

OUT-OF-SCHOOL-HOURS ACTIVITIES

NEU Guidance for members in England and Wales

This document sets out our guidance on the pay and conditions implications of teachers' participation in out-of-school-hours learning activities.

What we say

When you read through this document you may have questions about what happens in your particular school or workplace and there may be collective issues that affect other members. In most circumstances, you should initially discuss the matter with your workplace rep, as they will know whether similar concerns have been raised by other members. If you do not have a rep at the moment, it would be a good idea to get members together to elect one. Further advice on this is available at:

<https://neu.org.uk/becoming-a-rep>

Although you may sometimes feel that you are the only person affected by or concerned about a particular issue, in reality this is seldom the case. Any difficulties you may experience are likely to be linked to wider conditions at your workplace and as a member of the NEU you have the advantage of being able to act collectively with your colleagues. This should give you the confidence of knowing that you have the weight of the Union behind you.

NB – This document refers to the School Teachers' Pay and Conditions Document (STPCD). Teachers employed in local authority maintained schools are statutorily covered by the provisions of the STPCD. Many academies and academy chains also employ teaching staff according to terms of the STPCD, but they are not obliged to do so (except in the case of teachers whose STPCD rights are protected by TUPE legislation following the school's transfer to academy contracts). Members working in academies should check with their NEU rep or should refer to their contracts in cases of doubt.

Are out-of-school-hours activities voluntary - and if so, should teachers be paid additionally in all cases?

The STPCD non-statutory guidance no longer states explicitly, as it used to, that teachers' involvement in any out-of-school-hours learning activity is voluntary. However it has not renounced this stance; it is merely silent on the point. The NEU believes that the absence of any new guidance indicates that the position is unchanged: teachers' agreement to undertake activities such as out-of-hours learning outside normal school hours must be on a voluntary (i.e. non-compulsory) basis; no teacher should be put under pressure to participate.

Payments to classroom teachers should only be made in respect of those activities undertaken either outside of the 1265 hours of directed time for full time teachers or the appropriate proportion of the 1265 hours of directed time for part time teachers (STPCD section 3, para.69). Such work should not be counted as directed time and teachers should be paid for the additional work.

In academies which have incorporated the STPCD into teachers' contracts, the above will apply as in maintained schools. Those academy trusts which apply their own pay and conditions

provisions may make alternative arrangements for out of school hours activities. In independent schools, it is almost certain that such activities will be a contractual requirement for teachers.

What should I bear in mind if asked to participate in out of school hours learning activities?

Undoubtedly, there are obvious benefits to pupils of such activities. They should, however, be arranged in a way which preserves teachers' right to choose whether or not to be involved. Where teachers do choose to participate, they should be properly paid, with no unreasonable demands made on them and matters such as insurance should be given proper attention.

Can teachers receive payment for out of school hours learning activities?

The STPCD permits payments to be made to classroom teachers for participation in out-of-school-hours learning activities. Leadership teachers, who are not subject to the 1265 hours' limit on directed time, are not eligible for such payments under the STPCD.

Who decides the level of payment and where should it be set out?

The governing body has the power to decide whether teachers are offered payment for working outside their 1265 working hours of directed time and if so what level of payment is offered. All of this should be set out in the school's pay policy.

What types of out-of-hours activity might be typical for such purposes?

The STPCD no longer describes the types of activities for which payment might be made. Previous DfE guidance, however, said that activities for which payments might be appropriate could include: 'breakfast clubs; homework clubs; summer schools (study support, literacy and gifted and talented); sporting activities; other outdoor activities; and clubs linked to curricular, arts and hobby interest areas' (para. 99 of 2002 STPCD guidance).

How should the rate of pay be calculated?

Payment for classroom teachers who agree to participate in these schemes should be made at a daily or hourly rate calculated by reference to the teacher's actual salary on the Main or Upper Pay Range **or** by reference to a uniform notional spine point salary which would most appropriately be the maximum point of the Main Pay Range.

Where the activity involves an increase in the individual teacher's responsibilities, however, this should be reflected by payment for the activity being on a higher spine point. All of this should be set out in the school pay policy.

What sort of form should a contract take for this kind of work?

Once a classroom teacher has agreed to participate in such activities, the agreement should be documented to make clear the details of what is expected and the entitlement to payment. Matters such as tax, social security contributions and insurance must be given proper attention.

How should matters such as working time obligations be addressed in the contract?

These agreements should also set down clearly the working time obligations and other relevant conditions of service, such as the period of notice which may be required for the teacher to give up this work and any arrangements for cancellation of the activity / cancellation payments.

Can part-time teachers engage in out-of-hours teaching?

Yes. Part-time teachers employed according to the STPCD are free to agree to such a commitment should one be offered. These may be additional part-time contracts specifically tailored to the activity intended to be covered.

What about pensions?

The DfE and Teachers' Pensions consider that payments made for out-of-school-hours learning activities are eligible for pension contributions.

Where should I go for further advice and support?

If further advice is needed, contact your NEU workplace rep in the first instance. If there is no NEU rep in your workplace, or the peripatetic nature of your employment makes contact with a workplace rep difficult, contact the NEU AdviceLine, or the NEU Wales office instead. Their details may be found at <https://neu.org.uk/contact-us>.

Further Resources

Further NEU guidance on school teachers' pay generally can be found at <https://neu.org.uk/help-and-advice/pay>. Pay advice for teachers working in Sixth Form Colleges or employed as Soulbury Officers is also available at the same link.

The 2019 School Teachers' Pay & Conditions Document is available at <https://www.gov.uk/government/publications/school-teachers-pay-and-conditions>.

The School Teachers' Pay and Conditions (Wales) Document 2019 is available at <https://gov.wales/school-teachers-pay-and-conditions-wales-document-2019>

***National Education Union
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