



Member guidance: Consultation on Classroom Release Time (CRT)

Consultation is one of the most important tools schools have in order to ensure that decisions the school board makes are made in a fair and equitable way and meet the interests of workers and school communities. Consultation is frequently a legal requirement where an employer makes decisions that affect the interests of workers either because of statutory requirements, contractual obligations or both. One such example where consultation with affected employees is required, is the implementation and review of a school's CRT policy: Clause 3.28.3 of the Primary Teachers' Collective Agreement expressly requires school boards to develop and maintain a policy for the allocation of classroom release time in consultation with teachers. In area schools, there is also a requirement to consult with teachers on the school's timetabling policy.¹

Key principles of consultation

When deciding how to consult with employees, the following key principles apply:²

- Consultation requires more than a mere prior notification and must be allowed sufficient time. The courts have emphasized that consultation needs to be a reality, not a charade.
- Consultation is never to be treated carelessly or as a mere formality.
- A proposal must not be acted on until after consultation. Employees must know what is proposed before they can be expected to give their view.
- Sufficient precise information must be given to enable the employees to state a view, together with a reasonable opportunity to do so. This may include an opportunity to state views in writing or verbally.
- Genuine efforts must be made to accommodate the views of the employees.
- It follows from consultation that there should be a tendency to at least seek consensus.
- Consultation involves the statement of a proposal not yet finally decided on, listening to what others have to say, considering their responses, and then deciding what will be done.
- An employer, while quite entitled to have a working plan already in mind, must have an open mind and be ready to change and even start anew.
- Consultation does not require that there be agreement. In other words, just because not everyone at a worksite agrees with a proposal does not mean that there has been no consultation. However, as previously indicated, there should be a tendency for the employer to seek consensus.
- There are no universal requirements as to the form or duration of consultation.

¹ Area School Teachers' Collective Agreement 2023-2025, cl 4.2.2.

² See *Simpsons Farms Ltd v Aberhart* (2006) 4 NZELR 170 at [62]. See also *Communication and Energy Workers' Union Incorporated v Telecom New Zealand Limited* WEC20/93 [1993] NZEmpC 115.

What do these key principles mean in practice in the context of a school's review of a CRT policy or timetabling policy?

Since all schools should have a policy that governs release time already, we recommend the following steps as part of the review of a school's CRT policy:

1. Start with an open discussion where people can reflect on what is happening now. This includes identifying what teachers and school leaders think does and does not work. Because classroom release time is going to increase in three tranches it might be useful to start by discussing the principles that you think should shape CRT use in your school, rather than going straight to models of allocation. Remember that the intent of CRT is to support teacher workload while maximizing benefits for student learning. A school's CRT policy should reflect this intent.
2. You should also have a period of time for people to make suggestions. Teaching staff could add post it notes to a board in the staffroom or a padlet.
3. Following the initial period of reflection and suggestion, the principal and school leadership can develop a proposal.
4. This proposal should then be distributed to teachers who are given sufficient time to provide feedback.
5. After considering the feedback, the final policy can be developed. Employers should try to at least seek consensus when the final policy is developed so the end result is something that staff and management can feel confident is widely supported.
6. The final policy will then be confirmed along with some explanation of how feedback was taken into account. It's a good idea to include a review period in your policy too.

The process outlined above is just meant to be a skeleton framework of how the key consultation principles could look like when they are applied correctly in practice. As with any school policy, schools should also consider cultural factors, local tikanga Māori, mātauranga Māori and te ao Māori when applying the key principles of consultation in practice. Inevitably, this means that it is expected and legitimate that consultation processes will look slightly differently in schools across the country. However, the steps 1-6 we have described above will provide you with a solid baseline of a process that will meet the key consultation principles.

What resources are available to schools tell me how CRT is supposed to be used or that provide me with more information about consultation?

For primary teachers, NZEI Te Riu Roa, the Ministry of Education and NZSTA have developed joint guidelines on CRT which are available which are available on our website. Principals (and school boards) should familiarize themselves with these guidelines. If you are seeking more detailed information on consultation on other issues, the Ministry of Education also has online resources available on their [website](#) which may be helpful to you.

Principals can also call the Principal Helpline on 0508 PRINCIPAL (0508 774 624 725) to seek advice on classroom release time. School boards can seek advice from NZSTA (0800 782 435). Templates on school policies are also available from NZSTA.