

STAFF UNDERTAKING OUTSIDE PAID WORK

GUIDANCE TO A GOVERNING BODY

From time to time members of the school staff will either wish to or be asked to undertake work for another school, Local Education Authority or some other outside body. The purpose of the guidance is to enable a Governing Body to adopt a policy in relation to such outside work so that those members of staff engaged in outside work are clear as to the way matters will be handled by the Governing Body.

References to paid outside work will include such work as listed below. This list is not intended to be exhaustive but to bring to the attention of governors the type of paid outside work that members of staff may make requests to have leave of absence to undertake or the school may be approached to release members of staff to undertake:

- Ofsted and other inspections
- Work undertaken in relation to exam boards *
- Work undertaken in relation to the external assessment of the Teachers' Threshold and Performance Management arrangements
- Advice and support to other schools outside of the County Council on such matters as curriculum management, finance, etc.
- Lectures/presentations outside of the County Council undertaken during normal school time (normally where such lectures/presentations are undertaken within the County Council no payment is involved).

* The exam boards have recently written to every secondary school proposing a scheme in which a teacher marks papers at school and is paid the usual going rate for marking. The school receives a fee for releasing the teacher from normal teaching for up to ten days.

Time Off

Any member of staff wishing to undertake outside work at a time when he/she is normally contracted to work at the school should seek permission from the Governing Body to undertake such work. The Governing Body may wish to delegate the granting of such time off to the Head Teacher in the case of all other members of staff and to the Chair of Governors for requests from the Head Teacher. **Any approvals granted should be reported to either the Personnel/Staffing Committee or to the full Governing Body.**

Where the approach for a member of staff to undertake outside work is made to the school ie the Governing Body, then the Head Teacher and/or Chair of Governors should be consulted together with the member of staff about whom the request is being made.

Arrangements for paid outside work

When deciding whether to grant the time off requested by a member of staff there should also be discussion and decision about how the work will be remunerated.

Unpaid leave of absence

If the request to undertake the outside work is made for time off without pay then the period of leave, if granted, will normally be granted without pay. The employee's continuous employment will not be affected by such granting of a request for unpaid leave of absence. Such unpaid leave will have an effect on pension contributions since neither the employee nor the employer will make pension contributions during a period of unpaid leave. Staff granted unpaid leave should be advised to contact the Teachers Pensions Agency.

There may be occasions when the Governing Body would wish to have the work undertaken by the individual whilst on paid leave of absence since the nature of the work is directly connected with or reflects the work and/or standing of the school and the school would wish to be clearly associated with the outside work being undertaken. Under such circumstances the Governing Body will need to decide whether the work should be undertaken under the conditions set out below relating to paid leave of absence.

Paid leave of absence

If the request to undertake outside work is granted on paid leave of absence such leave should be made subject to agreement on the way payment for the outside work will be dealt with.

If the Governing Body decide to grant paid leave of absence to undertake paid outside work it is advised that an invoice be issued to the outside body. Work invoiced for in this way will normally attract VAT and advice should be sought from the school's financial adviser. It is strongly advised that it would not be appropriate for any member of staff to be paid his/her normal salary whilst also directly receiving payment for outside work. The Governing Body should either agree a rate for the services provided or accept the level of fee being offered by the outside body. In each case however the fee should be paid to the school and paid into the school's budget. In the event that the individual member of staff is paid a fee directly or receives royalties from a publication, either the equivalent sum should be deducted from salary or the fee should be paid to the school by the individual member of staff. The school may also wish to take advice from the Payroll Client Officer on any tax and national insurance implications where the fee is paid directly to the member of staff.

Arrangements regarding any fee received for outside work

The Governing Body may wish to make such reasonable payment to the employee to reflect such matters as:

- Time spent on preparation
- Hours spent outside of normal contracted hours for the school
- Travelling and any hotel expenses incurred to undertake the outside work

The member of staff should make a claim for any such items on a basis agreed when the decision to allow the member of staff to undertake the outside work is made.

The Governing Body will also want to take account of any such additional payments in coming to an agreement with an outside body who wish to use the services of a member of the school staff.

Where a member of staff, for example the Head Teacher, undertakes outside paid work on a regular basis for which the school is then paid for his/her services, the Governing Body may wish to reflect the frequency and level of such work in the member of staff's normal salary. In this way it will be recognised by the Governing Body and by the member of staff that such an arrangement is supported by the school as being of benefit to the school and its good name. Where recognition is made in the annual salary of the member of staff then no further payments would be payable to the member of staff other than those referred to as reasonable expenses.

