

TEACHING IN INDEPENDENT SCHOOLS

NEU Guidance for members in England and Wales

This document gives guidance on matters to consider in relation to pay and conditions when working in the independent sector.

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.

What are the main differences between teaching in state and independent schools?

Independent schools are not obliged to follow the pay and conditions of service agreed for teachers in LA maintained schools, although some choose to do so. Your pay and conditions of service in such schools are likely to depend to a considerable extent on the results of negotiation between you and the employer. You can find more detailed information about pay and conditions which currently apply in LA maintained schools at www.neu.org.uk.

What are the pay arrangements for teachers in independent schools?

Independent schools set their own salary scales and are not obliged to follow the national pay arrangements set out in the School Teachers' Pay and Conditions Document (STPCD).

The contract should set out the salary payable including any additional allowances payable, any provisions for salary increases such as due dates and amounts of increments and any conditions for entitlement to these. Some contracts provide for increments to be withheld in the case of perceived poor performance. You can find the latest pay ranges for teachers working in LA maintained schools on the NEU website.

What duties might I expect to perform as a teacher in an independent school?

The contract should specify the duties which you will be required to perform. Bear in mind that these may differ from those prescribed for teachers employed under the STPCD – for example, you may be required to undertake lunchtime supervision or to participate in afterschool activities at evenings and weekends. You should obtain sight of any additional documents referred to in the contract (e.g. “staff handbook”) which may be relevant.

How can I find out about my working time?

The contract should specify your working time obligations. The annual working time commitment of state school teachers is 1265 hours of directed time, to be worked over 195 days (including 5 non-pupil days) in each school year.

Some independent school contracts provide for teachers to be retained beyond the end of the school year for specific periods of time. Further duties required of the teacher during these periods might not necessarily be teaching duties.

Weekly rest periods should be specified for teachers undertaking duties at evenings and weekends in relation to boarding.

Can newly qualified teachers complete their induction in independent schools?

Newly qualified teachers (NQTs) can complete their induction in independent schools which meet certain requirements. Further details can be found in the DfE’s [Statutory Guidance on Induction for NQTs](#). All other teachers should check whether there is a requirement to complete a probationary period before employment is confirmed.

What arrangements might apply with regard to sick leave/sick pay?

The contract should specify your entitlement to paid sick leave. Teachers in LA maintained schools are, after four years’ service, entitled to a minimum of 100 working days on full pay and 100 working days on half pay in any one sick pay year. Teachers’ entitlements in the independent sector may well be less generous and there may be various additional conditions attached to entitlement. Statutory minimum entitlements must, however, be observed by employers.

What is the position with regard to maternity/paternity/adoption provisions?

The proprietors of independent schools are free to establish their own provisions regarding maternity and parental rights, subject only to the minimum statutory entitlements for maternity leave, paternity leave, adoption leave, parental leave and shared parental leave. Some independent schools do follow the provisions of the Burgundy Book scheme which applies in LA maintained schools; but some count only continuous employment at that particular school for the purposes of calculating entitlement to maternity leave and pay.

What about notice requirements when leaving a school?

Notice requirements in independent schools may be longer or shorter than in LA maintained schools. In LA maintained schools teachers may only leave at the end of the school term and must give at least two months’ notice (in the summer term three months) in order to do so. In independent schools, the provision of one whole term’s notice from either side is not unusual.

What happens in cases when emergency leave is required?

The contract should ideally include some indication of arrangements for paid or unpaid leave of absence for reasons other than sickness, maternity etc., e.g. death of a family member or leave for reasons involving the care of a dependent.

There is no uniform level of entitlement for teachers, as practice varies between employers - regardless of whether they are state or independent. All employers must, however, observe as a minimum the statutory right to reasonable unpaid time off for urgent domestic reasons.

Where would I find disciplinary and grievance procedures?

Again, the contract should provide for proper procedures in respect of disciplinary action and pursuing grievances. These should include rights to a hearing before the employing body; to representation; to adequate notice of hearings; to provision of information regarding complaints, charges or adverse reports prior to the hearing; and to an appeal hearing. The procedures should also state clearly that suspension is not a disciplinary measure in itself, would happen only in exceptional circumstances, and would always be on full pay.

Where would I expect to find details of the school's capability procedure?

The contract should provide for procedures to be followed where there is concern about a teacher's performance. These should include provisions for teachers to receive adequate notice of meetings with the head teacher and to be accompanied by a friend at such meetings, and also guidance on deciding a programme of support. Where formal procedures are invoked, the teacher concerned should benefit from the same rights as apply for disciplinary and grievance procedures.

How does the NEU work to improve terms and conditions in independent schools?

By being a member of the NEU you can play your part in winning gains to your pay and working conditions in an independent school in just the same way as in a state-funded school. This has been particularly effective where the school is part of a wider trust, such as the Girls Day School Trust, where NEU members and reps have sought and won major gains by working collectively with the support of their union in schools across the country.

What about access to pensions?

You should be clear about the arrangements for pension contributions. Many independent schools take part in the Teachers' Pension Scheme, in which case the same arrangements will apply as in LA maintained schools. Others may operate their own workplace pension scheme and may offer contributions to a personal pension scheme but such arrangements are extremely unlikely to match the Teachers' Pension Scheme.

Can I obtain further advice on specific schools?

It is not generally NEU policy to comment on the reputation of any particular independent school but we sometimes have to express reservations and recommend caution where we have evidence that particular schools have in the past failed to fulfil their obligations to teachers.

What will happen if I move to work in a local authority maintained school or academy?

Your period of employment in the independent sector will affect your pay and conditions entitlements in LA maintained schools or academies as set out below.

- **Pay** - Incremental points for your years of teaching experience in independent schools may or may not be awarded, at the discretion of the school's governing body.
- **Sick Pay** - Entitlements under the Burgundy Book sick pay scheme used in LA maintained schools are based on total length of aggregated service as a teacher in LA maintained schools, regardless of breaks in service. Years of service in the independent sector will not count but you will have the same sick pay rights as when you last taught in LA maintained schools. Academies can set their own arrangements; while many use the Burgundy Book scheme, you may have to serve the required qualifying period before becoming entitled to sick pay rights.
- **Maternity leave and pay** – Teachers moving to teach in an LA maintained school or academy will need to serve the required qualifying period before becoming entitled to maternity rights with their new employer.
- **Parental leave** – If you teach in an LA maintained school you will have to serve a fresh qualifying period for statutory entitlement to unpaid parental leave as your entitlement is based on length of continuous service with the current employer.
- **Unpaid time off for family and domestic reasons** – This would be unaffected by moving jobs as it is a statutory entitlement which applies regardless of length of service.
- **Right to claim unfair dismissal** – All employees must have completed two years' service with their current employer. This will apply to any teacher moving to teach in an LA maintained school or academy.
- **Redundancy pay** – Teachers moving to teach in an LA maintained school or academy will need to work for two years before they are entitled to a redundancy payment; and neither any previous experience in LA maintained schools or academies, nor that in the independent sector will count towards the level of payment.
- **Pensions** – If you were in membership of the Teachers' Pension Scheme (TPS) in an independent school, your membership will continue on moving posts. Teachers who were not in membership of the TPS during their employment in the independent sector will be able to join or rejoin the scheme. However, different (and less favourable) rules will apply to teachers who have been outside the TPS for more than five years.

See below for sources of further advice should you wish to find out more information on transferring pension entitlements from another employer or on making some form of additional 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 is also available at the same link

Pay advice for teachers employed as Soulbury Officers is available here
<https://neu.org.uk/advice/soulbury-officers>

The 2020 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 2020 which is
<https://gov.wales/school-teachers-pay-and-conditions-wales-document-2020>

***National Education Union
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