

## **Response to the Scottish Government consultation ‘Prescribing the minimum annual number of learning hours’**

### **Commission on School Reform**

In 2015 Reform Scotland carried out [research](#) highlighting the variation in school hours across the country. The report did not argue that every school should offer the same level of contact time, believing that local authorities (or, ideally, schools) should have more control over their operation, but said there should be much more transparency for parents, in order that they know the policy of their local authority and its impact. Reform Scotland had carried our Freedom of Information requests following a proposal in February 2015 by West Dunbartonshire Council to cut two and a half hours from the primary school week in a bid to save around £1m for the council’s budget.<sup>1</sup> Although the proposal was dropped, it is interesting to note that the Scottish Government’s consultation on school hours comes not long after a more recent proposal from Glasgow Council.<sup>2</sup>

### **1. Should the Scottish Government set in law the minimum learning hours pupils in Scotland should receive?**

It is unclear from the consultation paper what the problem is that the Scottish Government is trying to solve by prescribing the minimum number of hours. No evidence is presented in the consultation that there is a huge variation in school learning hours at present that is requiring a change in the law. Indeed, the inference is that by and large schools in Scotland offer 25 hours per week in primary and 27.5 hours per week in secondary. If there is no problem, why does the Scottish Government wish to legislate? There is a danger that this is a solution looking for a problem.

Previous [Reform Scotland research](#) has highlighted some variation across the country. However, rather than prescribe in law what hours should be set, we would rather that day to day running of a school should be devolved to a school level, with as much transparency as possible. This means that should there be a fall in hours it is fully explained and the school, parents, pupils and politicians can address the specific reasons behind it. In other words decisions are accountable at a local or school level.

The Commission on School Reform fears that the actual reason for proposed change in law is to prevent local authorities considering shortening the school week in order

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<sup>1</sup> [West Dunbartonshire Council U-turn over school week cut - BBC News](#)

<sup>2</sup> [Council considers shutting schools one day a week to plug budget gap | Glasgow Times](#)

to address budget constraints, as was been proposed recently in Glasgow.<sup>3</sup> In our view that is an issue of local government finance, and not one of education. As a result, this consultation seems to be more about closing an avenue of potential council budget cuts rather than focusing on pupils' educational outcomes.

**2. Do you agree that the minimum annual learning hours should be 950 hours for primary schools? AND 3. Do you agree that the minimum annual learning hours should be 1045 hours for secondary schools?**

If legislation is to specify the minimum number of learning hours, there are a number of related issues that will need to also be addressed, which the consultation failed to consider.

In a consultation apparently focused on the number of learning hours pupils spend with teachers, it is odd that there is very little discussion given to the difference between learning hours for pupils (proposed to be 27.5 hours per week for secondary and 25 hours for primary) and the maximum number of class contact hours per week for teachers contractually capped at 22.5 hours. Nor is there any attention paid to the differing capacities of schools to provide the learning hours: these are of course, entirely dependent the number of class-contact hours that teachers can be contractually required to take – (these might be termed 'teaching hours' i.e. the number of hours that schools have at their disposal to timetable teachers in front of classes.) Teaching hours are dependent not only on nationally determined teacher contracts, which specify maximum weekly class-contact hours for every teacher, but also crucially, on the staffing formulae used by local authorities to allocate teachers to their schools and on the promoted post structure in each school. Each local authority will have its own LNCT agreement on management time for promoted members of staff in its schools which could have a major (and variable) impact on schools' capacities to provide learning hours. Furthermore the staffing formulae, used by local authorities, which are not made public, can differ very significantly from authority to authority as can the number of promoted posts even in schools with identical rolls. These factors clearly indicate where significant variations in learning hours could appear, and where clarity and transparency about implementation are therefore required. Thus in secondary schools for example, working out learning hours has to take account of 'teaching hours' ie the number of hours that schools can timetable teachers to be teaching classes. Leaving aside the Scottish Government's oft-quoted national pupil-teacher ratio of 13.2, the capacity of schools to provide these hours will be significantly affected the factors mentioned above.

One way of looking at this issue is to examine the case of an anonymous but real, secondary school with a roll of 847 pupils (close to the Scottish average). Using the national pupil-teacher ratio of 13.2, it would be expected to have 64.1 full-time equivalent (FTE) teachers (847/13.2). In fact the staffing allocated to this school by its

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<sup>3</sup> [Council considers shutting schools one day a week to plug budget gap | Glasgow Times](#)



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local authority's staffing mechanism was 61.07 - 3.33 FTE fewer teachers compared to what might have been expected by the pupil-teacher ratio. This represents a reduction in its capacity to provide learning hours of 74.9 hours (3.33x 22.5) per week.

Each secondary teacher would have 22.5 hours of weekly class-contact time (the contractual maximum) but only if every teacher was timetabled for all of the 22.5 hours maximum. However, no local authority would permit this as it would dramatically reduce the hours per week available for all of its promoted post holders to discharge their leadership and management responsibilities. In the case of the real secondary school here 17 promoted members of staff - HT, 3 DHTs, 7 PTs (Curriculum) and 6 PTs (Pupil Support) - were allocated a total of 260 hours per week to discharge their leadership and management responsibilities. In terms of the school's capacity to contribute to the learning hours of pupils, this group of 17 teachers could provide the equivalent of only 11.5 FTE unpromoted teachers - an effective reduction in its capacity to provide learning hours of 5.5 FTE.

Moreover in secondary schools, although every pupil will be guaranteed the weekly 27.5 learning hours, these will be divided up differently for each year group depending on the number of classes/sets in each year group, the number of subjects taught and their weekly period allocations - all of which are factors where the individual school will have a significant degree of autonomy.

In addition to the above points with regard to secondary schools, primary schools have very little flexibility and constraints are greatest in smaller schools. The ease with which the 2.5 hours difference in primary schools can be covered varies because of these factors.

In short, even if there was continued acceptance of the annual learning hours figures, there is a strong case for much more transparency and greater clarity on how these relate to staffing levels in schools and their possible impact on curricular provision.

All of the above are good examples of the folly of specifying organisational details in excessive detail.

#### **4. Do you agree with the suggested definition of learning hours set out at paragraph 2.1 above?**

The definition used in the consultation is far from clear. Paragraph 2.1 states:

*"In most cases, they do not include lunch and other break times or extra-curricular activities or provision such as breakfast clubs that may take place around the core school day."*

The logo for the Commission on School Reform is centered at the top of the page. It consists of the words "COMMISSION ON SCHOOL REFORM" in a bold, black, sans-serif font, arranged in three lines. The text is enclosed within a thin, hand-drawn black oval that is slightly irregular in shape. The background of the top section of the page is a yellow grid pattern.

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The use of the phrase “In most cases” gives the suggestion that while breaks are generally not included within the definition of learning hours, in some places they are. That obviously leaves huge room for variation and offers little clarity to schools, parents or pupils.

In our [previous research](#) on school hours we found that there was a lack of clarity from local authorities at how they worked out their local learning hours. For any minimum level of annual learning hours to be at all meaningful, there has to be a clear definition of how it should be calculated and transparency from local authorities that they are operating as expected. One way to ensure accountability would be for local authorities to publish online how they calculate their learning hours figures.

### **6. Are there any further views you wish to share regarding this proposal**

The consultation offers no comment on what would happen should a school fail to meet the number of mandatory hours, what rights pupils, parents or schools have should local authorities fail to enable the minimum to be delivered. Instead “regulations” are vaguely referred to.

While school pupils should expect a similar entitlement to school education regardless of which council area they live in, the Commission on School Reform believes, as the consultation addresses, that occasionally there will be legitimate reasons for variation in school hours. Nothing in the consultation suggests that those decisions would not be better addressed at a local level.

Without any detailed implementation plan, the consultation simply reads as a way for the Scottish Government to indicate to parents that it won’t let councils reduce school hours as part of budget negotiations – in essence a virtue signal that means little in terms of educational outcomes.