



## BRIEFING PAPER

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# The School Day and Year (England)

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## Summary

In England, local authority maintained schools must open for at least 380 sessions (190 days) during a school year.

Term dates are determined by school employers. The local authority is the employer for community, voluntary-controlled, community special or maintained nursery schools. For foundation, voluntary-aided and foundation special schools, the employer is the governing body.

The *Deregulation Act 2015* provides for the responsibility for determining term dates to pass to school governing bodies at community, voluntary controlled, community special and maintained nursery schools in England. However, this provision is not yet in force.

The head teacher of a maintained school will recommend the length of a school day, including session times and breaks. The governing body must agree the recommendation.

Academies, including free schools, set their own term dates and school day.

This briefing provides information on the rules relating to the setting of school hours and term times. As schools is a devolved subject, the note focuses on the position in England, but the position in the rest of the UK is also provided.

The paper also provides an introduction to the debate and research on whether longer school days and terms are of benefit to children.

# 1. How many days must schools be open each year?

Local authority maintained schools must open for at least 380 sessions (190 days) during a school year.<sup>1</sup> The school year must begin after July. If a school is prevented from meeting and it is not reasonably practicable for arrangements to be made for it to make up the lost session(s), it can be deemed to have been open for the required 380 sessions.<sup>2</sup>

Term dates are determined by school employers.<sup>3</sup> The local authority is the employer for community, voluntary-controlled, community special or maintained nursery schools.<sup>4</sup> For foundation, voluntary-aided and foundation special schools, the employer is the governing body.<sup>5</sup>

Schedule 16 of the *Deregulation Act 2015* amends section 32 of the *Education Act 2002* to give responsibility for determining term dates at community, voluntary controlled, community special schools and maintained nursery schools in England to school governing bodies. However, this provision is not yet in force. Section 11.3 of the Library research paper prepared for the Second Reading of the original Bill, [RP 14/6](#), provides information.

Academies, including free schools, set their own term dates.<sup>6</sup>

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<sup>1</sup> *Education (School Day and School Year) (England) Regulations 1999*. Teacher training days are additional to this number; teachers in maintained schools must be available for work for 195 days, the additional five days per year being for other duties. See Department for Education, [School teachers' pay and conditions document 2015 and guidance on school teachers' pay and conditions](#), September 2015, p51

<sup>2</sup> Department for Education, [School Governors Handbook](#), January 2015, para 4.4

<sup>3</sup> Section 32 of the *Education Act 2002*

<sup>4</sup> Section 35 of the *Education Act 2002*

<sup>5</sup> Section 36 of the *Education Act 2002*

<sup>6</sup> *Ibid.*

## 2. Who determines the length of a school day?

The head teacher of a maintained school will recommend the length of a school day, including session times and breaks. The governing body must agree the recommendation. As with term dates, academies set their own school day.<sup>7</sup>

### Have academies amended their school day or year?

As noted, academies have the freedom to set their own school day and term dates.

The DFE research report [Do academies make use of their autonomy?](#), published in July 2014, found that:

- 8% of academies had increased the length of the school day, while a further 6% planned to;
- 4% of academies had changed the length of the school term, while a further 5% planned to.

This was one of the least-used freedoms open to academies (in comparison, 87% of academies had made use of their freedom to procure services previously provided by local authorities from elsewhere).

However, as academies are open for longer, more of these freedoms tend to be used. 39% of academies founded pre-May 2010 have lengthened their school day, compared with 4% of those founded between May 2012 and April 2013. 9% of pre-May 2010 academies have changed the length of their school terms, as compared with 2% of those founded between May 2012 and April 2013.<sup>8</sup>

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<sup>7</sup> DFE, [School Governors Handbook](#), January 2015, para 4.4

<sup>8</sup> DFE, [Do academies make use of their autonomy?](#), July 2014, p18-19

## 3. Rules in the rest of the UK

### Scotland

The *Schools General (Scotland) Regulations 1975*, as amended, require schools under education authority management in Scotland to be open for 190 days per year.

They do not define, however, the length of the school week for pupils, which is a matter for the discretion of education authorities within their responsibility for the day-to-day organisation of schools. There is, however, a widely accepted norm of 25 hours and 27.5 hours for primary schools and secondary schools, respectively.<sup>9</sup>

School holiday dates are set by local authorities. The [Scottish Government website](#) provides links to the website of local authorities detailing the term dates set in each region.

Attempts by some local authorities to alter the length of the school week have proved controversial. For instance, proposals from Fife council to reduce the length of the school week by half a day to save costs<sup>10</sup> was abandoned after opposition from parents.<sup>11</sup>

### Wales

[The Changing of School Session Times \(Wales\) Regulations 2009](#) set out who is responsible for determining the dates of school terms and school holidays. It also sets out the rules on setting the times of school sessions. The Explanatory Note states:

For foundation, voluntary aided and foundation special schools, the governing body determines all these, and for community, voluntary controlled, community special schools and maintained nursery schools, the governing body determines the times of school sessions (with the local education authority determining the dates of the school terms and holidays). However where a local education authority considers that a change in any maintained school's session times is necessary or expedient to promote the use of sustainable modes of travel or to improve the efficiency or effectiveness of its travel arrangements, it can determine the time the school's first session begins and its second session ends (or if there is only one session, its start and end).

The Welsh Assembly Government website provides available [term dates](#) for local authorities in Wales.

The [Education \(Wales\) Act 2014](#) made some alterations to the existing provisions. An [announcement](#) from the Welsh Assembly Government stated:

Local authorities and the governing bodies of voluntary aided and foundation schools must work together when setting term dates in an effort to harmonise those dates across Wales.

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<sup>9</sup> Scottish Executive, [Circular No 4/2002](#)

<sup>10</sup> Fife Council, [Budget Savings 2014-17: Realignment of School Day](#)

<sup>11</sup> STV News, [Plans to shorten Fife school week by half a day "off the table"](#), 12 February 2015

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Where those term dates are not harmonised, or in rare cases where harmonised dates need to be altered, the Act gives Welsh Ministers to power to direct local authorities and the governing bodies of voluntary aided and foundation schools on what their term dates must be.<sup>12</sup>

### Northern Ireland

School holiday dates are agreed annually by a group representing all school sectors. However, there can be variations between schools, as Principals and Boards of Governors can decide to use some of their optional closure days to extend agreed holidays.

Schools are open for 200 days per year, less five days when they are closed for staff training and five optional closure days.

The [NI Direct website](#) further notes:

Full-time teachers work 195 days in any year and should be teaching children in a classroom for no more than 190 days. This may be reduced to 185 days if a school uses all its School Development Days.

Regarding the length of the school day, the Department of Education Northern Ireland [website](#) states that:

The structure of a school day should be attendance on any day under instruction (other than in religious education).

Three hours (minimum) in the case of a pupil enrolled in a class composed mainly of pupils who, at the beginning of the school year, had not reached the age of eight years.

Four and a half hours (minimum) in the case of any other pupil.

This information is from the *Primary and Secondary General Regulations 1973*.

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<sup>12</sup> Welsh Assembly Government, [School term dates – regulations](#), 6 June 2014

## 4. Variations in the school day and year internationally

Information is available on the organisation of the school year and the length of teaching hours in other countries. As this information is extensive, owing to the number of countries and variations involved, this note provides the following sources rather than direct information:

- Eurydice – [Organisation of school time in Europe: primary and secondary general education](#), 2014/15 school year
- OECD – [Education at a Glance 2014](#). Pages 427-442 provide information on school organisation. In particular, page 428 provides information on the total teaching time across primary and secondary education (year of reference 2012). England is slightly above average in terms of the overall teaching hours provided.
- InfoPlease (part of Pearson Group) – [School years around the world](#)

## 5. Research and discussion

### 5.1 Discussion in Parliament

The previous Government's position on the length of the school day was set out by the then Education Secretary, Michael Gove, in an exchange on the floor of the House in February 2014:

1. **Damian Collins (Folkestone and Hythe) (Con):** What his policy is on the length of the school day; and if he will make a statement. [902468]

16. **Mr Dominic Raab (Esher and Walton) (Con):** What plans he has to extend the school day. [902484]

**The Secretary of State for Education (Michael Gove):** I would like to see state schools offer a school day that is nine or even 10 hours long, enabling schools to provide character building, extra-curricular activities and homework sessions. I look forward to working with schools to ensure that they have access to the resources necessary to provide these activities.

**Damian Collins:** Does the Secretary of State agree that lengthening the school day in this way will give more children the chance to benefit from a greater breadth of studies—an opportunity that too often has fallen only to those who can afford to pay for it?

**Michael Gove:** My hon. Friend is absolutely right. What we need to do is close the unacceptable gap in attainment between those who are fortunate enough to have parents who can pay for them to be educated privately and those in the state sector. The very best state schools recognise that a longer school day with additional extra-curricular activities is just one way of ensuring that all our children can succeed.

**Mr Raab:** These plans would strengthen children's education, ensure time for music, sport and other extra-curricular activities, ease the time pressure on teachers and help out working parents. I urge the Secretary of State not to allow the narrow vested interests of the unions to block the delivery of these plans.

**Michael Gove:** My hon. Friend is absolutely right. These plans will ensure that a broader range of culturally enriching activities are available to young people. I am sure that the teaching unions will recognise that this is in their interests, and I hope they will embrace and support these changes.

[\[HC Deb 10 Feb 2014 c539-540\]](#)

Several questions were asked in the House during the last Parliament, largely related to the *Deregulation Bill*, relating to the potential impact of amendments to the school year of allowing all schools to vary their term dates, and concerns raised by teachers and parents:

**Mr Jim Cunningham:** To ask the Secretary of State for Education what the expected benefits of allowing schools to vary term dates are. [163716]

**Elizabeth Truss:** This freedom will enable all schools to organise the school year in a way that best suits the education of their pupils. It will also allow them to be more responsive to parents' needs.

**Mr Jim Cunningham:** To ask the Secretary of State for Education what representations he has received regarding concerns over proposals to allow schools to vary term dates. [163718]

**Elizabeth Truss:** The Department consulted informally with head teachers, local authorities and head teacher unions. There was support for the proposals, but recognition that schools will need to act reasonably. This included considering parents' views before making any changes, giving sufficient notice of those changes, and putting local co-ordination arrangements in place.

[\[HC Deb 9 Jul 2013 c228W\]](#)

Questions were also raised about the impact of the changes on tourism and the wider economy:

**Mr Marsden:** To ask the Secretary of State for Culture, Media and Sport

(1) what assessment his Department has made of the economic effects of deregulating school holidays on

(a) tourism-related jobs in seaside and coastal areas and

(b) seaside economies in general; [199378]

(2) what assessment he has made of the potential effect of the Government's proposed Deregulation Bill on tourism employment in England. [199379]

**Mr Vaizey:** At present, local authorities set term and holiday dates for about 30% of secondary schools and 70% of primary schools (around half of all registered pupils). The Deregulation Bill gives more schools the flexibility to make changes should they wish to, although the experience of the academies programme and voluntary aided (church) schools, suggests that only a small percentage of schools are likely to vary their term dates.

The Department for Education has produced an assessment of the impact of the changes. While there will be greater flexibility, we expect that sensible conversations between the local authority and schools on co-ordination will take place. Variations to term dates could also help businesses and employers, for example, in areas of high-seasonal employment where employees may welcome the chance to holiday outside of peak tourist periods. For example, Bishop Bronescombe school in St Austell has a two-week half term in May/June to accommodate parents' seasonal employment patterns.

A separate assessment of the specific impact on tourism-related jobs in seaside towns or seaside economies has not been carried out.

[\[HC Deb 10 Jun 2014 c66-67W\]](#)

And:

**Andrew Rosindell:** To ask the Secretary of State for Education what assessment he has made of the economic effects of deregulating school holidays on (a) tourism jobs in seaside areas and (b) seaside economies. [201861]

**Matthew Hancock:** The Government are giving more schools greater flexibility to adapt the shape of the school year in the interests of their pupils' education.

While this will extend an existing flexibility to a greater number of schools, our advice will continue to include a clear expectation of

schools working with each other and the local authority to coordinate dates to avoid unnecessary disruption to parents and their employers.

The Department has consulted with representatives of the tourist industry. Where schools choose to change their holiday dates, following discussion locally with parents and local businesses, there may well be a positive impact on seaside economies. In areas of high-seasonal employment, for example, small variations to term dates agreed locally may help parents to holiday outside of peak periods.

[\[HC Deb 30 Jun 2014 c348W\]](#)

## 5.2 Do longer school days and terms benefit children?

### Press comment

It was [reported](#) in April 2013 that the then Education Secretary, Michael Gove, favoured longer school days and shorter holidays:

Speaking at an education conference in London, Mr Gove said: "It is already the case that some of the best schools in the country recognise the need to change the structure of the school term.

"It's also the case that some of the best schools in the country recognise that we need to have a longer school day as well."

He argued that a longer school day would also be more family-friendly and "consistent with the pressures of a modern society".

"I remember half term in October when I was at school in Aberdeen was called the tattie holiday, the period when kids would go to the fields to pick potatoes.

"It was also at a time when the majority of mums stayed home. That world no longer exists, and we can't afford to have an education system that was essentially, set in the 19th Century." <sup>13</sup>

The issue subsequently became a topic of discussion in the media, and regular articles have been published on the topic in the period since.

A Channel 4 News [‘FactCheck’ article](#) stated that:

Meta-analyses of the data tend to show a small positive correlation between increasing school hours and achievement, particularly for pupils at risk of failing. It's unclear whether the improvements would be worth the money we would have to spend on extending school hours.<sup>14</sup>

The Conservative MP Margot James argued for a longer school day in an [article](#) in the *Telegraph*, focusing on the benefits of the longer school day common in the independent sector, despite a frequently shorter school year.<sup>15</sup>

Paul Kirby, former Head of the Number 10 Policy Unit, argued in January 2014 [in favour of reforms](#) requiring all state funded schools to provide 45 hours of education per week for 45 weeks of the year,

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<sup>13</sup> BBC News Online, [Gove urges longer days and shorter holidays for pupils](#), 19 April 2013

<sup>14</sup> Channel 4 News, [FactCheck: Should we make the school day longer?](#), 19 April 2013

<sup>15</sup> Telegraph, [Shorter school days only thwart the young](#), 21 April 2013

which could give children “the equivalent of an extra 7 years of compulsory education between the ages of 5 and 16 and giving teachers almost no time constraints.”<sup>16</sup>

Russell Hobby, the General Secretary for the National Union of Head Teachers, published an [article](#) in the *Guardian* in February 2015 which suggested that longer school hours, effectively used, could be beneficial for pupils and teachers. He stated that:

There is not a strong educational argument in favour of a large extension of academic lesson time delivered by the same staff working longer hours. We should, however, encourage all schools to offer a wide range of extra-curricula activities, homework clubs and catch up lessons. We should make full use of the social and physical capital invested in a school.<sup>17</sup>

The US website Learning Lab published an [article](#) in December 2014 advocating a longer school day to provide broader opportunities for pupils, prompted by extensions to the school day in Boston.<sup>18</sup> A *Huffington Post* [article](#) in January 2015 was critical of schools in New York which have shorter hours and longer summer breaks, arguing that it in particular affected children from low-income families adversely.<sup>19</sup>

An April 2013 [article](#) in the *Economist* argued that a longer school day might benefit lower achieving pupils, although it was more sceptical of the impact on others.<sup>20</sup>

A more critical view was provided by a May 2013 [article](#) in the *Telegraph*, which stated that Asian schoolteachers believed the success of their pupils was created “by focusing on plenty of homework and a ‘meritocratic’ approach... [rather than] longer hours in the classroom.”<sup>21</sup>

A *Financial Times* [article](#) published in March 2014 stated that there was “no significant correlation” between the performance of 15-year-olds in reading, maths and science in OECD international comparisons and the number of hours’ schooling received.<sup>22</sup>

## School Teachers Review Body report

In February 2014, the School Teachers Review Body (STRB) published a [report](#) which recommended that existing working days and hours for teachers remain as they are:

**We endorse the current provisions of 195 working days and 1265 hours.** We note that teachers currently work additional hours beyond directed classroom sessions and there is already

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<sup>16</sup> Paul Kirby, [Is this the perfect Election 2015 promise?](#), 26 January 2014

<sup>17</sup> Guardian, [Teachers could benefit from a longer school day – discuss](#), 3 February 2014

<sup>18</sup> Learning Lab (US), [Why have a longer school day?](#), 30 December 2014

<sup>19</sup> Huffington Post, [New York's School Schedule Wastes Billions Of Dollars: Report](#), 6 January 2015

<sup>20</sup> Economist, [School's not out: Extended hours would suit weaker pupils—and irk the rest](#), 27 April 2013

<sup>21</sup> Telegraph, [Asia's teachers say copying their school hours won't help Britain](#), 21 May 2013

<sup>22</sup> Financial Times, [The debate over longer school days](#), 21 March 2014

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flexibility for heads to deploy teachers according to the needs of their pupils.<sup>23</sup>

It was reported that this endorsement was welcomed by teaching unions.<sup>24</sup>

### Education Endowment Foundation research

The Education Endowment Foundation has published [research](#) on extending school time, which it describes as a policy of “low impact for moderate cost, based on moderate evidence.” It stated that:

Overall, the evidence indicates that, on average, pupils make two additional months' progress per year from extended school time or the targeted use of before and after school programmes. There is some evidence that disadvantaged pupils benefit disproportionately, making approximately two and a half months' additional progress. There are also often wider benefits for low-income students in terms of attendance at school, behaviour and relationships with peers.

After school programmes that support and encourage children academically while providing stimulating environments and activities are more likely to have an impact on attainment. To be successful, any increases in school time should be supported by both parents and staff, and extreme increases (e.g. more than nine hours of schooling per day) do not appear to be as effective. The research also indicates that attracting and retaining pupils in before and after school programmes is harder at secondary level than at primary level.<sup>25</sup>

### Policy Exchange report

In August 2014, Policy Exchange published [Only A Matter of Time? A framework for the most effective way to lengthen the school day in England](#), a report analysing the potential impact of a longer school day. It published the following conclusions:

- between a third and a half of state schools already offer a longer day (and 70-80% of private schools).
- but extending time isn't automatically going to lead to better outcomes. In fact, international evidence shows no necessary correlation between length of the day, and performance on international league tables. This makes it really important to have a well designed and planned extended day, to maximise the chances of any potential benefits.
- the greatest gains are likely to come in improving broad educational outcomes when thinking about 'the whole child' – including growing their cultural and social capital by offering a range of extra curricular activities
- compulsory schemes are much less popular than voluntary schemes amongst parents and school staff. But

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<sup>23</sup> School Teachers' Review Body, [Twenty-Third Report – 2014, February 2014](#), pg xi

<sup>24</sup> Politics.co.uk, [Michael Gove's plans for longer school days rejected](#), 13 February 2014; Telegraph, [Michael Gove's plans for longer school day dealt 'huge blow'](#), 13 February 2014

<sup>25</sup> Education Endowment Foundation, [Extending school time: Low impact for moderate cost, based on moderate evidence](#) [accessed 20 March 2015]

voluntary schemes can struggle to run economically and there are also adverse selection issues where those who may benefit the most – often the most deprived – would not attend. We suggest that it does so via an extended day premium, distributed on a per pupil basis, which schools can opt into receiving on the condition that they then run a longer day and which is mandatory for pupils within that school. Such a decision, with associated funding, would be analogous to opting in to Academy status.

- running extended days at scale will cost government money – anywhere from £500m up to several billion – even if parents are charged for some services. One way to reduce costs would be for schools to offer services in clusters. But for this to work, pupils need safe and reliable transport between school sites – for example on a fleet of yellow buses<sup>26</sup>

### 5.3 Education Committee report on white working class children and Government response

In June 2014 the Education Select Committee published a report on [Underachievement in Education by White Working Class Children](#), which stated that longer school days could be of particular benefit in reversing this problem:

109. The current trend towards longer school days presents an opportunity for schools to provide space and time for students from lower socio-economic backgrounds to complete homework, which may particularly benefit white working class children. We recommend that Ofsted publish a best practice report on this subject to provide guidance for schools.<sup>27</sup>

In the [Government's response](#) to the report, the Department for Education advocated the use of longer school days as an “innovative reform” that could help to raise standards:

The government is grateful to the Committee for highlighting the potential benefits of longer school days. The Committee's conclusion concurs with evidence cited in the EEF Toolkit, which suggests that disadvantaged pupils may benefit more than their peers from such innovative reforms.

It is our view that all schools should plan the structure, content and duration of their school day based on what works in the best interests of their pupils' education, and not simply on tradition. In 2011, we removed the prescriptive process that schools had to go through when changing their school day. All schools in England can now set their school day as they see fit.

Longer days can mean schools have more time to work with pupils who need additional help, and can open up opportunities for pupils to access purposeful, character building activities that

<sup>26</sup> Policy Exchange, [Only A Matter of Time? A framework for the most effective way to lengthen the school day in England](#), 12 August 2014

<sup>27</sup> Education Committee, [Underachievement in Education by White Working Class Children](#), 18 June 2014, HC 142 2013-14, para 109

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help them build the confidence to succeed when they leave school.

Some schools, including some in disadvantaged areas, are already recognising the benefits of longer days and are re-organising their timetables to ensure a good balance of teaching, extracurricular activities and supervised self-directed work. Those schools report that just having a dedicated time of the school day to complete work in a calm and supportive environment can make a big difference to pupils; increasing confidence and engagement in schoolwork.

Although no specific survey on the impact of the length of the school day is planned, Ofsted will look to identify successful practice in this area as part of its inspection and wider good practice work, and will publish these examples as case studies within the good practice section of its website.<sup>28</sup>

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<sup>28</sup> Education Committee, [Underachievement in Education by White Working Class Children: Government Response to the Committee's First Report of Session 2014–15](#), 15 September 2014, HC 647, p11-12

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