

# Teacher out of school hours learning activity

## Definition

The School Teachers' Pay and Conditions Document does not define out-of-school hours learning activity. It simply gives the governing body discretion to: -

- "Make such payments as they see fit to a teacher, other than a head teacher, in respect of ... participation in out-of-school hours learning activity agreed between the teacher and the head teacher"
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However, the statutory guidance accompanying the Document states that all such activities: -

- "Should require the exercise of the teacher's professional skills or judgment"
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A teacher cannot be required to undertake out-of-school hours learning activity; participation must be by agreement. The teacher has the right to refuse and should suffer no detriment by refusing.

The statutory guidance accompanying the School Teachers' Pay and Conditions Document also states that payments for such activity "should only be made in respect of those activities undertaken outside of either 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." It follows that in the case of members of the leadership group (other than the head teacher) the activity should be outside their normal working hours.

In addition, the Authority's legal officers have defined "out-of-school hours" in relation to these payments as "those hours outside of the period beginning before the

school day commences and after the school day ends” and have also advised that for this purpose school hours include those short periods immediately before the school day begins and ends - what in Birmingham is generally called ‘buffer time’ - and the midday break. Out-of-school hours learning activities are therefore defined as those occurring before or after school, at weekends or in school holidays.

A governing body should:

1. Consider whether any activity which it provides outside the school day requires the guidance of a teacher, because only such an activity will meet the definition of out-of-school hours learning activity for the purpose of the School Teachers’ Pay and Conditions Document.
2. Provide other activities within the school development plan and these might be appropriately supervised by a member of the support staff. For example, in some schools, especially primary schools, pupils in ‘homework’ clubs need help from a teacher, whereas in a secondary school, where individual study skills are more developed, they may simply need supervision in a library or other study area.

## Advice on staffing out of school hours learning activity

When considering proposals for providing out-of-school hours learning activities a governing body should:

- ensure that in addition to the teacher in charge of each group of children, there should be at least one other senior member of staff on the premises who is available to assist in an emergency, for example, in cases of illness or accident. If for any reason a second, senior, member of staff becomes

unavailable, the activity planned for that day should be cancelled in order not to compromise health and safety

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- expect the head teacher to prepare a description of each activity and the contribution expected of each participating teacher
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- consider employing staff from outside the school for at least some of the activities. Such staff would be engaged on separate contracts, as payment for out-of-school hours learning activity is only possible for teachers already working in the school
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- have particular regard to the workload of newly qualified teachers, who will be concentrating on consolidating and developing their teaching skills in the normal school curriculum. Generally, it would not be advisable for such teachers to participate regularly in out-of-school hours learning activities during their first year of teaching, but there may be special circumstances in which it would be appropriate for them to be involved in such activities. In these exceptional cases the teacher's involvement should be monitored through the statutory induction programme. In any event, a newly qualified teacher should not be invited to participate on more than one evening a week. Participation in holiday activities is not advised during the statutory induction period.
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## **Payment outside the special provisions of the School Teachers' Pay and Conditions Document**

Where a teacher who is not already on the staff of the school is to be employed solely for out-of-school hours learning activity a part-time contract should be recommended in the same way as for other part-time teachers. Where the activity is not a learning activity and is therefore supported by a member of the support staff, payment to such staff will be at the appropriate job evaluated rate of pay. The ability of the governing body to determine the level of pay applies only to teachers at the school who engaged in out-of-school hours learning activity as specified in the School Teachers' Pay and Conditions Document and does not therefore extend to support staff.

As distinct from participating in out-of-school hours learning activity, members of the leadership group will have additional responsibility for managing out-of-school learning activities. This, as with other extra responsibilities, should be taken into account when setting their salary ranges.

## **Activities provided by other organisations using school premises**

Various organisations may provide out-of-school hours learning activities for children. A governing body may let school premises to an organisation for such purposes, provided that all the costs, including heating, lighting, caretaking and cleaning, are met by the outside organisation and do not fall on the school's budget. A governing body which makes a letting to an outside organisation on this basis should of course satisfy itself of the ability of the organisation to run activities for children, including any statutory registration requirements applicable, safety, insurance, discipline, safeguarding of children, employment of staff, financial accounts etc. and is advised to make its expectations clear to the organisation. The governing body has the right to terminate the letting if no longer satisfied.

If teachers work on activities run by an outside organisation as distinct from the governing body they will be employed and paid by that organisation on terms and conditions determined by the organisation and will be responsible to it, not to the governing body. They must ensure that their contract with the organisation does not conflict with their contract of employment as a school teacher.