

Teachers' statutory rights: maintained sector

This factsheet focuses on the statutory rights of classroom teachers. Excellent teachers and advanced skills teachers have different entitlements in some areas, as do headteachers and deputy headteachers.

The employment of teachers in the maintained sector is governed by a collective agreement setting out the conditions of service for school teachers in England and Wales (generally known as the Burgundy Book) and the *School teachers' pay and conditions document* (STPCD). The Burgundy Book is the result of collective negotiations between trade unions, employers' organisations and government, and applies to most teachers employed in the maintained sector in England and Wales. The STPCD is a statutory document and is usually revised every year by the Secretary of State for Education and Skills after consultation.

This factsheet covers your rights under both the Burgundy Book and the STPCD, as well as the minimum rights you are entitled to under general employment law. In addition, your contractual rights may be affected by locally negotiated agreements.

Your right to a statement of particulars of employment

- Your employer has a legal duty to give you a written statement of the particulars of your employment within two months of you starting your job. The statement should contain, for example, your hours of work, holiday entitlement, place of work, etc.
- Your employer should also state the title of your job and a brief description of the work for which you are employed.
- ATL recommends that you should be given a proper job description that outlines your particular role and duties, as this helps to clarify your role and define your workload.

Working hours and workload

- Teachers must be available for work for 195 days (of which 190 of these are teaching days and up to 5 days are in-service or INSET training days), and for 1265 hours in any school year. This is known as 'directed time'. In addition, you can be required to work "such reasonable additional hours as may be needed to discharge effectively your professional duties".

- Part-time teachers should calculate their hours by reference to the actual time that the part-time teacher is required to be in school during normal school hours, as compared to a full-time teacher in the same school.
- You are required to work under the 'reasonable direction' of the headteacher and this also applies to part-time teachers.
- There has been an increasing impetus over recent years for schools to respect the work-life balance of their teaching staff. As such, headteachers are required to "have regard to the desirability of all teachers...being able to achieve a satisfactory balance between the time required to discharge their professional duties and the time required to pursue their personal interests outside work."
- Your school must provide you with a minimum of 10% of your timetabled teaching time as planning, preparation and assessment (PPA) time. You are not to be available for cover during this time. In order that you are able to make efficient use of your PPA time, it should be uninterrupted and should, ideally, be timetabled in blocks of a couple of hours.
- You cannot be required routinely to undertake tasks of a clerical or administrative nature. The test here is whether the task calls for the exercise of a teacher's professional skills or judgment. For example, routine photocopying does not call for the exercise of a teacher's professional skill.
- You cannot be required to provide cover for an absent colleague for more than 38 hours in any one academic year. Headteachers are under a legal duty to take account of the desirability of not using a teacher at the school to provide cover until all other reasonable means of providing cover have been exhausted.
- You cannot be required routinely to invigilate external examinations.
- You cannot be required to take midday supervision.
- You can be required to invigilate internal examinations and tests where these take place during your normal timetabled teaching time.

Breaks

- You have an entitlement to a break of reasonable length either between school sessions or between the hours of 12 noon and 2pm.
- ATL recommends that a reasonable break is at least 40 minutes long.

Holiday

- You cannot be required to undertake duties on any of the 170 calendar days that are not specified as working days by the school.

Special leave

- Time off (whether paid or unpaid) to attend one-off events, such as graduations or overseas holidays, is at the discretion of the headteacher. Local authority (LA) policies on such time off might also apply to schools.

- Leave for compassionate reasons, such as bereavement, is also at the discretion of the headteacher, but ATL would expect most schools to look favourably on such requests. LA policies on special leave might also apply to schools.
- ATL recommends that each school has its own special leave policy and that it is applied in a fair, consistent and transparent manner.

Right to time off in case of family emergency

- You have the right to take a reasonable amount of unpaid time off in the case of a family emergency. LA policies on such leave might also apply to schools.
- In some cases, you may have the right to a number of days of paid leave. Individual schools/LAs have their own policies in place and you should check these.

Notice periods

Teachers (and the school) must give notice by:

- 31 October to leave on 31 December
- 28 February to leave on 30 April
- 31 May to leave on 31 August.

PLEASE NOTE: If you wish to leave on a date which is not one of the three dates listed above it is entirely at the discretion of your school as to whether to allow you to do this. If the school does not allow you to leave on your chosen date, and you do so anyway, you will be in breach of your contract of employment.

Teachers on two or more fixed-term contracts

- If you have been employed on two or more fixed-term contracts for four years since July 2002 you have the right to a permanent contract of employment, unless the school can provide objective justification not to make you a permanent employee. Contact ATL as outlined below for more information.

Your right to request to stay on at work after you turn 65

- You do not have to retire at 60. Regardless of what it says in your contract, you have a right to work until you are 65 if you wish. If your school attempts to force you to retire at 60 it must provide objective justification for this.
- You also have the right to request to stay on in employment at the school after the age of 65, and the right to be accompanied by your ATL representative during this process. However, the school is not legally obliged to grant your request.

If you have any queries about your statutory rights, please contact ATL as outlined below.



Need advice?

Your first point of contact is your ATL rep in your school or college. Your local ATL branch is also available to help with queries, or you can contact ATL's member advisers on **020 7930 6441**, email: **info@atl.org.uk** or write to 7 Northumberland Street, London WC2N 5RD. Don't forget you can also get lots of help and advice, as well as download copies of other ATL advice sheets, on our website at **www.atl.org.uk**

© Association of Teachers and Lecturers 2007. All rights reserved. Information on this sheet may be reproduced or quoted with proper acknowledgement to the Association.