

SB/CC

18 March 2025

Mr J Swinney
First Minister

By Email: firstminister@gov.scot

Dear First Minister

I write regarding the dispute formally declared on 7 February 2025 by the Teachers' Panel of the Scottish Negotiating Committee for Teachers, as a result of the failure to agree on the nature of and timescale for, implementation of the Scottish Government's manifesto commitment to reduce teachers' class contact time to a maximum of 21 hours per week.

The Teachers' Panel is also concerned at what it considers to be a completely unacceptable undermining of the established contractual bargaining arrangements for teachers in Scotland by the other two SNCT partners. In effect, the Teachers' Side of the SNCT- which represents the interests of teachers in Scotland- is being shut out of negotiations on the implementation of the 21 hours commitment, the outcome of which will directly impact on the terms and conditions of those teachers.

As you will be aware, four years have passed since the Scottish Government's manifesto commitment to reduce class contact time for teachers to 21 hours. Throughout this time, an immense amount of patience has been shown by the teaching profession in Scotland, which has continued to struggle with unacceptable and unsustainable levels of workload – on average over 11 hours of work being undertaken over and above the 35-hour contractual working week, the majority of which is spent on the preparation of learning and assessment and associated correction and feedback for learners.

Despite public assurances made by the Cabinet Secretary for Education and Skills that work would be undertaken "at pace" to table a proposal at the SNCT, and that the proposal would be on the table by the deadline of Monday 3rd February 2025, this was missed, and the Teachers' Panel was left with no option but to declare a formal dispute on 7th February. Such a step was not taken lightly and

came after years during which there has been a complete lack of progress in the implementation of the promise made to Scotland's teachers and to the electorate more widely.

Over a month has passed since the declaration of dispute, with no effort being made by the other parties to resolve it. In recent SNCT discussions, it has become apparent that a working group focused on 21 hours implementation, with agreed terms of reference, has been convened with core membership comprised of Scottish Government officials and COSLA, but not trade unions.

It is clear to the Teachers' Panel that the stated purpose and remit of this group goes far beyond the "scoping work" outlined by the Cabinet Secretary in her letter to me of 5th March 2025, and in reality, represents two sides of a tripartite negotiating machinery engaged in negotiation of matters relating to the terms and conditions of teachers, but with teacher trade unions excluded from the group.

Such an approach fundamentally undermines the constitution of the SNCT, its commitment to collegiality and the collective bargaining arrangements that have existed for Scotland's teachers for over two decades. Despite these concerns having been made clear at the last meeting of the SNCT Joint Chairs on 5th March, no further communication on the matter has been received by the Teachers' Panel from either the Scottish Government or COSLA.

As you will be aware, particularly as a former Cabinet Secretary for Education, there are well established processes within the SNCT for the negotiation of the terms and conditions for Scotland's teachers. These processes often involve the establishment of working groups, with agreed remits and membership from all three sides of the SNCT. These groups can ask for technical work to be undertaken which is then brought back to the whole group for consideration before recommendations are made to the full SNCT.

It is the clear view of the Teachers' Panel that work relating to the reduction of class contact time- a provision set out in the SNCT Handbook- must be undertaken in the manner set out above.

Furthermore, the Teachers' Panel has been absolutely clear that a reduction in weekly class contact to 21 hours should mark a first step towards addressing unfair, unhealthy and unsustainable levels of workload for teachers in Scotland. It

should not exacerbate an already intolerable situation that is damaging to the health and wellbeing of teachers, and that is impacting negatively on recruitment and retention, especially in the Secondary sector at present. For this reason, the Teachers' Panel remains of the firm view that the time arising from the reduction in class contact time must be allocated to the 'preparation and correction' component of teachers' contracts. The Scottish Government has yet to give a clear view on this; COSLA seems to be equivocating in respect of its previously held position that the time should not be allocated as outlined above.

Four years have passed since the manifesto commitment was made and we are little further forward towards implementation, which is a matter of concern in its own right in light of the shortcomings in respect of Fair Work for Scotland's teachers. Of equal if not greater concern is the undermining of collective bargaining, to which the Scottish Government has repeatedly and commendably stated its commitment, and our exclusion from what should be a tripartite collective bargaining process.

The Teachers' Panel is wholly committed to working in a tripartite and collegiate manner to resolve this formal dispute. It is our position that the Scottish Government / COSLA working group must be fully reconstituted as an SNCT working group whose work is underpinned by an agreed set of principles, including allocation of the additional time to the 'preparation and correction' component of a teacher's contract.

In the interests of transparency, I advise that if agreement on the terms outlined above cannot be reached, then it is highly likely that unions represented within the SNCT Teachers' Panel will ballot for industrial action following the Easter break. The Teachers' Panel wishes to avoid this further escalation of dispute and asks that you, as First Minister, undertake to ensure that the integrity of collective bargaining for Scotland's teachers is maintained, and that a demonstrable step forward is made in addressing the unfair and unsustainable levels of workload for Scotland's teachers.

Yours sincerely

Des Morris
SNCT Joint Chair (Teachers' Side)