break only applies as a lunch break time for students when the school operates under standard school hours (see earlier section on The School Day that includes information regarding standard hours).

3) If a teacher's RFF is scheduled at the start or end of the school day, does this mean that RFF is the
teachers "free time" and that they can do with it whatever they wish?

No. A teacher cannot use their RFF time to arrive at work after the scheduled start of a school day, or leave work before the scheduled completion time of the school or leave the school during the school day.

The activities that a teacher undertakes in RFF time are detailed in the memorandum "Relief from face to face teaching in primary school, Memorandum to principals, school education directors and regional directors: DN/11/00158.

4) If a teacher of a Year 12 class has not been allocated a Year 12 relieving period at the time when the teacher would normally have the Year 12 class, does this mean that the teacher can come to work later or leave earlier?

Similar to the RFF issue, this is not the teachers "free time". This is paid work time and the teacher is required to be in attendance at school in accordance with the school's operating hours.

5) What action should be taken when a teacher is persistently late to work or leaves school early without prior approval?

In the first instance, the principal should discuss the concern with the teacher. Where the concerns are not resolved through discussion the principal should deal with the matter in accordance with the Fair Warning-Fair Action: Managers’ Procedures to Support Professional Behaviour.

6) Must a Year 12 relieving period (also known as Meadowbanks) be allocated to coincide with the original year 12 period or can it be allocated during a time when the teacher is not ordinarily teaching?

No. The period can be allocated at another time.

7) When can an alternate period (also known as an extra) be allocated to a teacher?

A principal can require a teacher to undertake an alternate period to cover the class/classes of a teacher who is absent from duty on leave. This is defined at clause 2.4 of the school teachers award.

8) What notification is a teacher required to be given when undertaking an alternate period? Does this notice have to be in writing?

As much notice as possible should be given to the teacher but it is not necessary for it to be in writing. When allocating an alternate period, the principal should take into account the non teaching duties required to be performed by this teacher and as far as possible, should allocate the alternate period to a teacher in the same faculty as that of the absent teacher. See subclauses 16.2 and 16.3 of the school teachers award.

9) When can an "in lieu of duties" be allocated to a teacher?

At the discretion of the principal, a teacher who is relieved of part of their regular teaching load can be required to take the class/classes of a teacher who is absent on duty elsewhere or performing other duties. This is defined at clause 2.40 of the school teachers award.

10) What notification is a teacher required to be given when undertaking an in lieu of duties? Does this notice have to be in writing?

As much notice as possible should be given to the teacher but it is not necessary for this to be in writing.

11) In lieu of requiring a teacher to supervise sport, the award stipulates that a principal must seek the agreement of a teacher in order for them to undertake two (2) periods of alternate face to face teaching duties. What happens if a teacher does not agree to take these 2 periods?

If a teacher is not supervising sport but they do not agree to take the 2 alternate face to face teaching duties, the principal should consider rostering them on to supervise sport. See subclause 16.6 of the school teachers award.

For more information contact

Industrial Relations Directorate on 02 9561 8780 or Indrel@det.nsw.edu.au for enquiries regarding this fact sheet.

Human Resources Directorate on 02 9836 9000 for further information regarding RFF.

Employee Performance and Conduct (EPAC) on 02 9266 8070 for assistance in matters relating to conduct, including giving an employee a direction.