



Freedom to teach

A research report on the work and conditions of teachers in Australia

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Executive Summary

While there has been much attention and significant resources dedicated to examining the structures surrounding the attraction, training, retention and performance of teachers, there is almost no consideration of the conditions under which teachers are employed and paid.

This report examines the government school Enterprise Bargaining Agreements (EBAs) and awards across Australia, pointing to a highly inflexible and restrictive employment system. The findings confirm:

- Teachers are forced into a rigid and traditional career path based on incremental progression through salary scales.
- Progression is based on time served rather than the quality of teaching.
- Salaries are negotiated on the basis that all teachers are deserving of the same level of pay and restrict the possibility of additional financial reward for the best teachers.
- National standards and certification are increasingly incorporated into workplace agreements. This is a bureaucratic and costly process that moves in direct opposition to a flexible and efficient labour market.
- A focus on salaries alone distorts the perception of overall teacher employment conditions. Examination of broader government school employment conditions – including non-attendance during student vacation periods, leave provisions and the payment of 17.5% leave loading on four weeks of annual leave – provides a different profile.
- Taking into account the approximately 11 weeks of time out of the workplace, and a 17.5% leave loading, a salary of \$75,000 equates to over \$95,000 for a ‘standard year’ of 48 weeks in the workplace.
- Inclusions in the enterprise agreements extend to the prescription of when and how teachers are available for instruction, compelling a single, narrow conception of school operating structures.
- These conditions prevent schools from improving the efficiency and effectiveness with which they are able to deploy their existing or potential teaching staff.
- Further, schools wishing to negotiate change in these schooling provisions are subject to expensive and extensive consultation provisions that are highly influenced by unions.

The conditions examined are due for renegotiation in all jurisdictions before the end of 2016. These negotiations should focus on returning labour market and employment flexibility to schools.

By reducing the scope and extent of current teacher provisions, schools would be able to more effectively respond to student need.

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1. The impact of salary structures on teacher employment

Compared to other OECD countries, Australia is currently able to provide a relatively high standard of student outcomes at reasonable cost.¹ The continuation of this outcome is highly dependent on the skills and talents of the Australia's 250,000 paid teachers, the costs of teacher employment, and the capacity of schools to most effectively deploy available resources to maximize student achievement.

When considering that:

- paying teachers represents the most significant cost in financing schools – up to 75% of state education budgets² – and that the makeup of this spending is heavily influenced by factors determined in the Enterprise Bargaining Agreements and awards which govern the employment conditions of teachers; and
- it is widely recognised that the effectiveness of teaching accounts for up to 30% of the in school variance in student achievement³,

it is clear that any discussion of school improvement cannot leave aside the issue of teacher remuneration and employment conditions.

These conditions have been examined through a review of government school teacher employment under the conditions of the enterprise bargaining agreements (EBAs) and the NSW award.

1.1 Teaching is seen in terms of an inflexible and traditional career path

Figure 1 demonstrates the highly mechanistic nature of the teaching salary structure, based on a fixed starting salary and incremental progression through a narrowly conceived and traditional 'career path' model.

All teachers must enter at the bottom of the classroom pay band (Figure 2), and incrementally move upwards within each range, regardless of individual performance or effectiveness in the workplace.

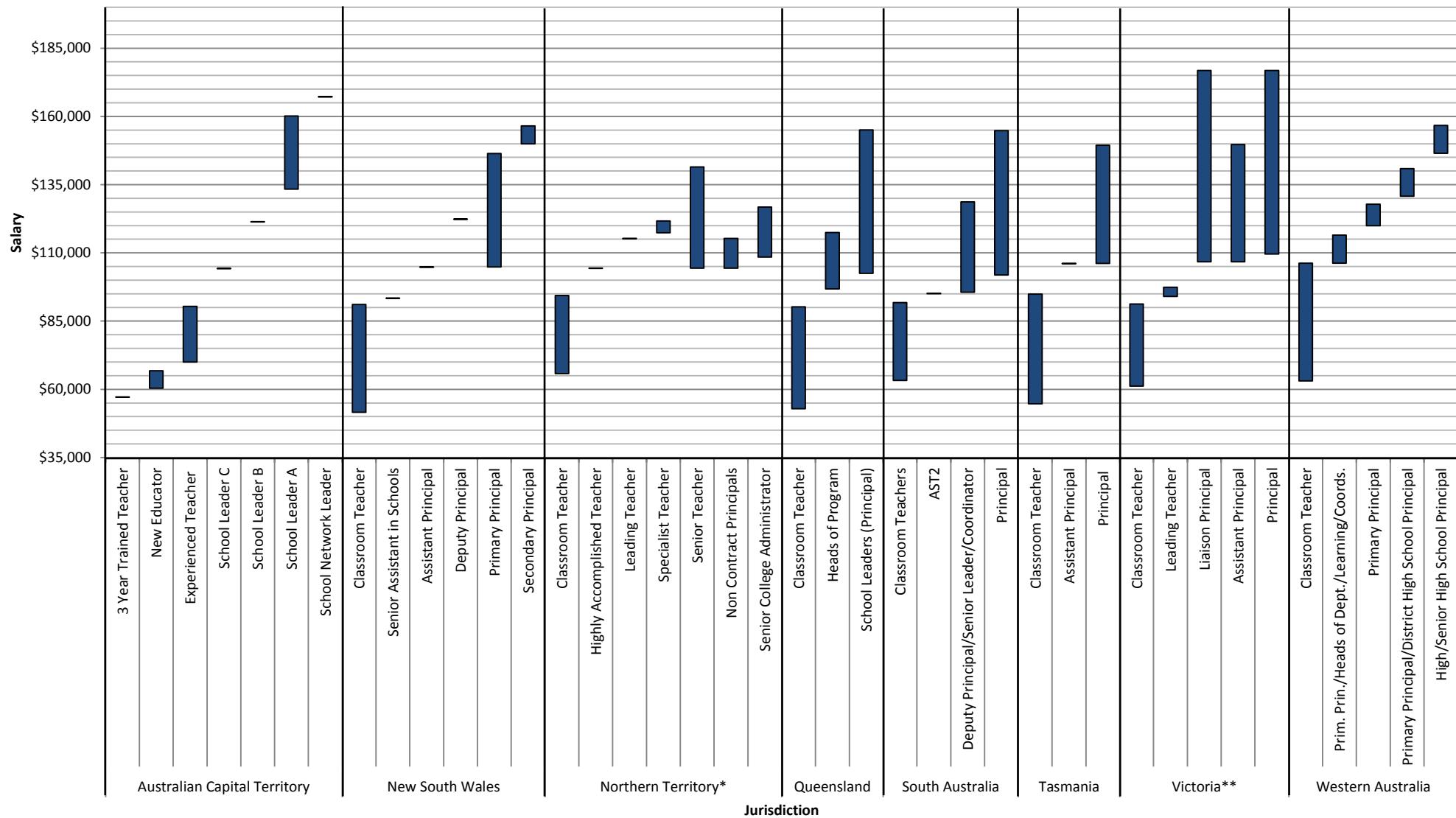
Starting salaries are explicitly set, and there is no opportunity for the recognition of non teaching experience or workplace application of subject knowledge.

¹ OECD, *Education at a Glance* (2014), 215.

² Department of Education, *Department of Education Annual Report* (2013-14), 17.

³ John Hattie, *Teachers Make a Difference What is the Research Evidence?* (Australian Council for Educational Research, October 2003), 2.

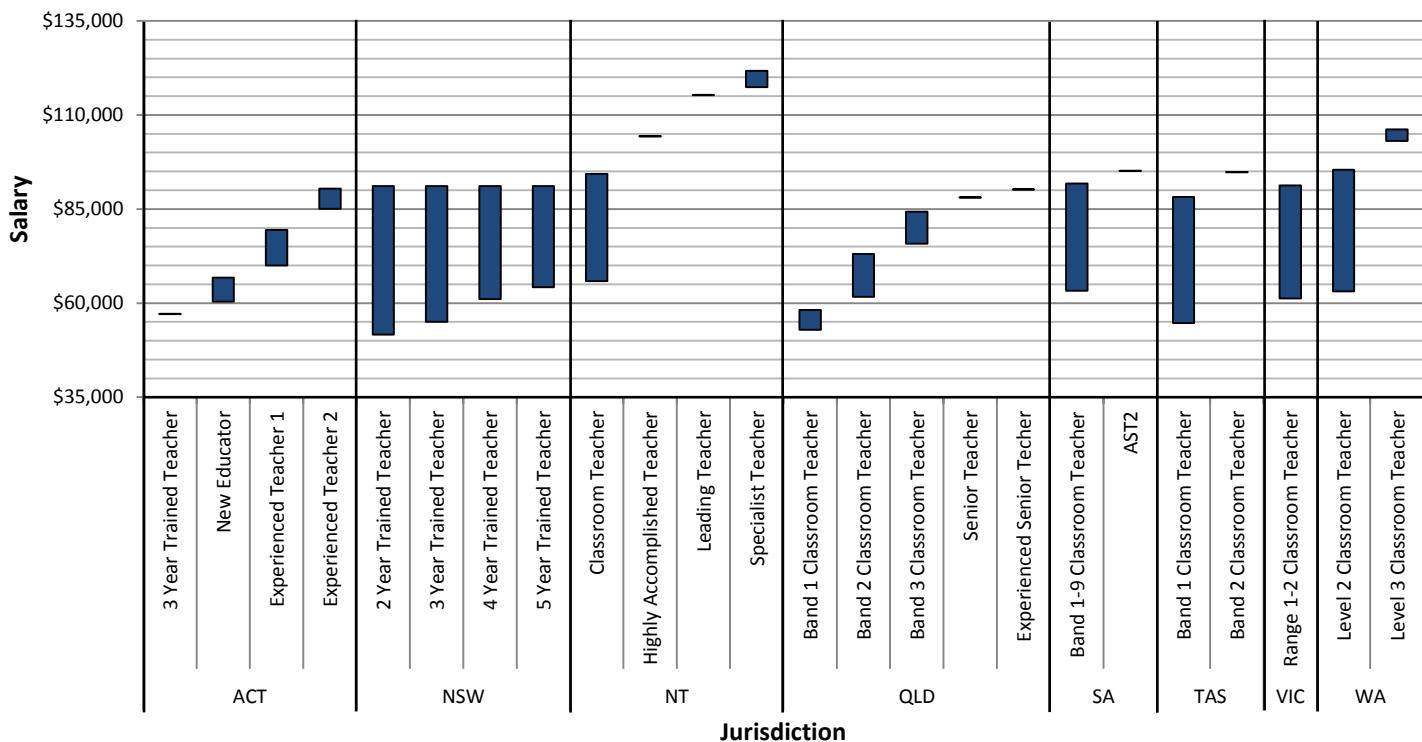
Figure 1: Teacher salary structure



Source: IPA review of Agreements and Awards

Notes: Salaries are as at the end of 2014. *Principal contracts with higher remuneration allowed. **The rates for Victorian Principals represent total remuneration, inclusive of superannuation. Executive Class terms and conditions are set by contract of employment.

Figure 2: Classroom teacher salary bands



Source: IPA review of Agreements and Awards

Notes: Salaries are as at the end of 2014.

For example, a mature, career change scientist with a PhD must enter the teaching profession constrained to the same entry salary as a young, inexperienced teacher.

Progression through the increments links pay scales directly to:

- Time in a teaching role (for example, a full year of teaching service);
- Some form of additional representation of quality or accreditation; or
- A mixture of the two.

There is comparatively small opportunity for increasing earning capacity from the bottom to the top of the classroom scale.

Earning capacity is limited to the upper threshold of the payment band. Once the top of the scale has been reached the only potential for salary progression is through a move to a non classroom band to the higher promotional or principal bands.

Rather than recognising and rewarding excellent performance in classroom teachers this creates an incentive for the loss of specialist subject knowledge from the classroom.

1.2 Assuming all teachers are the same prevents recognition through salary

This situation is made worse by the imposition of time restraints on movement through the salary ranges within bands.

The NSW Award, even after the move to a standards based structure, retains a time requirement for progression between incremental steps and bands. For example, graduate teachers accredited as proficient prior to two years of employment are held back from progression until completion of two years full time service.⁴

This same restriction is applied to movement through the three (3) steps within the Proficient band (Step 2.1, 2.2 and 2.3),⁵ and on movement to the Highly Accomplished band.⁶

In this way, a teacher is prevented from reaching the top of the classroom teacher salary structure in under five (5) years of full time service, regardless of meeting the required demonstration of performance.

Some jurisdictions do make limited provision for accelerated incremental progression. The details of these programs vary in accordance with the policy objectives they seek to address. Programs are targeted at recruiting hard to staff positions of regions (NT⁷, Victoria⁸), retention of teachers (WA⁹), or in recognition of outstanding performance (ACT¹⁰).

⁴ Clause 3B.3; NSW Agreement

⁵ Clause 3B.4; NSW Agreement

⁶ Clause 3B.5; NSW Agreement

⁷ The NT Agreement, at Schedule 5, includes a Rapid Incremental Progression system that applies for beginning teachers. The program does not recognise prior experience or performance. Rather, participants are able to move through an additional salary progression in the first two years of teaching on the basis of service within NT schools, probation, and the completion of further tertiary studies or approved professional development activities.

⁸ In Victoria a 'teacher may be considered for accelerated progression within their school in accordance with procedures determined by the Employer.' Page 10, Page 7, Remuneration Teaching Service, DEECD Human Resources. This may include a level of remuneration above that which is set, although the salary offered cannot exceed the maximum salary of the classification level and salary range of the position. Page 7, Remuneration Teaching Service, DEECD Human Resources.

⁹ In Western Australia opportunity is provided for progression to senior teacher classification in order to 'retain competent experienced teachers in duties directly associated with classroom teaching and learning' rather than a move into administrative roles. Progression is on the basis of completion of specified criteria in association with performing additional duties, such as providing mentoring, supervision or professional support, developing pedagogy or contributing to curriculum development or school development planning. Again, the length of service component is retained - teachers must have completed a minimum of twelve months at the top increment of automatic progression on the salary scale and have undertaken either agreed professional development or one unit of relevant tertiary study. Clause 14.4a; WA Agreement.

¹⁰ The ACT provide for the awarding of an additional salary increment for 'classroom teachers in their second to seventh year of teaching experience (i.e. at increments 1.2 to 2.4) who demonstrate outstanding performance with regard to expectations of performance and professional responsibilities'. In order to qualify for accelerated progression the teacher is required to develop a portfolio of evidence for teaching competencies, which is evaluated by a central, departmental assessment panel. A maximum of one

None however address the fundamental restriction of the underlying salary structure and continue to limit teacher earnings relative to their peers.

This one size fits all approach dictates that some teachers gain to the detriment of other teachers – the lowest performing teachers gain to the detriment of highly performing teachers, who are prevented from benefiting from potentially higher salaries or other forms of incentives.

Until the way in which teachers are paid is opened to the creation of better opportunities for the reward of highly performing teachers it will remain difficult to attract new, high quality, candidates to teaching, retain the highest performing teachers or address areas of subject and locational shortages.

1.3 Promotional salary bands assign a higher value to work out of the classroom

Figure 3 on the following page demonstrates the range in promotional and principal pay scales in each jurisdiction, ranging from first accepting positions beyond the classroom to the top of the principal pay scale.

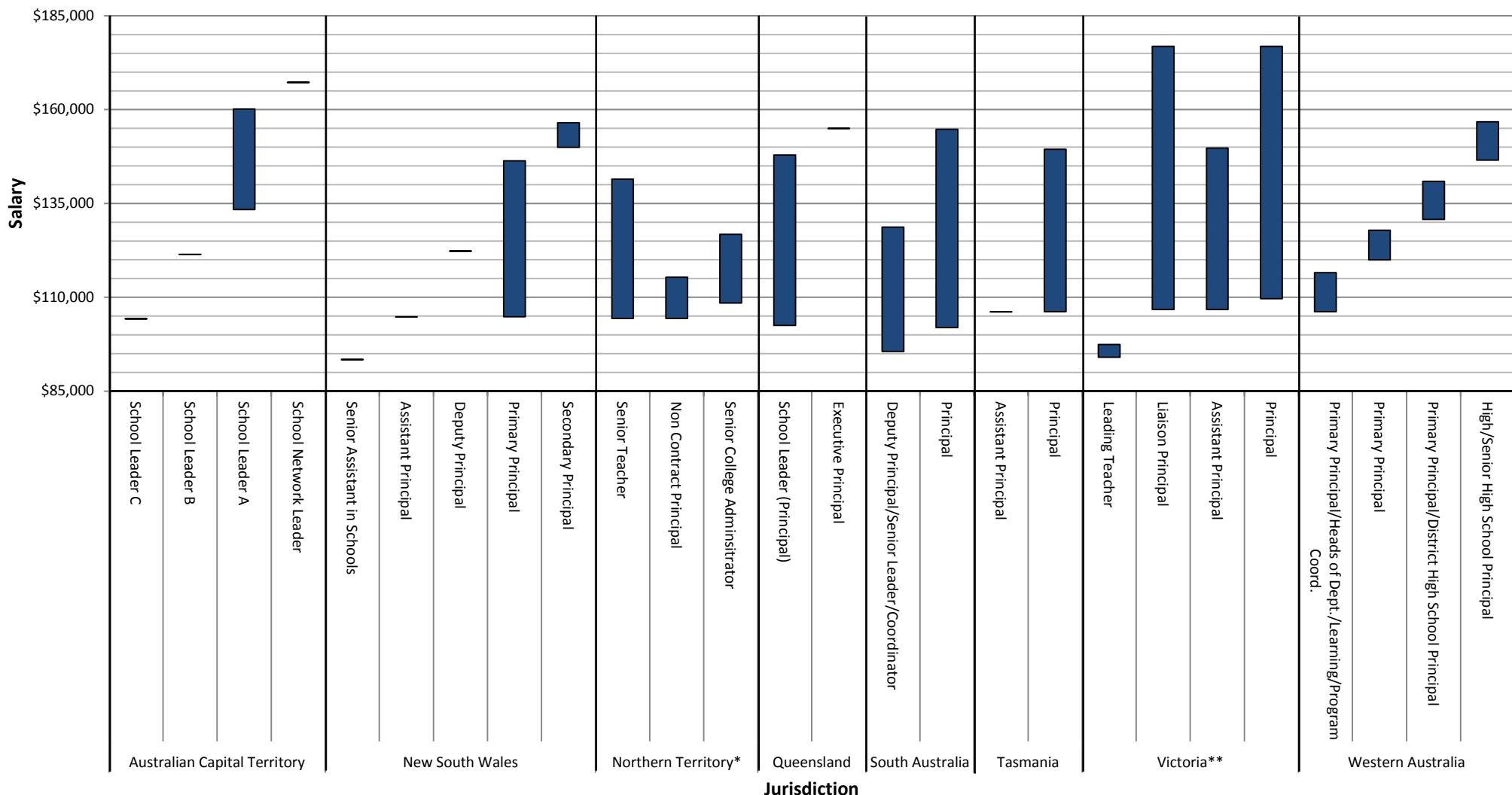
While this provides recognition of teachers accepting additional workplace responsibilities beyond the classroom, these ‘promotional’ bands set the value of this work more highly than that of classroom provision.

The separation of classroom, promotional and principal bands, places a structural limitation on teacher salaries. Classroom teachers, even at the highest levels of excellence and impact on student learning, must advance their career in a single direction if they are to improve earnings.

This approach fixes the ‘career path’ of teachers to a single, narrowly conceived progression from entry as a new teacher, to classroom, school leader and principal roles if salary maintenance and advancement are to be achieved.

additional increment (in the order of \$3,215) in any one school year applies. Further acceleration requires the repetition of the process. Clause O8.7; ACT Agreement.

Figure 3: Promotional and principal salary bands



Source: IPA review of Agreements and Awards

Notes: Salaries are as at the end of 2014. *Principal contracts with higher remuneration allowed. **The rates for Victorian Principals represent total remuneration, inclusive of superannuation. Executive Class terms and conditions are set by contract of employment.

1.4 Industrial structures ignore labour market dynamics

The current, industrialised salary structures fail to recognise that:

- The teaching workforce does not represent a single, homogenous pool of substitutable teachers. Patterns of teacher availability vary between primary, secondary, specialist and subject specific teachers. Over time and across locations, shortage and surplus in the supply of and demand for various categories of teachers are seen.
- Teachers do not provide equal productivity and performance based on their qualification, experience or time employed. As in any other labour market, teachers individually present different talents, which are applicable to different needs and demonstrated at different times and in different settings.

Principals themselves, particularly secondary principals, negatively view the inherent limitations of the current salary structures. Only 29% of secondary principals (compared to 42% of primary principals) view the current arrangements as effective in attracting teachers. This figure drops to 27% of secondary principals (compared with 40% of primary principals) in terms of the effectiveness of retaining teachers.¹¹

If schools were able to more directly negotiate salaries within a more flexible structure they would be better placed to introduce incentives at school level, which would provide both motivation effects (creating incentives to raise the performance of existing teachers) and selection effects (attracting and retaining quality teachers).¹²

Adding flexibility would open up a suite of new possibilities for schools, allowing greater opportunity for trial and experimentation in order to better determine the cost-effectiveness of alternative strategies at the local level.

If schools were better able to engage in direct workplace negotiation with employees might they be able to attract subject specialists at higher levels of salary in exchange for more flexible work arrangements?

If classroom salaries were not fixed at the top of the range would more teachers stay in the classroom, rather than move to leadership positions?

Could paying teachers on the basis of their contribution allow for greater flexibility in moving between classroom delivery and other teaching functions, such as curriculum development? Would this encourage the development of variation in the conception or composition of the teacher workforce over time?

Giving schools and their teachers greater freedom to initiate and trial locally based solutions offers a greater opportunity for sustained change through the introduction of a carefully selected combination of measures to specifically target the address a defined problem.

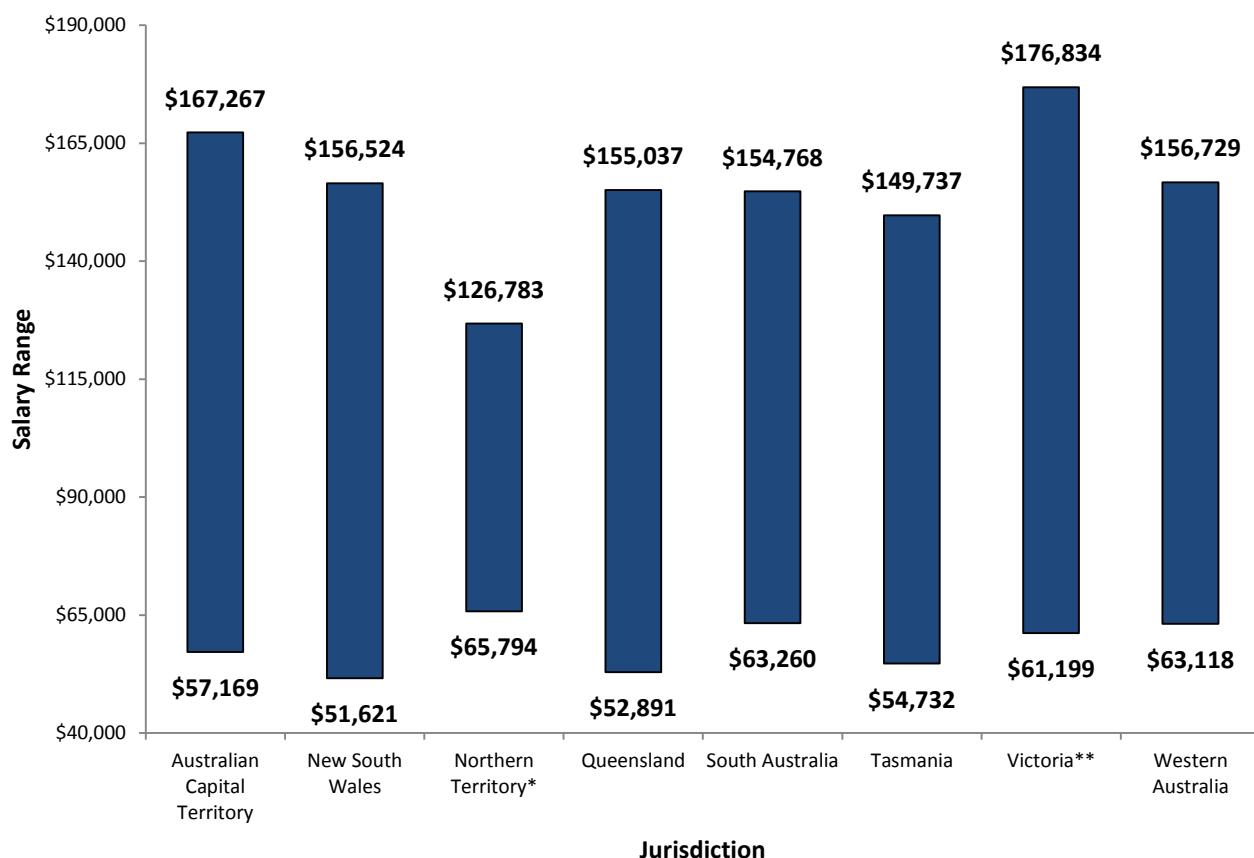
¹¹ Phillip McKenzie, Paul Weldon, Glenn Rowley, Martin Murphy, and Julie McMillan, *Staff In Australia's Schools 2013: Main Report On The Survey* (Australian Council for Educational Research, 2014), page xli

¹² Matthew G. Springer, 'Rethinking teacher compensation policies: Why now, why again?', in *Performance Incentives: Their Growing Impact on American K-12 Education*, ed. Matthew G Springer (Washington, DC: Brookings Institution Press, 2009). pp. 1–21.

1.5 A whole of career profile provides a clearer model of teacher employment

This flexibility might be achieved through providing schools the flexibility to negotiate salaries within the scope of the whole of career range. The current whole of career salary potential for teachers, from graduate teacher to the most senior available positions, is shown in Figure 4.

Figure 4: Whole of career salary range



Source: IPA review of Agreements and Awards

Notes: Salaries are as at the end of 2014. *Principal contracts with higher remuneration allowed. **The rates for Victorian Principals represent total remuneration, inclusive of superannuation. Executive Class terms and conditions are set by contract of employment.

Teacher employment conceived of in this way would enable principals to recruit and pay staff based on leveraging the best available staff profile within the available salaries budget (at any given level). Teacher salaries would not be limited by incremental scales but by an assessment of their value within the employment market, regardless of whether they are working wholly within the classroom, in a specialist or leadership role, or in any combination of these roles.

In this way adjustment for skills, experience and effectiveness would be determined by the employing principal and adjustment between teachers based on performance, local scarcity, demand for skill sets and adjustment of factors other than salary. For example, a specialist literacy teacher may be willing to offset increases in salary against greater flexibility in hours or other considerations.

This is not inconsistent with the objective that the ‘value of the work is fairly determined relative to other positions within the teaching service and reflects the roles, responsibilities, skill levels and accountability requirements of the various types and levels of work.’¹³

The advantage would be that individual teachers are not bound by mandated entry points, progression based on time or role definition.

Salary maintenance (rather than progression) would become a matter of continued performance relative to others on the workplace, ensuring a direct link between performance and salary. Salary progression would be tied to the demonstration of increased work value, rather than time in role.

As in the broader employment market, not all teachers will choose, or be capable of, pursuit of higher earnings, but those who do become unfettered in their career progression.

1.6 Demonstrations of teacher standards must not become demonstrations of process

Discussion of differentiating teacher performance cannot leave aside the manner in which the Australian Professional Standards for Teachers, the Australian Professional Standards for Principals and the National Certification of Highly Accomplished and Lead Teachers developed by the Australian Institute of Teaching and School Leadership (AITSL) will influence future thinking.

How and to what extent these standards and certification will be integrated into enterprise agreements in the various jurisdictions remains to be determined.

The ACT¹⁴ and Queensland¹⁵ agreements recognise the development of the standards and commit the parties to consultation prior to any implementation of initiatives arising from the AITSL work. The ACT Agreement¹⁶ goes further and specifies that if, after negotiation, agreement cannot be reached on the introduction of any new or additional salary classifications based on national professional standards such classifications will not be implemented.

The NSW Award provides one illustration of the integration of the national standards and certification in teacher employment conditions.¹⁷

During the remainder of 2014 and 2015, teachers in NSW will remain under the current salary structure.

Teachers progress along, or are maintained on, the incremental salary scale (or the salary level for a promotions position) after:

- each 12 months of service; and
- a satisfactory review of continuing efficiency in teaching practice, performance and professional growth.¹⁸

¹³ Victorian DEECD, “Remuneration-Teaching Service” accessed 11 December, 2014, http://www.education.vic.gov.au/hrweb/employcond/Pages/remuneration_teachserv.aspx.

¹⁴ clause O7, ACT Agreement

¹⁵ clause 14.1.3, Queensland Agreement

¹⁶ clause O7.1, ACT Agreement

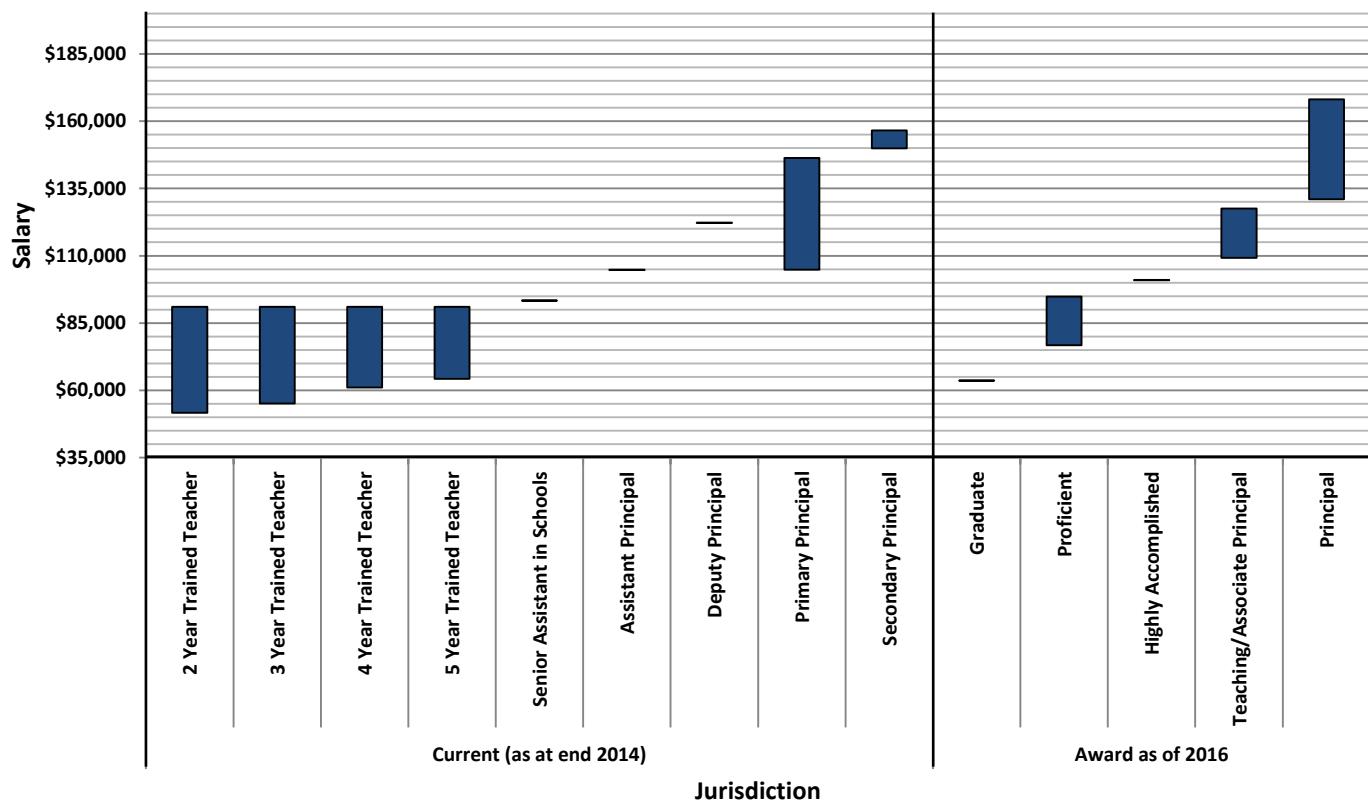
¹⁷ clause 3B, NSW Award

From 2016, the rates of pay for teachers will become standards based, at levels of accreditation of graduate (Band 1), proficient (Band 2) and highly accomplished (Band 3).¹⁹

Teacher progression through the salary bands will apply as the teacher attains accreditation at the higher levels of the professional teaching standards.²⁰

This change shifts the basis of movement between salary bands, from role to professional standard. It does not remove the underlying rigidity of the conception of career progression and fixing the salaries of all teachers.

Figure 5: NSW current salary structure and from 2016



Source: IPA review of Agreements and Awards

¹⁸ clause 6.1, NSW Award

¹⁹ The standards used for the determination of teacher salaries in NSW from 2016 will be the seven standards comprising the *Australian Professional Standards for Teachers* as at December 2013 and set out in schedule 13 to the award. This points to one of the problems of linking AITS standards for teachers to workplace relations agreements. It is difficult to establish a nationally consistent system of certification of teachers if each jurisdiction develops its own approach and different versions emerge, using AITS standards only as a framework.

²⁰ clause 3B.2; NSW Award

The required process is, in fact, highly bureaucratic. Rather than creating incentives for teachers to focus on improving outcomes for students, the incentive is to focus on teacher inputs to the system and the completion of tasks in order to gain professional recognition and salary advancement.

In NSW accreditation as a proficient teacher is mandatory for all teachers. Teachers are required to collect samples of their work, such as lesson plans, assessment strategies, documentation of classroom behaviour management plans, notes of personal reading and websites visited, and annotate these to demonstrate their understanding of their own practice against the seven (7) professional standards.

This evidence, together with a report from their principal or supervising teacher, is submitted to the Teacher Accreditation Authority (TAA) for decision.

The ACT uses similar mechanisms for teacher qualification for accelerated progression. The teacher is required to develop a portfolio of evidence for teaching competencies, which is evaluated by a central, departmental assessment panel.²¹

This both:

- Places an onus of preparation of materials on teachers, and
- Isolates the assessment by the principal (as the immediate manager) of the value a teacher brings to the workplace of contribution to school priorities and improvement in student achievement.

The school, as the place of employment and direct observation, remains isolated from making assessments of the value of individual teachers to the strategic needs of the school or in applying flexibility in the payment of salaries as a work force management tool.

Rather than reducing teacher administrative load these arrangements add a further layer of documentation and bureaucracy to their own professional practice.

1.7 Confusing professional certification with workplace achievement

Certification is a further process again, which uses the national standards as the basis for assessment at the Highly Accomplished and Lead levels.

Again, the mechanisms for the production of evidence of performance and professional practice involve the onerous preparation of exemplars or work for the purposes of salary progression.

When certification is used as a mechanism to determine access to additional payments within employment conditions, this moves certification beyond a means of establishing a voluntary recognition of professional practice. It creates a direct link to employment conditions and assigns a financial value to certification.

In some states responsibility for certification has been delegated to the teacher registration authority and operates for all teachers in each of the three sectors.

In other jurisdictions, teachers seeking certification contact their employers (i.e. the state registering authority, the Catholic Education Commission or their individual school in the independent sector), further consolidating the link between certification and employment conditions.

²¹ clause O8.7; ACT Agreement

The risk is that rather than improving teacher quality, certification of teachers will simply achieve the higher payment of teachers throughout the sector, not all of those certified offering a higher quality of teaching to students.

2. Salaries are not the whole story

Levels of pay represents only one component of employee entitlements that determine the overall cost of teacher provision and the resourcing of schools.

As in all sectors, it is the management of overall workforce expenses and the most effective deployment of available resources, which must be achieved to ensure that further investment at any level yields the greatest level of benefit and result.

This is particularly important in education given that, despite increased levels of investment in schools and in teacher quality enhancement strategies, there has been a plateauing of student achievement (representing one measure of teacher value).

Any discussion of teacher remuneration must therefore also examine the broader conditions and workplace benefits, including the provision of entitlements, such as leave.

Government school employment provides teachers with generous workplace leave benefits.²² While the categories of leave available differs by jurisdiction, there are significant similarities which may be generalised for the purpose of gaining a more complete understanding of the non salary component of employment conditions.

2.1 Non-attendance during student vacation periods and annual leave

No jurisdiction requires teachers to be in attendance at school during periods of student vacation (non term time), other than for scheduled planning and development days (student free days).

Only in Tasmania is this condition expressed as recreational (annual) leave, where 'staff are entitled to a period of 7.8 weeks additional recreation leave per annum during which time they shall not be required to attend for duty and receive their ordinary rate of pay.'²³

In other jurisdictions this condition of employment sits separately to the allocation and definition of annual leave. In New South Wales, for example, 'Unless required by the employer, teachers shall not be required to attend their workplace during non-term week(s) of the student vacation periods. They will continue to be paid, and this is not to be defined as or treated as 'leave' in any form.'²⁴

The allocation of annual leave itself mirrors that generally available in all workplaces, expressed as either four weeks²⁵ or 20 days²⁶ annual leave per calendar year. This comprises of approximately 145-150 hours per annum, which is explicitly stated in several awards.²⁷

²² This section discusses the extent of leave arrangements within each jurisdiction. All discussion references full time equivalent conditions of leave. For part time employees, these arrangements are adjusted on a pro rata basis.

²³ Teaching Service (Tasmanian Public Sector) Award Part VI (5)

²⁴ Clause 6; Determination under Teaching Service Act 1980, Determination No. 3 of 2009.

²⁵ Four (4) weeks in ACT (clauses F7.4 – F7.6; ACT Agreement), NSW (clauses 3 & 6; Determination under Teaching Service Act 1980, Determination No. 3 of 2009), and four weeks and an additional two weeks in the NT (clause 35.3; 2010-2013 NT Agreement, clause 34.2(ii); NT 2014-2017 Agreement)

²⁶ 20 working days in SA (Attachment B; Determination 3.1: Employment Conditions – Leave Public Sector Act 2009) and VIC (clause 26.1; VIC Agreement).

Queensland allocates additional annual leave in consideration of service in remote areas.²⁸

Within and around the annual leave entitlements there are a number of clauses stipulating when leave shall be taken, for example, teachers are expected 'to use annual leave during school vacation periods unless otherwise approved.'²⁹ In other jurisdictions, allocations of when annual leave is to be taken are notionally assigned to weeks within school vacation periods.³⁰

2.2 Other leave

In addition to the effective provision of 11 weeks annual leave all jurisdictions provide additional flexibility in broader leave categories.

2.2.1 Paid Personal Leave

Personal leave (however named) accommodates periods when the employee is unable to work due to personal injury or illness, or to support a member of the immediate family or household who is injured or sick.

The conditions of leave, the full year allocations, and the conditions of accrual vary by jurisdiction. The yearly allocations are approximately 3 weeks of work, or 15 working days.³¹ The National Employment Standards provide for a minimum of ten (10) paid days per annum.³²

Once the personal leave entitlement has been exhausted additional paid or unpaid leave made be made available, and these arrangements vary widely by jurisdiction. For example, Tasmania grants an additional 20 working days of paid personal leave on the grounds of personal injury or illness where the regular leave

²⁷ For example, ACT states 147 hours (clauses F7.4 – F7.6; ACT Agreement), while VIC states 152 hours (clause 26.1; VIC Agreement).

²⁸ Directive Number 10/13, DETE Policy and Procedure Register

²⁹ Department of Education and Early Childhood Development, Employment Conditions, Annual Leave. <http://www.education.vic.gov.au/hrweb/employcond/pages/annlvets.aspx>

³⁰ For example, in Tasmania teachers are expected to take annual leave for 'two weeks at the end of terms 1, 2 & 3 and at the end of term 4 and ending on the Friday before the first Monday in the month of February in the following year.' (Employment Direction No 14 Teaching Service (Tasmanian Public Sector) Award).

In NSW, leave is expected to be allocated 'during the first calendar, non term week of the summer, autumn, winter and spring vacations'. (Clause 3; Determination under Teaching Service Act 1980, Determination No. 3 of 2009).

In the Northern Territory, 'an employee employed in a teaching capacity in a school will, unless otherwise directed, be deemed to be on recreation leave over the Christmas school holiday period. Such an employee will exhaust their entire 30 days of accrued leave during this period and in the first three days of the semester one school holiday period. Employees employed in a teaching capacity in a school are not entitled to use recreation leave during school terms.' (page 27, A Summary and Quick Guide to Conditions of Employment for teachers and Educators in Northern Territory Government Schools, January 2012).

³¹ ACT Agreement (clauses F4.11 and F4.12) gives 3.6 weeks; NT 2014-2017 Agreement (clause 33.4) gives 3 weeks; Employment Conditions – Leave, Public Sector Act 2009 (determination 3.1) and Vic Government Schools Agreement (clause 26(4)) give 15 days in SA and VIC respectively; WA Award 1993 (clause 31) gives 12.5 days personal leave, while clause 29.1 of the same award gives an additional 5 days bereavement leave.

³² National Employment Standards, Fair Work Ombudsman. <http://www.fairwork.gov.au/Leave/sick-and-carers-leave/paid-sick-and-carers-leave>.

entitlement has been exhausted³³ while Victoria provides an additional three (3) paid days.³⁴ In SA, the ten (10) days of Family Carers leave is deducted from the employee's available sick balance.³⁵

2.2.2 Special Leave Categories

Special Leave incorporates categories of leave available to teachers that cover activities not covered by other forms of leave. There are specific rules for each circumstance, indicating the entitlement and duration. Some categories of special leave include: *Grandparent Leave*,³⁶ *Cultural/Ceremonial Leave*,³⁷ *Duke of Edinburgh awards*,³⁸ *Professional or Learned Societies*,³⁹ *Study Leave*,⁴⁰ *Examination Leave*,⁴¹ and *Sporting Fixtures*.⁴²

2.2.3 Purchased Leave and Deferred Salary Schemes

Some jurisdictions operate schemes which enable teachers to purchase or defer salary for the purposes of funding extended leave of up to one year. The operation of the schemes varies as do the stated purposes to which leave may be taken.

For example, in NSW successful applications of purchased leave may defer 20 per cent of their salary for the first four years, and be paid the deferred salary in the fifth year.⁴³ In Victoria, sabbatical leave is available on 80% of salary subject to having their annual salary reduced by 20% for the relevant work period.⁴⁴

2.3 Illustration of a teacher salary as a 48 week year of workplace attendance

The most striking aspect of teacher employment flexibility, and the one that causes greatest public comment, is that of time away from the workplace in non term time.

For the purposes of comparative illustration it is possible to assign a notional value of this to employment conditions at 11 weeks away from the workplace per calendar year.

Also for the purposes of this illustration, the addition of the 17.5% annual leave loading paid in several jurisdictions is shown. Leave loading is paid on four (4) weeks of the total normal salary where an employee has completed 12 months continuous service.⁴⁵

The illustration takes a hypothetical example of a teacher and a non-teacher on a salary at approximately the average earnings in Australia.⁴⁶

³³ Employment Directive No. 14 Teaching Service (Tasmanian Public Sector) Award

³⁴ Clause 26.6; Victorian Agreement

³⁵ Clause 12; Determination 3.1, Employment Conditions – Leave, Public Sector Act 2009

³⁶ available in ACT, VIC, WA

³⁷ available in VIC, WA

³⁸ available in NSW

³⁹ available in NSW

⁴⁰ available in NSW, QLD and WA

⁴¹ available in NSW, QLD and WA

⁴² available in NSW, NT, Qld, SA and WA

⁴³ clause 11.2; NSW Award

⁴⁴ clause 26.23(a); VIC Agreement

⁴⁵ clause 20.5 (I); VIC Agreement. Also clause F8.1 & V13; ACT Agreement, clause 35; NT 2014-2017

Agreement, Directive 10/13 Recreation and LSL Register, DETE Policy & Procedure Register, and clause 20.5(1); Vic Agreement

A standard working year for each employee comprises 48 working weeks and 4 weeks of annual leave. The salary of \$75,000 incorporates the two components of time in the workplace and four weeks annual leave.

The illustration provides for three comparisons of conditions : salary at \$75 000 and four (4) weeks annual leave, salary of \$75 000 adjusted for eleven (11) weeks teacher time away from the workplace, and salary of \$75 000 adjusted for 11 weeks of teacher time away from the workplace incorporating the payment of 17.5% leave loading on 4 weeks of annual leave.

These assumptions are represented in Table 1:

Table 1: Assumptions

	Non-Teacher	Teacher (no leave loading)	Teacher (with leave loading)
Salary	\$75,000	\$75,000	\$75,000
Weeks away from the workplace	4	11	11
Weeks in the workplace	48	41	41
Leave Loading	0	0	17.5% on 4 weeks

Through a number of simple calculations, it is possible to assign a notional adjusted salary value to each of the three employment scenarios.

Table 2: Scaling up teacher salary for time away from the workplace and leave loading

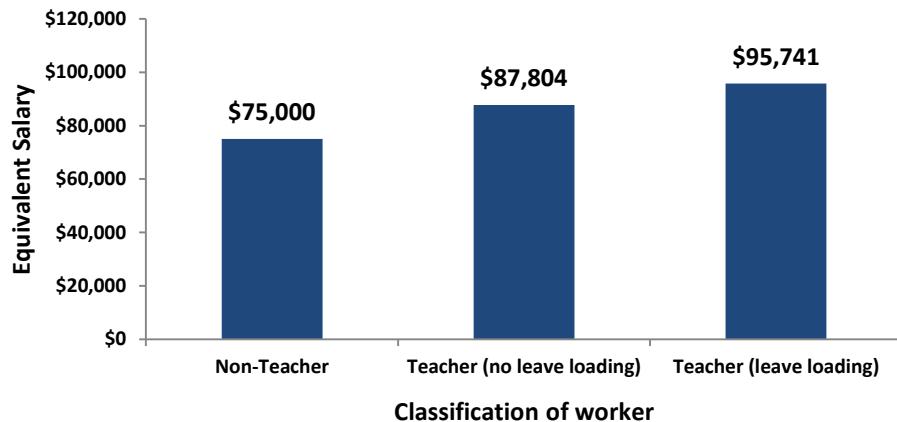
	Non-Teacher	Teacher (no leave loading)	Teacher (with leave loading)
Salary for Calendar Year	\$75,000	\$75,000	\$75,000
Plus Leave Loading	\$0	\$0	\$6,779
Salary plus Loading for Calendar Year	\$75,000	\$75,000	\$81,779
Wage 'per week at work.' ⁴⁷	\$1,562.50	\$ 1,829.26	\$ 1,994.60
Salary per 'standard 48 week working year' ⁴⁸	\$75,000	\$87,804.48	\$95,740.80

⁴⁶ Australian Bureau of Statistics, *Average Weekly Earnings*, (ABS:2014)

⁴⁷ This is calculated by dividing 'salary plus loading for calendar year' by the number of weeks work contained in the assumption table.

⁴⁸ This is calculated by taking the wage per week at work and multiplying by 48.

Figure 6: Illustration of a teacher salary as a 48 week year of workplace attendance



Source: IPA

Assuming a standard year of work, the wage per working week for a non-teacher, teacher (no leave loading) and teacher (leave loading) is \$1,563, \$1,829 and \$1,995 respectively.

By multiplying these 'weeks at work' (for both the non-teacher and the teacher) back up to a standard working year of 48 weeks, the salary for a teacher with no leave loading is the equivalent of \$87,805, while a teacher with leave loading is \$95,741. This is an increase from the non-teaching salary of \$75,000 of 17.07 per cent and 27.65 per cent respectively.

It becomes clear that a focus on the salary component of teacher employment in isolation from the broader package of workplace arrangements can result in a distorted perception of teacher employment conditions. This hinders the development of a broader understanding of the incentives and disincentives that may influence teacher satisfaction in the workplace.

Not all teachers will value the flexibility of time away from the workplace in the same way. For some this may represent a lower value condition, which they would willing trade against other benefits, such as a higher salary for a standard 48 weeks in the workplace.

This is exactly the flexibility that it should be possible for principals at individual schools to negotiate, but which are currently prevented through centralised employment and the conditions provided in the enterprise agreement.

Reducing the scope and extent of current prescriptions inherent in employment conditions would free schools to more flexibly respond to the local needs of teachers and students alike.

3. Other determinants of school cost

In addition to prescribing the salary structures and leave arrangements for teachers, the EBAs incorporate a further range of restrictions which prevent schools from achieving the greatest value from the available pool of teaching resource.

The greatest value of school delivery is not necessarily in the 9 'til 3:30 traditional mode of teaching. The potential for new modes of delivery are boundless, and have the capacity to solve some of the current issues in education delivery and the management of the teacher workforce across the system.

Unfortunately, these possibilities are prevented through prescribed restrictions on school opening, hours of delivery, class sizes, and expensive modes of negotiation. At a time when the cost of teaching students is continuing to rise in most countries, it is now more important than ever to provide schools with flexibility in utilising their teaching workforce.

The application of a one-size-fits policy imposes a blunt, costly and unnecessary burden, with little reflection on the individual need or practicalities of local level decision making.

Provided greater flexibility, principals would be better placed to negotiate the optimal teacher employment arrangements that may be achieved within the school's salary purchasing power and the most effective deployment of the staffing profile. The potential is not only for the benefits which may accrue to the school but also offers the potential for enhancements to the attractiveness of the teaching profession.

3.1 Prescriptions of when schools may deliver instruction limits the use of teachers

In each jurisdiction the days on which government schools are to be open for educational instruction are centrally determined.

This limitation on school days is then further constrained by prescriptions in the Acts, regulations and teacher enterprise agreements in relation to the span of hours during which schools may operate, the maximum hours which a teacher may spend in face to face instruction, the number of students in a class and how changes within a school may be introduced.

Due to the extensive layering of these restrictions and enrolments across different phases of schooling, many schools are required to conform to multiple restrictions on when, and how, they may deliver schooling and make use of their available teaching staff.

3.1.1 Restrictions on days in the year and school operating hours

The first limitation occurs in the explicit statement of a maximum number of teaching days in a school year. For example, in the ACT this is specified to 196 days⁴⁹ while in Queensland the year is prescribed as 200 days.⁵⁰ This later stipulation was sought by the Queensland Teachers Union during enterprise bargaining negotiations.⁵¹

For the purposes of progression through salary increments the NT Agreement specifies 195 days of relief teacher employment equalling one year of full time teaching,⁵² while in NSW one year of full time service is 203 days.⁵³

Within the available teaching days the operation of the school may then be limited to a span of school hours,⁵⁴ ordinary daily hours,⁵⁵ standard hours of instruction,⁵⁶ standard hours of work,⁵⁷ maximum rostered time,⁵⁸ or minimum hours of attendance (VIC).

Some jurisdictions go even further by restricting the 'ordinary' or 'standard' hours of work in which a teacher may teach.⁵⁹

These restrictions hinder the capacity of principals to allocate work, make adjustments to school operations, or employ novel teaching models without extensive requirements for consultation. When lessons may take place is limited and the overall capacity of the school sector to flexibly take advantage of the available pool of teachers is substantially reduced.

Figure 7 illustrates the extent of the reduction in time over a year that is made unavailable for teaching on the basis of the current conception of a 'standard' school year. This is not to suggest that either students or teachers should spend more time in instruction than now, but rather demonstrates the extent of the effective exclusion placed on putting students and skilled teachers together.

⁴⁹ clause P1.1; ACT Agreement

⁵⁰ clause 9.3.6; QLD Agreement

⁵¹ Queensland Teachers Union of Employees Log of Claims:

http://www.qtu.asn.au/files//2013/6540/6956/EB7_FINAL_LOG_OF CLAIMS.pdf accessed 24 July 2014

⁵² schedule 1, clause 2.4; NT Agreement

⁵³ clause 3B.6; NSW Award

⁵⁴ clause 18.3(a); WA Agreement

⁵⁵ clause B4.2; ACT Agreement

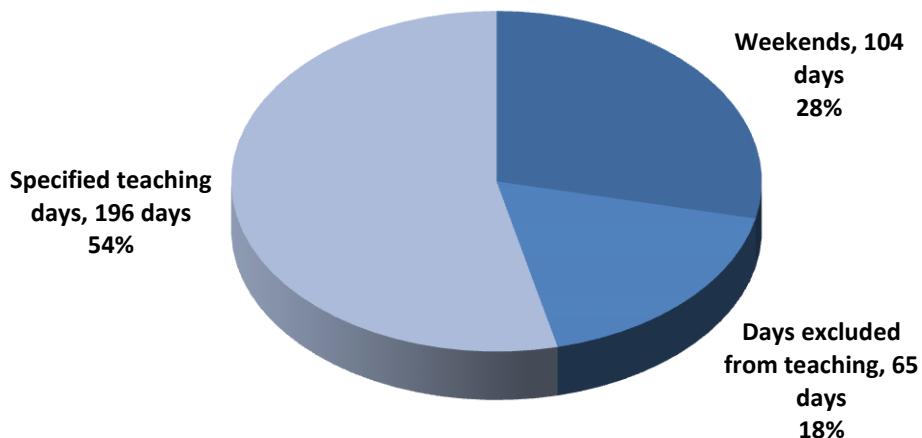
⁵⁶ clause 2.3.2; QLD Agreement

⁵⁷ clause B4.2; ACT Agreement

⁵⁸ clauses 2.3.3 and 2.3.4; QLD Agreement

⁵⁹ Time off in lieu of paid overtime is formally recognised in several jurisdictions as an acknowledgement that teachers may be required to work longer hours to accommodate school requirements, attend meetings or represent the school outside of their usual working hours (clause 24.8; Victorian Agreement, clause 18.1; NT Agreement 2014-2017, clause 9.6; WA Agreement).

Figure 7: Effect of restrictions on teaching days in year



Source:IPA

Note: The numbers represented in this figure are used as an illustrative example of the workplace conditions. These are taken as a reasonable representation of the various jurisdictions.

Freed from these restrictions on when students may be taught, schools would be able to provide staggered school hours, night or weekend classes, or substantially adjust timetabling and classroom arrangements to take best advantage of specialist teachers. For example, specialist subject teachers may be shared between schools if able to work beyond the extents of the usual school day or offer an intensive program over traditional holiday periods.

Rather than allowing for this flexibility the prescriptions within teacher enterprise agreements have extended far beyond simply mandating minimum terms and conditions, to now compelling a single, narrow conception of school operating structures and staffing arrangements.

3.1.2 Instructional and non-instructional time

Within the available teaching times the majority of enterprise agreements further prescribe an upper limit on the number of face to face hours a teacher may deliver in a given timeframe. In some jurisdictions, minimum non-instructional hours are also prescribed.⁶⁰

The specific requirements of the enterprise agreements are shown in Table 3 on the following page.

⁶⁰ For example, graduate teachers (however defined) are often specified a lower face to face teaching requirement, with a minimum release from instructional load. These hours may be used for lesson preparation, assessment and student feedback, and administration and professional development activities.

Table 3: Restrictions on Face to Face Teaching Hours

Jurisdiction	Restriction on Teaching Time
Australian Capital Territory	<p>Primary teachers: a maximum of 21 hours and 30 minutes face to face per week. First year primary teachers are given a maximum of 20 hours.⁶¹</p> <p>Secondary teachers: a maximum of 19 hours face to face per week, averaged over the teaching year. First year high school and college teachers are given a maximum of 18 hours.⁶²</p> <p>The AEU 2014 Log of Claims as its first claim and core priority seeks that of these times 1.5 hours for primary school teachers and 1.0 hours per week 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.⁶³</p>
New South Wales	<p>Secondary teachers: 28 teaching periods per week, plus up to three periods of sport.⁶⁴ Based on a 40 minute period⁶⁵, this equates to a maximum face to face requirement of 20 hours and 40 minutes per week. A principal may also require a teacher to take up to six extra relief periods per term.⁶⁶</p> <p>Lower face to face hours apply for Head Teachers and Deputy Principals.⁶⁷</p>
Northern Territory	<p>Primary teachers: allocated a minimum of 3 hours non-contact time per week.⁶⁸</p> <p>Secondary teachers: non-contact time is provided by the Department staffing formula.⁶⁹</p>
Queensland	<p>Maximum rostered time will not exceed 25 hours per week.</p> <p>Minimum of 3 hours per day, not more than 7 hours per day of rostered classes.⁷⁰</p>
South Australia	<p>Secondary teachers: maximum face to face hours of 21 hours per week and a minimum of 5 hours 40 minutes non-instruction time.⁷¹</p> <p>Primary teachers: maximum face to face of 22 hours 30 minutes, and a minimum of 4 hours 10 mins non-instruction time.⁷² Beginning teachers⁷³ and school leaders⁷⁴ have lower face to face teaching maximums.</p> <p>These hours may be averaged over the course of a school term or year.⁷⁵ The work allocated between teachers should 'provide for an equitable distribution of work across all teachers in the school.'⁷⁶</p>

⁶¹ clause P4.1; ACT Agreement

⁶² clause P4.8; ACT Agreement

⁶³ AEU, *Teachers EA Log of Claims* (Australian Education Union: 2014)

⁶⁴ clause 16.1; NSW Award

⁶⁵ clause 15.2; NSW Award

⁶⁶ clause 16.2; NSW Award

⁶⁷ clause 16.1; NSW Award

⁶⁸ clause 40.1; NT 2014-2017 Agreement

⁶⁹ clause 40.3; NT 2014-2017 Agreement

⁷⁰ clause 2.3.4; QLD Agreement

⁷¹ clause 5.2.8; SA Agreement

⁷² clause 5.2.8; SA Agreement

⁷³ clause 5.2.8; SA Agreement

⁷⁴ clause 5.2.10; SA Agreement

⁷⁵ clause 5.2.8; SA Agreement

⁷⁶ clause 5.1.1; SA Agreement

Tasmania	No face to face ratio is prescribed, other than 'in formulating a school's timetable of activities, time for teachers to plan, prepare and assess students work should be made available within the 70 hours of attendance each fortnight'. ⁷⁷ Primary teachers: 5 non-student hours per fortnight. ⁷⁸ Beginning teachers: Eligible to access a minimum 'instructional load' time release of 4 hours per fortnight. ⁷⁹
Victoria	Primary teachers: maximum face to face teaching of 22 hours and 30 minutes per week. ⁸⁰ Secondary teachers: maximum face to face teaching of 20 hours per week. ⁸¹ First year teachers: face to face hours 'reduced by at least 5% over the school week consistent with the allocation of duties.' ⁸² Maximum face-to-face hours required of teachers to be agreed with reference to the consultation provisions of the Agreement. ⁸³
Western Australia	Flexibility above the award. Teachers can agree to teach hours that exceed the weekly maximum specified in the Award. ⁸⁴ Graduate teachers are provided with additional non-contact time of 0.05 Full Time Equivalent per week. ⁸⁵

Why should principals not be able to negotiate with teachers in areas of skill shortage to take additional classes in exchange for other trade-offs, such as additional leave, more flexible working hours or additional pay? Would this not be preferable to students being taught by 'out of area' teachers, i.e. those taking classes in the timetable in areas other than those for which they were trained?

3.2 Definitive class sizes ignore variations in student need

The placement of restrictions on class sizes has a direct impact of the costs of providing school services, creating the requirement for additional teachers and directly influencing the capacity to best deploy available teaching staff.

Five of the eight enterprise agreements place maximums or targets class sizes.

The WA Agreement takes the approach of specifying eleven aspirational ratios against a range of general class sizes by year level. The Agreement provides that schools are to plan not to exceed the general class sizes, and for schools to move to reduce class sizes to the aspirational level.⁸⁶

⁷⁷ clause 10; TAS Agreement

⁷⁸ clause 10; TAS Agreement

⁷⁹ clause 12.2; TAS Agreement

⁸⁰ clause 22(4)(b)(ii); VIC Agreement

⁸¹ clause 22(4)(b)(i); VIC Agreement

⁸² clause 22(6)(b); VIC Agreement

⁸³ clause 22(5); VIC Agreement

⁸⁴ clause 10; WA Agreement

⁸⁵ clause 13.2; WA Agreement

⁸⁶ extracted from clause 12.2; WA Agreement

The QLD Agreement applies a ‘commitment’ to 25 students per teacher (years P-3, 11 and 12) and 28 students per teacher (years 4-10).⁸⁷ The need for consultation with the Local Consultative Committee (LCC) is specified where there is a possibility that class sizes will exceed these targets.⁸⁸

South Australia and Victoria impose student teacher ratios. In Victoria primary age classes are specified as a P-6 average of 26, provided that the average class size of P-2 is maintained at 21. For Years 7-12 groups of 25 students are allowed.⁸⁹ Minimum class sizes are called for practical subjects where students are undertaking manual or other tasks requiring greater supervision.⁹⁰ In South Australia, student teacher ratios are averaged across the year levels, and are specified as R-2 as 26, years 3-7 at 30, Years 8-10 at 29 and years 11 & 12 at 26.⁹¹

As in Queensland, principals, in considering class sizes are required to use consultation provisions specified in the Agreement⁹² and union consultation is required for long term planning of targets.⁹³

In South Australia, class sizes may differ from the specified average if agreed to by the teacher, principal and Personnel Advisory Committee (PAC)⁹⁴ and the increased class size is consistent with the equitable distribution between the teachers of the school.⁹⁵

The NT Agreement gives maximum class size as 27 students as supported by government policy,⁹⁶ although actual class structure may be determined by the principal after consultation with the teaching staff and the school community.⁹⁷

The impact of this approach to reducing class size is shown at Figure 8.

Class size research shows mixed results, but does not clearly demonstrate across the board benefits because different students are affected in different ways.⁹⁸

Class size is best determined at the school level in reference to the particular needs of the student group. The specification of maximum class size takes away from the ability of principals to flexibly adjust schooling structures and, for example, to most effectively manage students with complex needs such as disability and behavioural problems.

The application of a one-size-fits policy imposes a blunt, costly and unnecessary burden, with little reflection on the individual need or practicalities of local level decision making.

⁸⁷ clause 2.1.2; QLD Agreement

⁸⁸ clause 2.1.3; QLD Agreement

⁸⁹ clause 25(3); VIC Agreement

⁹⁰ clause 25(4); VIC Agreement

⁹¹ Clause 5.3.5; SA Agreement

⁹² clause 25; VIC Agreement

⁹³ clause 12(5)(a); VIC Agreement

⁹⁴ The PAC is established within a school from time to time under clause 1.6.12; SA Agreement.

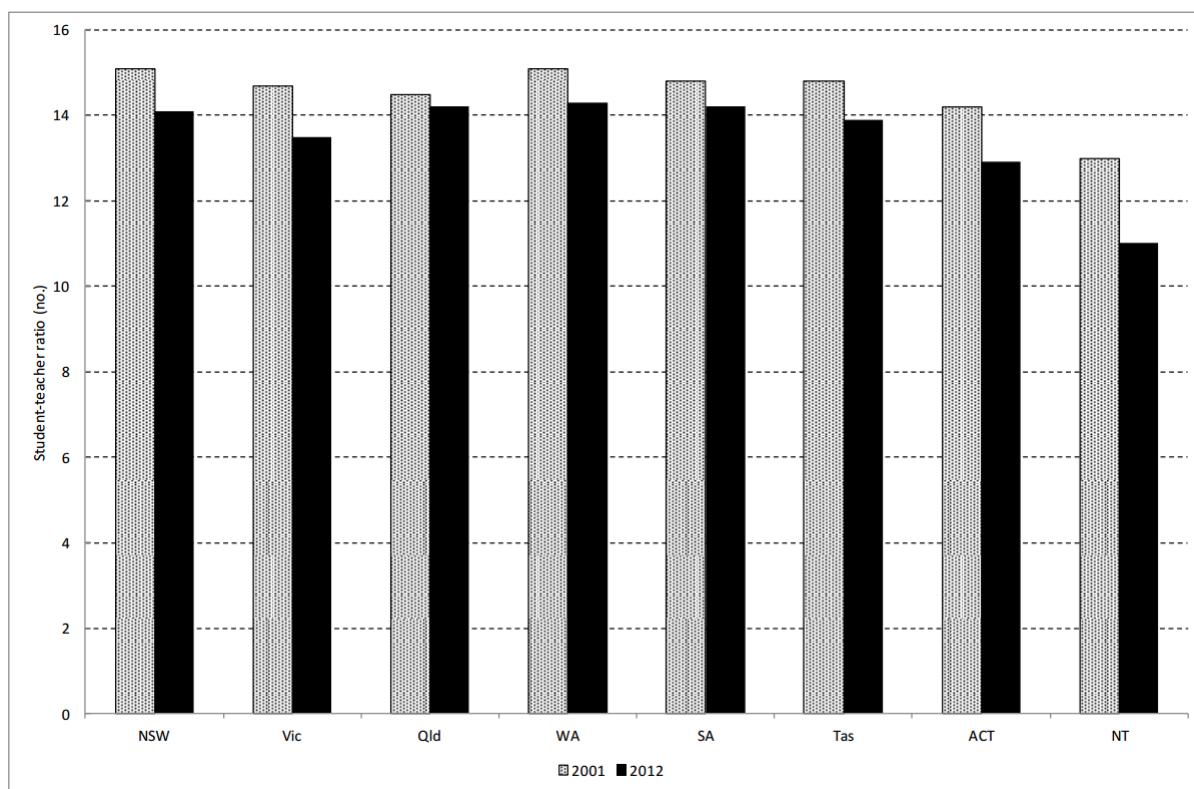
⁹⁵ clause 5.3.8; SA Agreement

⁹⁶ clause 43.2 and clause 43.3; NT Agreement

⁹⁷ clause 41.4; NT 2014-2017 Agreement

⁹⁸ Eric A. Hanushek, “The evidence on class size” in *Earning and Learning : How Schools Matter*, eds. Susan E Mayer and Paul E Petersson (Washington D.C., Brookings Institute, 1999).

Figure 8: Average government school student-teacher ratios



Source : Mikayla Novak, *Bureaucracy Overload: State Government Employment Since the GST Reforms*, Institute of Public Affairs, May 2014

3.3 Negotiation of change in schooling provision

Where principals do seek to work with their teachers to enact workplace change they are impeded by the centralised nature of teacher employee and consultative mechanisms specified in enterprise agreements. Rather than a simple and cost effective arrival of local and mutually agreeable solutions to innovation, each new development is considered as an additional claim against teachers, rather than a substitution or evolution of practice.

The specified processes and extent of matters which are subject to collective consultation stand as evidence of the limitations of the acknowledgement in enterprise agreements as to the role of the principal in developing the preferred workforce profile, allocation of resources, timetabling and operations within a school.

The extent of matters that trigger consultation mechanisms vary. In Queensland matters for consultation include school starting proposals, bus and playground duty staffing needs, meal break variations and extension to school hours.⁹⁹

In SA, consultation is required in relation to the deployment of staff, leadership structures in the school, organisation, configuration and size of classes, planning of the program of instruction and face to face teaching time.¹⁰⁰

⁹⁹ Clause 3.1.9; Queensland Agreement

¹⁰⁰ Clause 3.5.9; SA Agreement

In Victoria these arrangements are required in making decisions related to the ‘long-term planning’ for the following school year.¹⁰¹ This long term planning includes instruction in the school, face-to-face teaching requirements, organisation of teachers in their first twelve months and the organisation of classes including class sizes.¹⁰²

A number of jurisdictions (SA,¹⁰³ WA,¹⁰⁴ Queensland,¹⁰⁵) call for the establishment of various committees and working parties. In Victoria a principal is required to put in place ‘formal staff consultative arrangements’ and these arrangements must allow for the input of the union sub branch.¹⁰⁶

The formalisation and collective nature of these consultative processes open the process of change to renegotiation and demands for trade-offs for what otherwise should be a simple matter.

¹⁰¹ clause 12(5); VIC Agreement

¹⁰² clause 12(5)(a) and see also clause 25; VIC Agreement

¹⁰³ clause 3.5; SA Agreement

¹⁰⁴ clause 42; WA Agreement

¹⁰⁵ clause 10.5; Queensland Agreement

¹⁰⁶ clause 12(4)(a)(i); VIC Agreement

Conclusion

The collective result of arrangements in the EBAs and awards is to limit all teachers to the same level of pay within the prescription of a fixed career structure, without the opportunity to create incentives or reward excellence in the classroom.

The 'one-size-fits-all' arrangements established provide for very little genuine variation in conditions, workforce composition, and structure across schools.

At an individual school level the capacity to ensure maximum value from available workers and skill sets within the workforce is severely restrained through restrictions on salary structure and negotiated increases in teacher pay, restricted instructional hours, class sizes and hours of work.

This prevents the fostering of delivery effectiveness (improved student performance) and efficiency (greater benefit from any given level of resource). Increased demands on education, in the absence of productivity gains, translates to higher costs per student, which must be balanced against other demands on public expenditure.

There is significant opportunity to reduce the constraints made explicit in workplace relations provisions in order to achieve improvements in school based and teacher productivity.

The enterprise agreements are all due for renegotiation in the near future, as shown in Table 4.

This provides the ideal opportunity to achieve a more innovative approach to workplace relations and negotiated arrangements governing teacher pay and conditions.

State governments need to approach Enterprise Bargaining Agreement (EBA) negotiations with a clearer focus on the alignment of policy directions, with a view to:

- The elimination of clauses within EBAs and awards which result in:
 - Constraints on attracting teaching candidates with high potential and in areas of skills shortage;
 - The prevention of the free progression and movement within teaching careers;
 - Restrictive, time based and bureaucratic limitations on teacher earnings;
 - The prevention of local decisions to reward highly performing teachers;
 - Effective restrictions and controls on schools operations;
- The allocation of available financial resources to attract staff by offering higher salaries to teachers in areas of discipline shortages or strategic need, and best deploy the number of teaching working hours per week.

Nationally, it is essential that the teaching profession take responsibility for the development of matters of professional practice, separately to the role of governments.

Renegotiation of Agreements and Awards

Table 4: Renegotiation of agreements and awards

Agreement /Award	Date of Operation/Expiry
Australian Capital Territory	27 April 2012 – 30 September 2014*
New South Wales	1 January 2014 – 31 December 2016
Northern Territory	2010 – 31 August 2013**
Queensland	1 September 2012 – 31 August 2015
Western Australia	29 March 2012 – 5 December 2014***
South Australia	14 December 2012 – 30 June 2015
Tasmania	1 March 2014 – 31 March 2016
Victoria	10 July 2013 – 31 October 2016

Notes: *A new enterprise agreement is currently being negotiated. An offer of 24 October by Education and Training has been rejected.

**The current Agreement notionally expired on 31 August 2013. Teachers have voted to accept the proposed NTPS Teacher and Educator 2014-2017 Enterprise Agreement. The NTPS Teacher – Educator 2014-2017 Enterprise Agreement was lodged with the Fair Work Commission on 11 December 2014. The notional expiry date of the new Agreement will be 11 October 2017.

***The State School Teachers' Union and the Department of Education have reached in-principle agreement on a new Enterprise Bargaining Agreement for teachers and school leaders. The proposed Agreement in Principle will be sent to members for a vote early in Term 1 2015.

References

Industrial Instruments

ACT Public Services Education and Training Directorate (Teaching Staff) Enterprise Agreement 2011-2014 (ACT Agreement)

Crown Employees (Teachers in Schools and Related Employees) Salaries and Conditions Award 2014 (NSW) (NSW Award)

Department of Education, Training and Employment State School Teachers' Certified Agreement 2012 (QLD) (QLD Agreement)

Northern Territory Public Sector Teacher and Educator Enterprise Agreement 2010 – 2013 (NT Agreement)

Northern Territory Public Sector Teacher and Educator 2014 – 2017 Enterprise Agreement

School Education Act Employees' (Teachers and Administrators) General Agreement 2011 (WA) (WA Agreement)

South Australian School and Preschool Education Staff Enterprise Agreement 2012 (SA Agreement)

Teaching Service Salaries and Conditions of Employment Agreement 2014 (TAS) (TAS Agreement)

Victorian Government Schools Agreement 2013 (VIC Agreement)

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