

Part-time Teacher

Definition

A part-time teacher is any teacher employed on a regular contract (permanent or fixed term) for less than full-time. In law a job-share worker is defined as part-time, the difference in practice being that he/she shares a full-time job with another part-time employee.

Calculation of the proportion of full-time for salary purposes

The School Teachers' Pay and Conditions Document specifies that part-time teachers must be paid:

- “that proportion of total remuneration which corresponds to the number of hours that the teacher is employed in that capacity during the course of the school's timetabled teaching week as a proportion of the total number of hours in the school's timetabled teaching week;
- and for this purpose, ‘total remuneration’ means the remuneration that would be payable to that person if he were employed in the same post on a full-time basis;
- and ‘the school's timetabled teaching week’ means the aggregate period of time in the school timetable during which pupils are normally taught.”

Until this provision was introduced into the Document (in 2008) HR had calculated the proportion of total remuneration in relation to the pupil week, i.e. including registration, assemblies and mid-session breaks. These parts of the pupil week must now be excluded from the calculation. However, if the school timetabled teaching day is the same on all five days of the week, it should make no difference whether the calculation is based on the hours in the teaching day or in the school day. Both calculations should produce the same proportion of full-time for the teacher.

If the timetabled teaching day varies from day to day, for example, because there is a longer school assembly on one day of the week on which the part-time teacher works, the position is not so straightforward. For example, for a teacher working three days a week, one of which was the day on which a long school assembly took place, a calculation based on the school's timetabled teaching week could lead to a proportion slightly less than three fifths of full-time. This is clearly unfair to a teacher who works three full days, and the Government responded with some revised guidance. This revised guidance states that the change in the method of calculating part-time teachers' salaries was on the assumption “that activities such as registration

and assemblies are short activities that last up to 20 minutes each and that where such activities are significantly longer head teachers should use their discretion as to whether they constitute teaching and learning activities which should be included in the school's timetabled teaching week (please refer to School Teacher Pay and Conditions Document for further guidance).

When exercising this discretion head teachers are advised to avoid a disproportionate impact on a part-time teacher and to treat part-time teachers equitably with other part-time teachers." If this guidance is used part-time teachers working three full days should be paid three fifths of a full-time salary even if one of the days has a shorter timetabled teaching day. HR assumes that head teachers have adjusted part-time teachers' timetabled teaching week where necessary to ensure that their pay and contracts of employment are fair and reflect their contractual commitment.

Once a part-time teacher has been appointed the proportion of full-time becomes a contractual commitment which can be varied only by mutual agreement or some process involving dismissal and re-engagement.

Calculation of the proportion of full-time for hours of directed time

The School Teachers' Pay and Conditions Document also makes part-time classroom teachers subject to directed time, in the same proportion as that derived from the calculation of salary. For example, if a part-time classroom teacher works for 0.6 of the timetabled teaching week, that teacher should be directed to work for up to 0.6 of 1265 hours, i.e. up to 759 hours over the school year.

Allocating directed time to part time-teachers

The arrangements for allocating directed time should follow those for full-time teachers. A part-time teacher must be available for work on the pupil days specified by the head teacher in accordance with the contract of employment. As with full-time teachers, the head teacher should allocate directed time to include:

- the pupil days, or parts thereof, which the teacher is contracted to work
- time immediately before and after the school day when pupils are arriving at or leaving school, known locally as buffer time
- other activities such as staff meetings, on days when the part-time teacher works

The hours allocated must not exceed the number of hours derived from the calculation specified in the School Teachers' Pay and Conditions Document.

In addition to the hours allocated, a part-time teacher, like a full-time teacher, will be expected to work such additional hours as may be needed to enable the effective

discharge of the teacher's professional duties, including those professional responsibilities of teaching and assessment. The employer must not determine how many of these additional hours must be worked or when these hours must be worked.

The School Teachers' Pay and Conditions Document states that "no teacher employed part-time may be required to be available for work on any day of the week or part of any day of the week that he is not normally required to be available for work under his contract of employment (whether it is for the purposes of teaching pupils and performing other duties or for the sole purpose of performing other duties)." However, a part-time teacher "may be required to carry out duties, other than teaching pupils, outside school sessions on any day that the teacher is normally required to be available for work (whether the teacher is normally required to be available for work for the whole of that day or for only part of that day)."

This provision is qualified by an additional paragraph stating that for part-time teachers "The total amount of time that the teacher may be required to be available to carry out duties, other than teaching duties, outside school sessions ... when expressed as a proportion of the total amount of time that the teacher would be required to be available for such work if employed in the same post on a full-time basis, must not exceed the equivalent of that proportion of total remuneration that the teacher is entitled to be paid."

Birmingham City Council (BCC) advises that the pattern of working time for part-time teachers should therefore be planned to keep within these rules. A part-time teacher who works on a Wednesday morning can be directed to attend staff meetings held on Wednesday afternoons, but if the staff meeting, or a teacher day takes place on a day when the teacher does not normally work the teacher cannot be directed to participate in the meeting or in training on that day, although he or she may volunteer to do so.

When directing part-time teachers to work outside school sessions, schools may decide to give priority to the weekly staff meeting and reduce the amount of buffer time which the part-time teacher undertakes. So, for example a teacher working three days a week has only three fifths of the amount of directed time outside school sessions that a full-time teacher has.

Head teachers should be prepared to allocate, in agreement with the teacher, directed time outside that normal pattern to enable the teacher to participate in school activities and personal development programmes. Thus, when teacher days fall on days when the part-time teacher would not normally work the head teacher may allocate directed time, but only in agreement with the teacher. However, it should be recognised that for teachers who only work one or two days a week such an allocation would use up a disproportionate amount of directed time. When planning teacher days head teachers should consider holding them on a variety of days of the

week, to ensure that part-time teachers are at work on at least some of them.

For teachers sharing a job the head teacher should allocate some directed time to enable the teachers to meet and liaise with each other.

Working days and patterns – contracts of employment

The contract of employment will state the proportion of full-time for which a part-time teacher is contracted to work. It will not specify the days on which the teacher will work. However, when a teacher is offered an appointment, the working hours should be discussed then.

If the teacher agrees to work on Mondays, Tuesdays and Wednesday mornings, it is reasonable for the teacher to expect that arrangement to apply for the duration of the contract and the days agreed should be recorded in the letter of confirmation from the school. The teacher may have other commitments (such as another job) outside those days and times.

If the job advertisement explains at the outset that timetable constraints may affect days of work in future academic years and that explanation is repeated at the interview and subsequently confirmed in writing by the school, then whilst any change in working hours should be an exception rather than the rule, the school may nonetheless seek to make a reasonable change if necessary.

Equal regard should be paid to full-time and part-time staff when planning the school timetable, and for part-time teachers working time should be in blocks rather than scattered throughout the week. Proposed changes affecting a part-time teacher's working pattern should be discussed with the teacher in advance and it would be reasonable to expect a change which is permissible within the contract to be notified formally to the teacher at least four weeks before the end of the school term preceding the change. Even if a teacher's contract does not specify the possibility of a change in working days, it is possible to make such a change by mutual agreement.

Changes in the total hours which a part-time teacher works may also be made by mutual agreement. However, any attempt to change a part-time contract unilaterally would be a breach of contract. If a school needs to reduce the number of teaching hours, it should follow the advice given under the 'Managing Organisational Change Policy'.

If a part-time teacher works additional hours on an ad hoc basis then this is not a contractual change. Part-time teachers have the same employment rights as full-time teachers and should have access to the same facilities as full-time teachers.

Pension scheme

Since 1st January 2007 part-time teachers starting a new contract (including teachers already working part-time but changing the proportion of full-time) are included automatically in the Teachers' Pension Scheme.

Temporary variations in contracts for additional work - general provisions

There is no provision in the School Teachers' Pay and Conditions Document for paying overtime to teachers, full-time or part-time. However, there are various provisions to take account of additional duties and, for part-time teachers, agreed variations in the proportion of the timetabled teaching week which they work.

Working a few extra hours on a day when a teacher is normally in work, in an emergency for example, should be managed for classroom teachers by allocating some of the hours reserved for such eventualities when planning directed time at the beginning of each year.

The School Teachers' Pay and Conditions Document requires the governing body to determine the salary of a part-time teacher in relation to the school's timetabled teaching week and to "do so not only in relation to those hours that a part-time teacher normally works but also in relation to any additional hours the teacher may agree to work from time to time at the request of the head teacher or in the case where a part-time teacher is a head teacher, the relevant body."

Therefore, if a part time teacher, whether a classroom teacher, a leading practitioner, or a teacher on the leadership spine, is prepared to work additional hours or days, either on a regular or occasional basis at the request of the school, the governing body and the teacher may agree to a temporary variation to the existing contract, by increasing the proportion of a full-time contract worked by the teacher.

In accordance with the provisions on working time in the School Teachers' Pay and Conditions Document the proportion of 1265 hours for which a classroom teacher can be directed to work in a specific place at a specific time would be altered in line with the temporary variation in contract.

Alternatively, when a part-time teacher works on a day when he or she does not normally work, the contract could be varied not by increasing the proportion of full-time but by altering the days on which the part-time teacher works in that particular week. This flexibility is probably more easily achieved for teachers on the leadership spine than for classroom teachers.

Additional discretionary payments under the School Teachers' Pay and Conditions Document

Alternatively, it may be that the extra duties undertaken by the part-time teacher fall within the relevant paragraphs of the School Teachers' Pay and Conditions Document, although two of the provisions in that paragraph refer to payments for activities outside the school day, so are not applicable when the teacher is undertaking extra daytime work.

Governing bodies have the discretion to "make such payments as they see fit to a teacher, excluding a head teacher, in respect of:

- "(a) continuing professional development undertaken outside the school day;
- (b) activities relating to the provision of initial teacher training as part of the ordinary conduct of the school;
- (c) participation in out-of-school hours learning activity agreed between the teacher and the head teacher or, in the case of the head teacher, between the head teacher and the relevant body;
- (d) additional responsibilities and activities due to, or in respect of, the provision of services by the head teacher relating to the raising of educational standards to one or more additional schools."

Therefore, instead of a temporary variation to the contractual proportion of full-time, a governing body exercises its discretion and decides to approve a payment under this paragraph.