



Headteacher guidance – Managing Teaching Assistant (TA) Contracted Hours and Weeks

This guidance is to assist headteachers and school business managers with managing TAs' contracted hours and weeks.

1. Calculating contracted hours

To avoid equal pay risks, headteachers/governing bodies must ensure that colleagues work **all** their contracted hours and weeks.

To calculate the number of hours per year a TA is required to work, multiply their contracted hours by their contracted weeks.

For example, a TA contracted to work 34 hours per week, 40 weeks per year would be required to work $34 \times 40 = 1360$ hours over the course of a year.

As standard school contact time is 32.5 hours per week, for 39 weeks per year = 1267.5 hours, in this example, the TA will need to work an additional 92.5 hours ($1360 - 1267.5$ hours) outside of contact time, to ensure that they are working their contracted hours. These hours may be accrued by working both regular and flexible hours during term time or during holidays, subject to agreement between the employee and the headteacher.

2. Portability of contracted hours

An employee's contracted hours are not portable and therefore colleagues who change posts, including colleagues who move to the next TA level or those moving to the same role at another school, are not entitled to take their contracted hours and weeks with them to their new role (although some schools may choose to allow them to do so).

The headteacher/governing body should consider the needs of the school when determining the hours and weeks of a post. Existing employees applying for a new post should be made aware of the intended hours/weeks prior to being offered the role so that they can determine any impact on their pay and make an informed decision as to whether to accept the change.

3. Changes to contracted hours

When changing a TA's contracted hours, consideration should be given to the total number of hours over the year that the TA will be required to work, taking into account their contracted weeks. Care should be taken to ensure that this does not become unwieldy or unworkable (especially for those colleagues who are contracted to work more than 39 weeks per year).

As some colleagues are currently contracted to work part weeks (e.g. 40.17 weeks), schools may take the opportunity to review this at the same time as contracted hours are being reduced/increased, to make this more practical.

Agreement should be reached between the employee and the headteacher/ governing body before any change to hours and weeks is made, and the employee should be made fully aware of the impact on their pay before any change is agreed.

4. Increases to contracted hours at the end of the 3 year Single Status incentive period

Where staff express an interest in increasing their hours after the three year Single Status incentive period has ended (April 2016), this should be considered on a case by case basis, according to school needs. Schools are under no obligation to agree this as the opportunity to increase hours was given to staff prior to implementation in 2013. Schools should also consider the impact on other TA colleagues before agreeing any increase in hours.

5. Logging and monitoring TA hours

Head teachers/line managers are responsible for regularly monitoring the hours actually worked to ensure that, at the end of the school year, an employee has not worked over or under their contracted hours.

Recording hours worked is done on the basis of trust. It is up to employees to note their start and finish times and how long they take for unpaid breaks, including the 20 minutes required by the Working Time Regulations. Failure for colleagues to work their contracted hours and weeks could result in a potential equal pay risk.

For audit purposes, accurate records of actual hours worked must be kept. One way in which schools may choose to do this is through the NCC timesheet, as this allows hours worked to be tracked and monitored throughout the year

[http://www.nottinghamcity.gov.uk/nottinghamschools/index.aspx?articleid=22587#Time sheet templates for recording working hours](http://www.nottinghamcity.gov.uk/nottinghamschools/index.aspx?articleid=22587#Time%20sheet%20templates%20for%20recording%20working%20hours)).

Schools that choose not to use the timesheet must have an alternative process in place to ensure that all contracted hours are worked and recorded. Some schools have implemented a simple tracking system which monitors only those hours worked above standard agreed weekly working hours.

It is recommended that employees should not have a credit or deficit of more than one week's worth of hours at the end of each term. Where a credit/deficit exists, this balance should be carried forward into the next term. A greater credit/deficit is permitted where additional hours have been planned and agreed with the headteacher for a specific purpose, e.g. for a seasonally fluctuating piece of work such as a concert or trip.

6. Employees in deficit of their contracted hours at the end of the year

Regular monitoring throughout the year will allow for any major unexpected deficit in hours to be identified. Where this is the case, headteachers should manage this situation by putting in place a plan, as soon as possible, to address the potential shortfall, so that this can be resolved before the end of the year. This could include looking at and scheduling how additional hours can be worked to make up the shortfall before the end of the year or during holidays, or an agreement on the amount of deficit to be carried forward.

An employee's hours each week (combined total for all paid work) should not total over 48 hours per week, when averaged over a 17-week period. Where employees have more than one job, or where they change the hours that they work and the combined total of working hours exceeds 48 hours when averaged over a 17-week period, either within the Council or combined with another employer, they must inform their head teacher. Employees who want to work longer than 48 hours on a regular basis must sign an opt-out form to confirm that this is voluntary on their part.

A copy of this form can be found in Appendix D. The Council will only agree to voluntary opt-outs if a satisfactory health assessment is undertaken and a risk assessment carried out by a competent person indicates that working long hours would not jeopardise the health and safety of the employee or others.

7. Overtime payments

Colleagues may be paid monthly for extra hours worked above their contracted hours where these have been agreed in advance with their headteacher. Where colleagues work their contracted hours flexibly, payment for any extra hours above the employee's annual contracted hours total should be calculated at the **end of the year**. It is highly unlikely that TA colleagues who work flexible hours will work enough hours to be eligible for the overtime payment. Hours worked above contracted hours should be paid at **plain** (single) time until the threshold for overtime payments has been reached (see Appendix A).

Only when a colleague has worked in excess of the totals shown in Appendix A should they be paid the enhanced overtime rate. This is to ensure parity between centrally based employees and term time only schools based staff.

Please note that overtime payments can only be made to colleagues on scp 30 or below (i.e. colleagues on grades A-F).

Time off in lieu may also be given for hours worked above contracted hours, where agreed with the headteacher/governing body.

8. Employees starting/leaving mid-year

Headteachers must ensure that employees leaving part way through the academic year have worked the correct number of contracted hours, pro-rated to their leaving

date. It is advised that this is calculated as soon as it is known that the employee intends to leave, to ensure any credit/deficit in hours can be addressed.

Employees will not be paid for hours in credit at the point of leaving unless by prior agreement with their headteacher/governing body. The Council reserves the right to deduct payment for hours in deficit at the date of leaving.

If an employee starts in post part way through the school year, the calculation of their working hours should be proportional to the number of working weeks from their start date until the end of the school year. For example, a colleague working 20 hours for 39 weeks starting in the spring term with 26 weeks left would be required to work:

In a full year: $39 \times 20 = 780$ hours

From spring term to end of the school year: $26 \times 20 = 520$ hours

9. Sickness

If an employee is sick, their average daily or weekly hours (over the course of the year) should be used for the duration of the absence. This is to prevent large deficits of hours being accrued when a colleague is off sick for an extended period of time. Please contact your casework advisor if you require further advice on this.

10. Maternity/adoption

Normal rules with credit/deficits of hours should apply when determining hours to be worked before maternity or adoption leave commences. Headteachers should, however, carry out risk assessments in relation to hours and duties and agree alternatives with employees where necessary.

11. Break times

In line with working time regulations, employees are required to take a minimum break of 20 minutes if they work continuously for more than a 6-hour period (including in multiple jobs, e.g. TA and midday). This is an unpaid break in working time and should not be taken at the start or the end of the employee's working day.

Providing colleagues take this 20 minute break where applicable, they may be required to work through other breaks during the school day (e.g. playtimes, school lunch breaks) which could count towards their working time. Unless colleagues are required to work during the school lunch break, they will not be paid for this time.

An employee's hours each week (combined total for all paid work including jobs elsewhere) should not total over 48 hours per week, when averaged over a 17 week period, unless they have agreed to opt-out of the maximum limit (please seek advice from your HR advisor on this, and on your responsibilities with regards to the health and safety of the employee and those they may interact with in the course of their work).

12. Equated Weeks

TAs (and other term time only staff) are paid equated weeks, to account for their annual leave entitlement. When a TA (or other term time only colleague) reaches five or ten years' aggregated service, their leave entitlement increases and this should therefore be reflected in their equated weeks' value. When five or ten years' service is reached, you should instruct your payroll provider to make a change to the colleague's equated weeks' value, as this will not happen automatically (please see the tables in Appendix B).

As a result of the Single Status process, many TAs are on unusual contracted hours/weeks arrangements which means that they are paid using a range of equated weeks' values. Please use the third table in Appendix B to identify the appropriate values.

To assist with managing colleagues' contracted hours, it is recommended that new TAs, those who change posts or are changing hours are placed on the standard 39 contracted weeks, unless the needs of the school determine otherwise (please see the **Changes to Contracted Hours** section above). If colleagues are required to work hours during the holidays (or additional contracted weeks are required to be worked to maintain a colleagues' salary) 40, 41, 42 or 43 weeks should be used (as opposed to the current decimal weeks which many colleague are contracted to work).

Please use the first table in Appendix B to identify the appropriate value to instruct HR Admin to use (EMSS Payroll only) for regular contracted weeks values.

13. Residentials and school trips

Non-teaching colleagues who attend residentials where they are required to stay overnight should receive the Client Holiday payment, which should be paid at a rate of £50 per night.

As colleagues are likely to work extended days (or occasionally work on non-working days) during residentials and school trips, working hours should be agreed in advance and any additional hours worked should count towards annual contracted hours totals or be taken as time off in lieu or paid where contracted hours for the year are exceeded.

In line with Single Status across the City Council, it is not possible to forego the Client Holiday payment in return for accruing further additional hours.

Employees attending day trips are **not** eligible for the client holiday payment but can count any additional hours worked towards their contracted hours total.

Please see Appendix C for further details.

14. Working from home

An employee, may, on occasion, work some of their contracted hours at home. Appendix E provides details of the guidelines that should be followed when colleagues are working from home.

Appendix A: Overtime thresholds for term time employees

Overtime payments are only usually available to employees at SCP30 or below.

Where colleagues work extra hours above their total annual contracted hours, these hours will be paid at plain time until the following hours thresholds have been reached:

Length of Service	Hours to be worked before overtime enhancement is paid (per year):
0 - 5 years	1,685 hours
5 - 10 years	1,655 hours
10 + years	1,633 hours

Employees with 0 – 5 years service

An employee with less than five years' service needs to work the equivalent of 37 hours per week for **45.54** weeks before they qualify for overtime payments. This amounts to **1,685 hours per year**.

For example: A teaching assistant with fewer than 5 years service working 37 hours per week for 43 weeks per year would have to work an additional 94 hours before qualifying for the overtime rate.

37x43 = 1591 contracted hours

1685 – 1591 = 94 hours

So if the employee works 100 hours additional hours above their contracted hours:

94 hours will be paid at plain time

6 hours will be paid at the enhanced rate

Employees with 5 – 10 years service

An employee with five to ten years' service needs to work the equivalent of **37** hours per week for **44.74** weeks before they qualify for overtime payments, which amounts to **1,655 hours per year**.

For example, a teaching assistant with 5 to 10 years service working 37 hours per week for 43 weeks per year would have to work an additional 64 hours before qualifying for overtime.

37x43 = 1591 contracted hours

1655 – 1591 = 64 hours

So if the employee works 100 additional hours above their contracted hours:

64 hours will be paid at plain time

36 hours will be paid at the enhanced rate

Employees with 10+ years service

An employee with ten years' service or more needs to work the equivalent of 37 hours per week for **44.14** weeks before they qualify for overtime payments, which amounts to **1,633** hours per year.

For example, a teaching assistant with 10 + years service working 37 hours per week for 43 weeks per year would have to work an additional 64 hours before qualifying for overtime.

37x43 = 1591 contracted hours

1633 - 1591 = 42 hours

So if the employee works 100 additional hours above their contracted hours:

42 hours will be paid at plain time

58 hours will be paid at the enhanced rate

Appendix B: Contracted weeks to equated weeks for changes in service

This table is for school support staff on grades A to F: for schools who use EMSS payroll only. NB: if you use another payroll provider these values may not produce the correct salary, please check with your payroll provider.

Contracted Weeks	Equated Weeks Value			Job Type
	Less than 5 years' service	5 to 10 years' service	10 years' service or more	
38	43.5069	44.2848	44.8867	Midday Supervisors, Senior Midday Supervisors, Cashiers, Term-time cleaners with no cleaning days
38.2	43.7359	44.5179	45.123	Dining Centre staff with one cleaning day
38.6	44.1939	44.984	45.5955	Kitchen staff with three cleaning days, Term-time cleaners with three cleaning days
39	44.6518	45.4502	46.0680	Term-time support staff, Teaching assistants
40	45.7967	46.6156	47.2492	Term-time support staff +1 week, Teaching assistants +1 week
41	46.9417	47.7810	48.4304	Term-time support staff +2 weeks, Teaching assistants +2 weeks
42	48.0866	48.9464	49.6117	Term-time support staff +3 weeks, Teaching assistants +3 weeks
43	49.2315	50.1117	50.7929	Term-time support staff +4 weeks, Teaching assistants +4 weeks
44	No longer available			

This table is for school support staff on grades G and above (non TA posts), for schools who use EMSS payroll only. NB: if you use another payroll provider these values may not produce the correct salary, please check with your payroll provider.

Contracted Weeks	Equated Weeks Value			Job Type
	Less than 5 years' service	5 to 10 years' service	10 years' service or more	
39	45.0475	46.0680	46.4892	Term-time support staff (grades G and above)
40	46.2025	47.2492	47.6813	Term-time support staff (grades G and above)
41	47.3576	48.4304	48.8733	Term-time support staff (grades G and above)
42	48.5127	49.6117	50.0653	Term-time support staff (grades G and above)
43	49.6677	50.7929	51.2573	Term-time support staff (grades G and above)
44	No longer available			

This table is for teaching assistants implemented through Single Status on individually contracted weeks: for schools who use EMSS payroll only. NB: if you use another payroll provider these values may not produce the correct salary, please check with your payroll provider.

Contracted Weeks	Equated Weeks Value			Job Type
	Less than 5 years' service	5 to 10 years' service	10 years' service or more	
39.0323	44.6888	45.4878	46.1061	Only use for teaching assistants on individually implemented Single Status weeks
39.1470	44.8201	45.6214	46.2415	
39.1995	44.8803	45.6827	46.3036	
39.3717	45.0773	45.8833	46.5070	

39.4000	45.1098	45.9163	46.5405
39.5000	45.2243	46.0329	46.6586
39.5077	45.2330	46.0418	46.6676
39.7861	45.5518	46.3663	46.9965
40.0756	45.8833	46.7037	47.3385
40.1241	45.9388	46.7602	47.3958
40.2140	46.0418	46.8650	47.5020
40.3269	46.1710	46.9965	47.6353
40.3300	46.1746	47.0002	47.6390
40.3810	46.2330	47.0597	47.6993
40.6695	46.5632	47.3958	48.0400
40.8140	46.7288	47.5643	48.2108
40.8638	46.7857	47.6222	48.2695
40.9299	46.8614	47.6993	48.3476
41.0871	47.0413	47.8824	48.5333
41.3966	47.3958	48.2432	48.8989
41.4352	47.4399	48.2882	48.9445
41.4685	47.4781	48.3270	48.9838
41.4700	47.4798	48.3287	48.9856
41.6455	47.6807	48.5333	49.1929
41.6617	47.6993	48.5522	49.2121
42.0322	48.1234	48.9838	49.6496
42.3901	48.5333	49.4010	50.0725
42.7837	48.9838	49.8597	50.5374

Appendix C: Examples of client holiday payment and accrual of additional hours

Example A – Residential to Hathersage

Sally works 37 hours a week over 5 days, which means her standard working day is 7 hours 24 minutes per day. Sally is accompanying a Year 6 trip to Hathersage for 3 days. She leaves at 8.00am on Monday morning & returns at 6.00pm on Wednesday evening.

As Sally is away for 2 nights she will receive a Client Holiday payment of £100 (2 x £50) on top of her normal pay. It has been agreed that she will work the following hours each day:

Day	Scheduled working hours	Total hours worked	Total additional hours (based on Sally's 7 hours 24 standard working day)
Monday	8.00am - 1.00pm 1.30pm – 6.00pm 7.30pm – 9.00pm	11 hours	3 hours 36 minutes
Tuesday	8.00am - 1.00pm 1.30pm – 6.00pm 7.30pm – 9.00pm	11 hours	3 hours 36 minutes
Wednesday	8.00am - 1.00pm 1.30pm – 6.00pm	9 hours 30 minutes	2 hours 06 minutes

Sally will therefore accrue a total of 9 hours 18 minutes additional hours for the duration of the trip which may count towards her annual contracted hours total or be paid at plain time/taken as time off in lieu. Sally may also accrue ad hoc additional hours, in agreement with her headteacher, during the trip (e.g. when tending to an incident during the night).

Example B – Trip to York

A Year 3 class is going on a day trip to the Jorvik Viking Centre on Thursday.

Priti's standard working hours on a Thursday are 5 hours (9.00 – 2.30). The trip leaves at 8.30 and returns on schedule at 4.30pm, meaning Priti works 7 hours 40 minutes (taking into account a 20 minute unpaid lunch break) that day.

Priti therefore accrues an additional 2 hours 40 minutes that day (7 hours 40 minus her standard 5 hours).

Priti does not receive a client holiday payment as she is not required to stay the night.



Appendix D: Working time regulations – opt out from 48 hour ruling

WORKING TIME REGULATIONS - OPT OUT FROM 48 HOUR RULING

The Working Time Regulations came into effect on 1 October 1998. The Regulations state that employees may not be required to work in excess of 48 hours per week averaged over a seventeen week period for all jobs they may hold. This includes all paid employment including that with other organisations.

It is recognised that individual employees may wish to opt out of the 48 hour ruling contained within the Working Time Regulations. Employees wishing to opt out should complete this form and return it to their Head Teacher/line manager who will retain a copy.

I _____(name) agree that I may work for more than an average of 48 hours a week. I understand that in normal circumstances I will be required to give four weeks' notice in the event that I wish to withdraw from this arrangement.

SIGNED: DATED:

FULL NAME: (please print)

JOB TITLE:

SCHOOL/DEPARTMENT:

Appendix E - Working from home

An employee may, on occasion, work some of their contracted hours at home.

Homeworking should not take place on a regular basis and must be in response to a specific need. The following guidelines must also be followed:

- requests should be made and confirmed by the employee's line manager in advance, including a predicted number of hours to be worked;
- the work to be undertaken at home must be focused and progress on the task measurable;
- the work must be for the benefit of the school and must be suitable to be carried out away from school premises;
- the employee must have suitable facilities and equipment to carry out this work from home and there should be no adverse effects to the level and quality of their work;
- the work must be suitable to be carried out alone and with minimal or no direct supervision;
- working at home should normally only take place outside of contact time and weekly core contracted hours;
- if applicable, employees should have suitable child or dependent care arrangements in place whilst working at home;
- additional costs must not be incurred by the school/authority as a consequence of home working arrangements;
- the employee must comply with confidentiality and data protection requirements at all times and needs to ensure confidential information (including pupil information) is not removed from the school.

The headteacher/line manager needs to know in advance where the employee will be when home working and have accurate contact details for the period of work. The employee's output should be clearly measurable in terms of quality and quantity and hours must be recorded accurately. The headteacher is responsible for assessing health and safety issues and carrying out any risk assessments required.