

DERBYSHIRE LA

TEACHERS' PAY POLICY STATUTORY INFORMATION, ADVICE & GUIDANCE

**TIBSHELF INFANT & NURSERY
SCHOOL**

STATUTORY INFORMATION, ADVICE & GUIDANCE

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STATUTORY INFORMATION, ADVICE & GUIDANCE

1. INTRODUCTION

This section of this document outlines the statutory responsibilities of Governing Boards in relation to teachers' pay and the aspects over which they have discretion.

The Pay Policy does not stand alone, it is essential to adopt the policy in its entirety and follow the requirements set out in this document, Statutory Information, Advice & Guidance, which provides more detail.

Text that covers statutory regulations and requirements is shown in plain typeface, statements that refer to the decisions incorporated into the LA pay policy, that provide additional information, or offer advice and guidance are shown in *Italics*. When using this section for guidance please read to the end of the relevant numbered paragraph to ensure that you are informed of both the statutory position and the approach reflected in the LA policy, plus any additional advice.

As the relevant body for schools with delegated powers, a Governing Board is responsible for developing a school Pay Policy and has a statutory responsibility to annually review teachers' salaries. The relevant body has considerable discretion when making decisions on pay. It decides:

- Salary reference points for the Main Pay Range, Upper Pay Range, Unqualified Pay Range, Leading Practitioner Pay Range and Leadership scale between national minima and maxima
- The constitution and pay of the Leadership Group and their starting point on the ISR
- Whether to establish Leading Practitioner posts, the salary on appointment for other teachers and performance pay progression for all teachers, where eligible
- The framework for rewarding the various discretionary allowances

The Governing Board should state in its Pay Policy how it will make decisions on payments for leadership responsibilities, teaching and learning responsibilities, recruitment and retention incentives and benefits, as well as other specific discretions. The relevant body must also agree how it will make decisions about Performance Pay Progression.

For schools with delegated powers the LA is under a duty to act on lawful decisions made by the relevant body and arrange appropriate payments to teachers.

Relevant Bodies are required to carry out a statutory Salary Review for qualified teachers during the autumn term each year and provide each teacher with a salary statement stating what their salary is from 1 September that year and setting out the various mandatory and discretionary elements of their salary. The school's Pay Policy must set a date by which decisions relating to pay reviews are made.

2. Statutory Annual Salary Reviews

The statutory annual Salary Review must be carried out for all teachers in the context of the school's management structure, its Appraisal and Pay Policies, and its obligations under Equal Opportunities legislation. The relevant body may carry out a salary review at other times because of changed circumstances, particularly in relation to discretionary allowances.

In order to do so, the relevant body should have an agreed Pay Policy which has been discussed with staff, explaining how salary decisions are made. The Policy should be reviewed annually and amended in accordance with current legislation and in particular revisions to the School Teachers' Pay and Conditions of Service Document.

3. Policy Issues

The statutory arrangements outlined in the School Teachers' Pay and Conditions Document (STPCD) include considerable opportunity for relevant bodies to exercise discretion when assessing and reviewing salaries. Every school should have a Pay Policy which will outline how salary decisions will be made by the relevant body on the basis of objectivity, openness and accountability. The Policy should also make clear the school's compliance with Race Relations, Equality Act 2010 and Equal Pay legislation. Any Pay Policy should include:

- The pay scales adopted by the School, within the parameters given in STPCD
- The School's procedures for taking decisions on pay
- The basis on which discretionary payments will be made
- The basis for Performance Pay Progression and the basis on which decisions will be made
- The timetable for Annual Salary Reviews
- Who will take decisions on Pay
- A procedure for representation and appeal

The DfE has issued guidance for schools in compiling a revised teachers' pay policy, 'Implementing your school's approach to pay'.

4. Roles and Responsibilities

The role of the relevant body is to:

- Approve the Pay Policy

- Agree the amount within the school's budget for discretionary pay awards
- Consider and make a determination on recommendations from the Headteacher, and other teachers filling the role of Appraiser, on Pay and related budget issues
- Appoint a Pay Policy Committee to assess and review salaries on an annual basis
- Appoint nominated Appraisal Governors to review the performance of the Headteacher
- Ensure salary decisions are made without discrimination
- Monitor and review the Pay Policy
- Inform all staff about their agreed Policy

The role of the Headteacher is to:

- Formulate a Policy for discussion with staff and agreement by the Governing Board.
- Review Performance of teachers with the assistance of other senior staff who hold the role of Appraiser and forward recommendations to the Governing Board or Pay Committee

Performance Pay awards are at the discretion of the relevant body. It may delegate pay decisions to a Committee but employees must withdraw from any meeting during consideration of the salary or performance review of any employees.

The Headteacher's recommendations and those of other Appraisers should take the form of a list with brief supporting information. Governors should not make professional judgements about the effectiveness of individual teachers as their role is to satisfy themselves that the recommendations are evidence based and take proper account of equal opportunities considerations. Governors may request access to underlying performance information to ensure that the recommendations are evidence based, but would not normally become involved in the detail of Appraisal or other performance reviews.

Decisions about performance pay progression should be based on an assessment of the teacher's overall performance as exemplified by their achievement in relation to Appraisal objectives, which should reflect the Teachers' Standards and other standards/performance criteria, where appropriate. However failure to meet objectives will not automatically disqualify a teacher from the award of performance-pay progression. It is recognised that contextual issues may have affected the progress made and partial achievement of aspirational objectives may represent successful performance.

Issues relating to management responsibilities may be addressed through the school's routine appraisal procedures, and associated objectives, but may need to be

dealt with through structured support within the Teachers Experiencing Difficulty section of the Appraisal Policy or, subsequently, Formal Competence Procedures.

There should be no ‘quota’ on pay progression because of funding or cost issues.

5. Leadership Group Teachers

This includes the Headteacher, Deputy Headteachers and Assistant Headteachers.

The relevant body must decide the size and makeup of the Leadership Group, but all members should have a substantial strategic responsibility for school Leadership.

The relevant body is required to set an Individual School Range (ISR) for all Headteachers, Deputy Headteachers and Assistant Headteachers and may award progression of at least one point each year on that ISR for “sustained high quality performance” taking account of agreed objectives for that year. The ISR for Headteachers is a 7 point range and the pay range for Deputy and Assistant Headteachers it is a 5 point range.

5.1 Setting Pay Ranges for the Leadership Group

Schools belong to one of eight school groups. For mainstream schools this is based on pupil numbers at each key stage and for special schools on a combination of pupil numbers at each key stage and the ratio of full time equivalent staff to pupils with extra weighting given to pupils with Statements of Special Educational Need. *There are 43 points on the Leadership Group Pay Range, adopted by the Local Authority and included in the recommended policy, and there is a salary range for each school group.*

5.2 The Headteacher’s ISR

The relevant body must determine an ISR which should be within the salary range for the school group. The relevant body must review the ISR when it appoints a new Headteacher, and must take account of the size and circumstances of the school. The relevant body may place a new Headteacher on a point within the range, on the basis of candidate specific factors, such as the extent to which they meet the particular requirements of the post that allows capacity for performance pay progression. *The LA recommended policy states that the Headteacher’s ISR will be of 7 points on the agreed leadership scale.*

Where the Headteacher is permanently appointed as Headteacher of more than one school, under the Collaboration Arrangements (Maintained Schools and Further Education Bodies) [England] Regulations 2007 the relevant body must determine a new individual school range. The new ISR is calculated on the total pupil units of the schools within the federation, to which the Headteacher is appointed. *Governing Boards of relevant schools are advised to contact Schools HR Advisory Service relating to the particular circumstances of the schools involved.* Likewise, Deputy Headteachers, Assistant Headteachers, Leading Practitioners and classroom teachers, who take on additional responsibility as a result, may receive additional remuneration but it is not automatic.

5.3 Extended Services

The Governing Board has discretion to take account of the additional responsibility and accountability associated with the provision of extended services on their site when determining the Headteacher's ISR.

Where the Headteacher takes on additional responsibilities associated with the provision of extended services, the Governing Board has discretion to take account of any additional responsibility and accountability when determining the Deputy or Assistant Headteacher's remuneration. An increase should only be agreed when the post accrues extra responsibility as a result of the Headteacher's enhanced role, it is not automatic.

Likewise, for Leading Practitioners and classroom teachers who take on additional responsibilities as a result of the expanded role of the Headteacher, consideration should be given to an increase in remuneration, but it is not automatic.

5.4 Provision of Services by the Headteacher

Where the Headteacher provides services to another school (or schools), for example as a National Leader of Education (NLE), the Headteacher is not ultimately accountable for the outcomes in the other school(s) but for the quality of the service provided. The Governing Board will determine how much, if any, payment is made to the Headteacher, in line with the provisions of the STPCD and the school's Pay Policy, taking account for example of whether the contract requires work outside school sessions.

The Governing Board may also make payments to any of the school's teachers whose post acquires additional responsibility as a result of the Headteacher's activities. Payments are not automatic and should be in line with the provisions of the Document and the school's pay policy.

- If the Headteacher performs the duties in normal working time, as agreed by the Governing Board, the head teacher has already received payment for the hours worked through their normal salary and there should be no double counting of hours worked. i.e. It would not be expected that the fee paid to the school is passed on to the Headteacher.
- If the Headteacher, as agreed by the Governing Board, performs the service partly or wholly in their own time in addition to their normal duties, the Governing Board can determine the proportion of any fee that can be paid to the Headteacher. The payment agreed will recognise the additional hours worked, taking into account the Headteacher's normal salary and notwithstanding that a Headteacher's working days are not limited to 195 days per annum.
- Other teachers, who formally take on additional responsibilities as a result will receive an increase in remuneration relative to the extent of the responsibilities. The Deputy/ Assistant Headteacher would receive an additional points(s) on

their pay range, related to the extent that they are fulfilling the Headteacher's role/duties.

- Teachers may be appointed, temporarily, to a TLR (or higher TLR than currently held) in the absence of the substantive holder of the TLR/Leadership post.

Where the above is not appropriate the teacher will be paid for the additional hours, outside of their normal directed time, needed to perform the additional duties. This amount will be specified at the outset of the arrangement. The amount will be calculated in relation to their normal salary calculation.

Where the arrangement for the Headteacher is temporary, any adjustment to pay of other teachers is also temporary, and safeguarding provisions will not apply when the arrangements cease. The relevant body should consider the appropriate use of acting allowances and other temporary payments.

Where the Governing Board is contemplating agreement to the teacher providing services to another school or other external service, the Governing Board must formally authorise the agreement and review every 12 months. The arrangements for payment must be clearly stated in a protocol and decisions minuted. The terms of such an agreement must be set out in a memorandum signed by the Chair of Governors and the Headteacher and any other members of staff involved. *Please see model memorandum of understanding for circumstances where it has been agreed by the Governing Board that services will be provided by the Headteacher to other schools or other external duties undertaken in connection with the delivery of education. Appendix 1.*

The Governing Board will refer to the guidance in the School Teachers' Pay & Conditions Document Section 3, and comply with requirements as follows:

Provision of services to other schools – operating principles and requirements

a) Any services provided by the headteacher of one school to another school must be authorised formally by the governing body and, where the work extends over more than a 12 month period, the agreement of the governing body must be formally reviewed annually or sooner if appropriate. The governing body should also agree arrangements for terminating such work.

b) Before such work is undertaken, the governing body and the headteacher must take into account:

- the needs of the school and its pupils;
- the benefits that the activity would bring to the school;
- the impact of any absence on other staff, including their workload; and
- the workload and work-life balance of all the individuals concerned.

c) In particular, before reaching a view the governing body should satisfy itself that these matters have been fully considered within the school's leadership team.

d) Arrangements for payment for external work, including personal remuneration, must be clearly stated and formally incorporated into a protocol by the governing body (or the finance committee) and decisions duly minuted.

e) The headteacher and governing body should monitor the operation of the arrangements and their impact on staff and pupils and take action where arrangements prove to be unsatisfactory.

f) The disposition of any payment, including personal remuneration, for external services must be agreed in advance in accordance with the determinations of the governing body. The terms of such an agreement must be set out in a memorandum signed by the chair of governors and the headteacher and any other members of staff involved.

g) Any income derived from external sources for the work of a school's staff should accrue to the school. The governing body should decide whether it would be appropriate for individual members of staff to receive additional remuneration for these activities and, if so, determine the appropriate amount.

h) The governing body should ensure that any expenses incurred by the individual as a result of taking on additional work are reimbursed, unless they are accounted for elsewhere.

5.5. Deputy and Assistant Headteachers' Pay Ranges

The relevant body must determine a pay range for Deputy and Assistant Headteachers within the leadership group pay range identified by the Governing Board. The pay range should reflect the responsibilities and challenge of the post,

the circumstances of the school, and possible recruitment and retention difficulties. *The LA recommended policy states that a pay range of five points on the leadership range will be set for Deputy Headteacher posts and a range of three, four or five points for Assistant Headteacher posts*

Although not a requirement, the top of a Deputy Headteacher's pay range should be at least one point below the lowest point of a Headteacher's ISR, other than in exceptional circumstances. The lowest point of a Deputy Headteacher's pay range should be at least at one point higher than the lowest point of an Assistant Headteacher's pay range in the same school.

It is good practice for the lowest point of a Deputy or an Assistant Headteacher's ISR to have a cash value which is greater than the cash value of the salary of the highest paid classroom teacher. The LA recommended policy defines the salary of the highest paid classroom teacher as the cash value of point 1 on the Upper Pay Range and the cash value of substantive Teaching and Learning Responsibility Payments and Special Educational Needs Allowances.

It is possible that the actual salary differential between an inexperienced or new Headteacher and an experienced Deputy or Assistant Headteacher will be relatively small. Also that the actual salary differential between an experienced Headteacher and an inexperienced or new Deputy or Assistant Headteacher will be relatively large. Similar situations may arise for differentials between Deputy or Assistant Headteachers and the highest paid class teacher. Circumstances may also arise where an experienced Assistant Headteacher is paid more than an inexperienced or new Deputy Headteacher. It may also be the case that the cash value salary of a teacher as they progress up the Upper Pay Range, which rewards "substantial and sustained" class teaching, will be greater than other more senior staff because the differential is based only on Upper Pay Range Point 1 plus any substantive allowances.

6. Performance Pay Progression

Objectives form the core of the framework for assessing performance. The relevant teacher standards will be incorporated into the teacher's objectives and therefore achievement of these objectives would reflect that the standards are being met. However, a teacher who has made good progress towards, but not quite achieved, a very challenging objective may have performed better, and made a more significant contribution to school improvement, than a teacher who has fully met a less aspirational objective. Schools should therefore not assume that a failure to meet objectives necessarily constitutes a failure to meet relevant standards. In such circumstances it would be necessary to clarify, to the teacher during the cycle, the difference between objectives not being on track and evidence that relevant standards are not being sustained.

All decisions regarding pay progression are to be made with reference to the teachers' appraisal review statements and the pay recommendations they contain.

To be fair and transparent, assessments of performance must be properly rooted in evidence. The evidence to be utilised in a performance pay review must be part of the appraisal process. It would not be appropriate for the school to introduce

evidence requirements that are not directly and explicitly related to the formal appraisal process and with the objectives and standards agreed with the teacher. Schools should consider carefully the inappropriate use of evidence and the need for the adoption of targets and objectives that enable teachers to demonstrate performance rather than simply results. (See *'Implementing your school's approach to pay'*, DfE)

Schools need to take a practical and flexible approach to conducting appraisals and making pay decisions for those absent on maternity leave, including where a teacher has been absent for part or all of the reporting year.

In those circumstances, schools should ensure that the absent teacher receives fair treatment while ensuring the integrity and robustness of the school's appraisal process for all teachers. When considering these options, schools should seek to ensure that they minimise bureaucracy for all involved. Schools should consider conducting appraisals prior to individuals departing on maternity leave, even if this is early in the appraisal year, and basing any appraisal and pay determination on the evidence of performance to date in that appraisal year. Account could also be taken of performance in previous appraisal periods if there is very little to go on in the current year.

Schools should ensure that their pay and appraisal policies incorporate any adjustments which can reasonably be made to give a teacher who is absent for disability related reasons an equal opportunity to participate in appraisal and to access pay progression. (see *'Implementing your school's approach to pay'*, DfE document for full advice.)

6.1 Leadership Group

The performance of Leadership Group Teachers must be reviewed annually by the end of October, for the previous school year, (except for Headteachers where the date is end of December) in relation to previously set or agreed performance objectives. The Governing Board can award pay progression of at least one point on the Leadership Range agreed by the Governing Board for "sustained high quality performance". In this respect performance objectives relating to school leadership and management, arising from the School Improvement Plan and contributing to the improvement of pupil achievement should be agreed with all Leadership Group members each year.

Nominated Performance Management governors will agree performance objectives with the Headteacher.

The Headteacher will agree performance objectives for Deputy and Assistant Headteachers.

The LA recommended policy provides for teachers on the Leadership Range to receive at least one point of pay progression, depending on the level of successful performance. It is good practice for objectives to reflect the level of experience and responsibility of members of the Leadership Group as they move up their pay range.

6.2 Classroom Teachers

In September 2020 the STPCD introduced advisory pay points for teachers on the main and upper pay ranges. This promotes consistency across schools to support recruitment and movement between schools. The pay points provide teachers with an indication of how reasonable pay progression might be achieved within a period, subject to good performance.

Classroom teachers are paid on the Main Pay Range unless they have transferred to be paid on the Upper Pay Range.

The salary of classroom teachers is determined by their salary point on either the main or the upper pay range plus any teaching and learning responsibilities, allowance for teaching children with special educational needs, or recruitment and retention benefits and incentives.

6.3 Main Pay Range Teachers

Automatic annual increments for service ceased after the Autumn 2013 pay progression had been implemented. The Governing Board has discretion on the award of progression through the Main Pay Range, on the basis of performance and the recommendations in appraisal reports, for all pay reviews from September 2014.

The Governing Board may set differing levels of pay progression for those achieving a successful performance review. The criteria for awarding each level of progression through the pay range must be detailed in the school's pay policy.

The LA model pay policy recommends that teachers will progress by at least one pay point for a successful performance review with the option to award further progression where exceptional performance has been achieved, as per the criteria defined in the policy. In the model pay policy the definition of 'exceptional' is written in italics in case schools wish to insert their own descriptor. In accordance with general good practice schools should ensure staff are aware of the definition of exceptional performance and undertake consultation with staff and union representatives, with a view to reaching agreement, where it is intended to amend the descriptor in the model policy.

6.4 Experience Points

Newly Qualified Teachers (NQTs), will begin their career at the first point of the Main Pay Range. *On appointment, the relevant body should also award additional points for relevant experience, in line with the pay policy.*

Whilst each case should be considered on its own merits the relevant body should take account of potential direct or indirect discrimination.

Additional salary points for experience may not be taken away by the relevant body while the teacher remains in the same school.

6.5 Part Time Teachers

Part-time teachers must be paid the pro rata percentage of the appropriate full-time equivalent salary. The same percentage must be applied to any allowances awarded to a part-time teacher, except for any TLR3 awarded.

Any additional hours such a teacher may agree to work from time to time at the request of the Headteacher (or in the case where the part-time teacher is a Headteacher, the relevant body), should also be paid at the same rate.

The salary of any person employed as a part-time teacher on 31 August 2008 was re-determined by the relevant body in accordance with sub-paragraph 49.3 of the 2008 document with effect from 1 September 2008. In the event that this re-determination, plus any additional points awarded, resulted in a lower salary then the difference should have been safeguarded for up to three years from 1 September 2008.

The Governing Board should ensure that all teachers employed on a part-time basis are provided with an agreed statement which sets out the expectations of the school, and the part-time teacher, regarding deployment of directed time, both within and beyond the school day.

A model document for this purpose is available as part of the 'personnel handbook', for schools purchasing the Schools HR Advisory Service.

6.6 Threshold Assessment and the Upper Pay Range

Teachers on the Main Pay Scale may apply for Assessment and subsequent transfer to the Upper Pay Range (UPR). The relevant body has legal responsibility for the process but will delegate the receipt and assessment of applications to the Headteacher, who may involve the appraiser in the assessment. It is the responsibility of the Headteacher to assess applicants' fulfilment of the Teachers' Standards and criteria set in the school's Pay Policy for UPR progression, via relevant appraisal review statements, and to provide the relevant feedback, as detailed in the School Teachers' Pay and Conditions Document. The Governing Board must be satisfied that the teacher has met the expectations for progression to the Upper Pay Range.

Assessment is a voluntary process and teachers are responsible for applying for assessment to the Headteacher in accordance with the arrangements set out in the school's Pay Policy. It is the teacher's responsibility to submit Performance Review(s), copies of which should be stored confidentially in the school but be readily available to the teacher, if necessary. These should be the review(s) that cover the relevant period detailed by the Governing Board in their Pay Policy, in support of their application. *An administrative document for application may be available in the school.*

The application should demonstrate that the teacher has worked at the level determined in the Pay Policy for a sustained period covering the relevant period before the application is submitted. *For teachers who have experienced long term absence or other exceptional circumstances, the school should consult Schools HR*

Advisory Service (for schools purchasing the traded service), to assess each circumstance on a case by case basis. In practical terms, it is likely that the school will be advised to extrapolate from a teacher's prior performance as an indicator of the level of performance that the teacher would have sustained, had they not been absent.

The DfE has published additional advice in the document 'Implementing your school's approach to pay', which is quoted above in paragraph 6.

The Headteacher must provide feedback on applications and should provide the written notification of the outcome within 20 working days of ratification by the relevant body of their decision. Headteachers should inform the relevant body promptly. Where an application is unsuccessful the teacher should also be provided with information about the appeal process and the relevant timescale.

Following notification of a successful Threshold Application, and ratification by the Governing Board, any teacher, who has been successfully assessed, must be paid at the point on the Upper Pay Range that has been determined from 1 September of the relevant academic year. This would normally be point 1.

The Governing Board needs to set out in the school's pay policy what the teacher must demonstrate to ensure the Governing Board is satisfied that:

- a) The teacher is highly competent in all elements of the relevant standards;
And
- b) the teacher's achievements and contribution to the school are substantial and sustained.

The DfE guidance 'Implementing your school's approach to pay' confirms that schools must state clearly the criteria for meeting the requirement for substantial and sustained, highly competent performance in order to transfer to UPR. Also that 'Schools should try to avoid confusing or conflating the criteria and factors for the award of TLR payments with the criteria for movement to the upper pay range, both within the context of objective-setting and when making pay decisions.' The LA model policy has an appendix attached detailing the criteria for meeting the requirements to be paid on the Upper Pay Range. The descriptors previously utilised in the post-threshold standards provide clarity on appropriate levels of performance to meet a) and b) above, with which schools and teachers are familiar.

Information must also be provided on the period of time the evidence should cover, to whom the application should be made and details concerning application deadlines. It is important to treat all staff fairly.

Schools may decide that there is sufficient evidence of sustained highly competent performance using only the most recent appraisal cycle, where this provides the teacher with sufficient opportunity to demonstrate highly competent performance is substantial and sustained. As referenced above, particular consideration needs to be given to the applications of teachers who have been on maternity leave or absent with long term illness, especially if the absence is related to a disability.

Given the expectations outlined in the Threshold criteria of a teacher who has transferred to the UPR, schools will need to consider whether one cycle's evidence and successful appraisal review provides sufficient opportunity to ensure that the teacher's performance has been 'sustained' as well as substantial. Headteachers are advised to ensure that the objectives set for teachers approaching readiness to submit an application, reflect performance that would fulfil UPR criteria. If the teacher is minded to make an application they would then have the opportunity to evidence the required level of performance. The relevant teacher standards will be incorporated into the teacher's objectives and therefore achievement of these objectives would reflect that the standards are being met.

It is also recommended that the application deadline should remain 31 October, to allow consideration of the previous year's appraisal review. The STPCD sets no length of service requirements for eligibility to apply for movement to UPR. However, the application must satisfy that the required highly competent and substantial performance is sustained)

6.7 Upper Pay Range Progression

Progression on the Upper Pay Range (UPR) is not automatic and is at the discretion of the relevant body, in accordance with the criteria for progression detailed in the school's Pay Policy. Teachers on the Upper Pay Range are entitled to a statutory annual performance and salary review and their salary may be increased by 1 or more points of that pay scale until they reach the maximum, if their performance and contribution to the school as a teacher has been "substantial" and "sustained" for the appropriate review period, as defined in the school's pay policy. The Governing Board must set out in the school's pay policy whether teachers are eligible for progression through the UPR after one or more successful performance reviews.

The Governing Board may set differing levels of pay progression for those achieving a successful performance review. The criteria for awarding each level of progression through the pay range must be detailed in the school's pay policy.

The relevant body will receive recommendations from the Headteacher and others acting in the role of Appraisers who will assess the performance of teachers in relation to their performance objectives, which will be informed by the relevant pay progression criteria and professional standards. Headteachers should also consider evidence of performance from previous schools, within the relevant period provided by a teacher, such as outcomes of their performance management review, and where necessary liaise with the Headteacher of a teacher's previous school.

Additional points on the Upper Pay Range can only be awarded by the relevant body of the school at which the teacher is employed.

Teachers with part time posts at more than one school must have their salary reviewed by both Relevant Bodies and may be awarded additional points by each school. Progress on the Upper Pay Range at one school does not commit any other school at which the teacher works to also award an additional point(s). That school will make its own assessment. Points awarded for performance are not, automatically transferable when a teacher moves from one school to another. Each

school must set out in its Pay Policy whether it will consider previous points awarded on a teacher's pay range when appointing to a post.

The school's Pay Policy should make clear what the relevant body considers constitutes "substantial and sustained" or "high quality performance".

It is expected that the performance of post threshold teachers and their contribution to the school will show that UPR criteria continue to be maintained, such that further progression through UPR would be made, where the teacher is eligible. This will usually be determined by the outcomes of performance determined in statutory appraisal and salary reviews. The LA recommended policy states that teachers will be eligible to progress by at least one point through the UPR after successful performance review.

Any additional responsibilities for classroom teachers should be rewarded through TLR payments rather than UPR progression. As quoted above, schools should avoid confusing or conflating the criteria and factors for the award of TLR payments with the criteria for movement to the upper pay range, both within the context of objective setting and when making pay decisions.

6.8 Leading Practitioners

Schools have the discretion to create posts for qualified teachers whose primary purpose is the modelling and leading improvement of teaching skills. There are no national criteria for such posts. There is no central requirement for such posts to include an element of outreach, this is for individual schools to determine.

Their duties may include:

- coaching, mentoring and induction of teachers, including trainees and Newly Qualified Teachers (NQT)
- disseminating materials and advising on practice, research and continuing
- professional development provision
- assessment and impact evaluation, including through demonstration lessons and classroom observation
- helping teachers who are experiencing difficulties

The Governing Board must determine an individual post range for any Leading Practitioner post created, within the overall range provided in STPCD.

Different posts in the same school may have different ranges. The Governing Board will determine where, within an individual post range, a teacher employed in the post will be paid.

7. **Discretionary Allowances**

Classroom teachers on the Main Pay Range or Upper Pay Range may be awarded additional allowances by the relevant body for teaching and learning responsibilities, teaching children with Special Educational Needs, and for Recruitment and Retention.

7.1 Teaching and Learning Responsibility Payments (TLR)

The Governing Board may award a TLR1 or TLR2 to a classroom teacher for undertaking sustained additional responsibility in the context of the school's staffing structure, which must be appended to the pay policy. TLRs are awarded for the purpose of ensuring the continued delivery of high quality teaching and learning, and the holder is accountable.

During the Autumn of 2005 all schools were required to review the staffing structure. The Governing Board had to approve the structure and implementation plan by 31 December 2005. The staffing structure and implementation plan identified how posts carrying additional responsibility would be remunerated, with a TLR payment, Leadership post, Advanced Skills Teacher or Excellent Teacher post and the salary to be attached. The spot salaries adopted for TLR posts by the school will be identified. The plan indicated how the posts were implemented during the period January 2006 to December 2008 and the mode of appointment.

The Governing Board needs to include the value of any TLR payments adopted in the School's Staffing Structure in their pay policy. There is no longer a requirement to maintain a differential of at least £1,500 between each TLR value. *The LA recommends that Governing Boards give strong consideration to maintaining a differential of £1,500 between the value of TLR1s and between the value of TLR2s, in order to provide sufficient separation in the salaries to reflect clear, significant differences in the weight and scope of the roles.*

For guidance, the values attached to TLR posts adopted by the LA for centrally employed teachers follow. These incorporate the 2020 pay award.

TLR2 a)	£2,876
TLR2 b)	£4,792
TLR2 c)	£6,701

TLR1 a)	£8,296
TLR1 b)	£10,211
TLR1 c)	£12,123
TLR1 d)	£14,029

The relevant body may award a fixed term third TLR (TLR3), with an annual value of between £571 and £2,833 to a classroom teacher for clearly time-limited school improvement priorities or one-off externally driven responsibilities. The duration and payment to be made must be identified and paid on a monthly basis for the fixed term.

It has been clarified in the final version of the STPCD that:-

- A teacher may be awarded more than one TLR3
- A teacher holding a TLR1 or TLR2 may also be awarded a TLR3
- TLR3s paid to part-time teachers are not paid pro-rata

The LA model pay policy states that the relevant body will consult with staff and Unions, with a view to reaching agreement, before the establishment of any TLR 3 posts.

Clear criteria have to be determined for the award of a TLR3 and for the level of payment attached. The LA advises that schools may wish to utilise relevant factors from the list below:

- *Scope of the role (tight focus or across various departments/age ranges)*
- *Level of responsibility – priority of outcomes (for individuals/school)*
- *Number of colleagues/others to involve/manage/consult/communicate with*
- *Level of specialism/expertise required*
- *Size of the task in terms of quantity of work, number of steps, research/writing required (although this may be accounted for in duration of award)*
- *Involvement of partners/outside organisations.*

It is further advised that schools adopt 3 potential values, within the range allowed of £571, £1,702 and £2,833 This would enable consistency of approach and sufficient separation between the values of TLR3s, to reflect the recommended clear differences in the weight of the roles.

Requirements of TLR Posts

All TLR posts will include a significant responsibility that is not required of all classroom teachers as detailed below, except that factors (c) and (e) do not have to apply to the award of TLR3 posts.

- a) is focused on teaching and learning
- b) requires the exercise of a teacher's professional skills and judgement
- c) requires the teacher to lead, manage and develop a subject or curriculum area; or to lead and manage pupil development across the curriculum
- d) has an impact on the education and progress of pupils other than the teacher's assigned classes or groups of pupils and
- e) involves leading, developing and enhancing the teaching practice of other staff

In addition, before awarding a TLR 1 the Governing Board will be satisfied that the significant responsibility referred to in the above paragraph includes line management responsibility for a significant number of people, as defined in the school's context.

TLR1s and TLR2s are permanent while the post holder remains in the same post in the staffing structure. A teacher may not be awarded more than one TLR1 or TLR2. A TLR1 or 2 is a full time equivalent post. A temporary TLR1 or 2 will only be awarded where the teacher is appointed to cover a post in the staffing structure to which a TLR payment is attached (such as in case of cover for secondments, maternity or sick leave or vacancies pending permanent appointment) and for that duration of that responsibility. A teacher who is awarded a temporary TLR will not receive a safeguarded sum when it comes to an end. The date on which the temporary award will end or the circumstances in which it will end must be included in the teacher's notice of a revised pay determination. When a senior post in the structure is unfilled (on a temporary basis, for whatever reason), the school may

share the responsibilities around more than one member of staff, as an alternative to one person acting in the full role. In these circumstances, each staff member should be allocated sufficient extra responsibility to justify the award of a temporary TLR or a temporary uplift to an existing TLR.

When a TLR3 post reaches the end of the fixed term the post holder will not be entitled to a safeguarded sum.

The Governing Board is bound by the provisions of the current School Teachers' Pay and Conditions Document with respect to the safeguarding of Teaching and Learning Responsibility payments, where these are either reduced in value or cease to be awarded.

Any teacher who is paid a safeguarded sum will be allocated appropriate responsibilities commensurate with the safeguarded sum, for the safeguarding period.

It is possible for schools to make adjustments to their staffing structures, to take account of new developments over the implementation period. Any such changes would need to be subject of further consultation, following the regulations introduced in 2005.

7.2 Special Educational Needs Allowances

A SEN allowance of no less than £2,270 and no more than £4,479 per annum is payable to a classroom teacher in accordance with this paragraph.

The relevant body must award a SEN allowance to a classroom teacher –

- (a) in any SEN post that requires a mandatory SEN qualification;
- (b) in a special school;
- (c) who teaches pupils in one or more designated special classes or units in a school or, in the case of an unattached teacher, in a local authority service;
- (d) in any non-designated setting that is analogous to a designated special class or unit, where the post –
 - (i) involves a substantial element of working directly with children with special needs;
 - (ii) requires the exercise of a teacher's professional skills and judgement in the teaching of children with special educational needs; and
 - (iii) has a greater level of involvement in the teaching of children with special educational needs than is the normal requirement of teachers throughout the school or unit within the school.

Where a SEN allowance is to be paid, the relevant body must determine the spot value of the allowance, taking into account the structure of the school's SEN provision and the following factors:-

- (a) whether any mandatory qualifications are required for the post;
- (b) the qualifications or expertise of the teacher relevant to the post; and
- (c) the relative demands of the post.

The relevant body must set out in its pay policy the arrangements for rewarding classroom teachers with SEN responsibilities.

Where a teacher is in receipt of a SEN allowance awarded under an earlier document, the relevant body must –

- (a) determine whether the teacher remains entitled to a SEN allowance
- (b) if so, determine the amount of that allowance,

(with effect from 1 September 2010)

The approach adopted by the Local Authority for centrally employed teachers in the Support Services is as follows:-

** To award a payment at the lower end of the range available (£2,270) for any teacher who meets one or more of the criteria listed a) to d) above.*

** To award a payment at the maximum of the permitted range (£4,479) to any teacher holding a mandatory qualification or designated qualification for the particular service in which they work. For some services this is a contribution of significant appropriate CPD and the necessary relevant experience detailed on the person specification for posts in that service.*

This approach replicates the current system. It is based on the rationale that the different services present different but equal challenges and requirements for a mixture of experience/qualifications. If a school wishes to create a middle point, perhaps to be paid for an intermediate level of additional experience/relevant CPD then it is suggested this is set midway between the 2 spot points above.

Schools need to consider the effect of adopting different payments to those offered by other schools. The determination of any spot post other than the 2 nominated above will require a new code on DCC payroll system to be created. Schools will need to be very clear on how any different levels of demand, reflected in salary points presented by posts, are measured.

7.3 Recruitment and Retention

A relevant body should clearly state in its pay policy the circumstances in which it will consider, and reasons for, awarding Recruitment and Retention incentives and benefits. *This will avoid inappropriate claims for a recruitment and retention incentives and benefits, and potential discrimination.*

The relevant body may make payments for recruitment and retention, or provide other financial assistance, support or benefits to a teacher as they consider

necessary as an incentive for the recruitment of new teachers and the retention in their service of existing teachers. An incentive for the recruitment of a new teacher that consists of periodic payments or the provision of other benefits over a period of time may be awarded for a fixed period.

Where the relevant body is making one or more such payments or providing support, financial assistance or benefits, the relevant body must conduct a regular formal review of all such awards. The relevant body should make clear at the outset the expected duration of any such incentives or benefits and the review date after which they may be withdrawn.

Relevant bodies are free to determine the value of any reward. The relevant body should determine the nature and the circumstances as appropriate, in which they would renew rewards for retention purposes in exceptional circumstances. The relevant body should outline in their Pay Policy whether recruitment and retention incentives and benefits should be offered to new or existing teachers. Written notification should be given at the time of the award and state: whether the:

- award is for recruitment or retention,
- the nature of the award (cash sums, travel or housing costs etc).
- when/how it will be paid, unless this is a one off award,
- the start date and duration of the incentive,
- the basis of any uplifts which will be applied.

Relevant bodies are free to determine the value of any award, however, any award to a Headteacher, including non-monetary benefits (to which a monetary value must be assigned) is subject to the overall limit on discretionary payments.

The use of any recruitment or retention payments should be reviewed at least every three years to ensure the criteria are still relevant. *Annual review is recommended.*

After three years of the agreement to pay a recruitment and retention payment, it may be phased out in equal instalments over a period of time equivalent to the duration of the allowance to a maximum of three years.

Additional Advice

Recruitment and Retention Payments

In order to define criteria that differentiate more fully the circumstances that might give rise to the allocation of such payments the following could be included in the Governing Board's Policy:

1. When a post has been widely advertised at least twice and it is not possible to appoint a suitable candidate. *This might be further clarified to detail levels of difficulty:*
 - *The post was filled but there were insufficient or barely sufficient candidates to form a usual shortlist.*
 - *A few candidates barely met the essential criteria but lacked the level of qualifications/experience that would best meet school's needs.*
 - *The school set less demanding criteria in the person specification in order to*

fill the post.

2. Post in shortage areas as defined by the Governing Board. *This might be further clarified as:*
 - *Posts identified by the process above.*
 - *Posts identified locally or nationally as having a shortage of appropriately qualified teachers available.*
 - *Roles where there has been a high turnover of post holders.*
3. A vacant post for which the school is likely to experience recruitment difficulties, based on prior experience. *This might be expanded thus:*
 - *Posts identified in the process outlined above in 1, for previous appointments.*
 - *Posts that have been difficult to fill locally.*
 - *Posts that include very particular requirements in terms of specific expertise/ specialism, experience or qualifications.*
 - *Roles where there has been a pattern of candidates withdrawing from previous shortlists/interviews once learning more about the school/position.*
 - *Posts where the school has previously appointed candidates who did not offer the full scope of expertise/experience that was sought.*
4. A post for which the school would probably experience recruitment difficulties if the post were to become vacant, based on prior experience and available information.

Further clarification could include:

- *In addition to the factors above, research shows similar posts in comparable schools are attracting significantly higher salaries.*
- *Review of advertising media shows a higher proportion of re-advertisements for similar posts.*
- *Posts where staff have previously left the school and given better salary/benefits as the reason for their departure.*
- *Posts where the nature of the subject taught and other responsibilities would make it very difficult to develop and retrain other existing staff to fill the specialism.*

Based on the number of the above factors that apply and the impact on the school of not recruiting suitable teachers in the area, a range of potential payments could be identified for potential use. This would vary with size of school, budget circumstances, strategic planning, future projections etc.

For illustration only - relevant primary schools could adopt payments of £500, £1,000 or £1,500 pa. Secondary and special schools might select a range of £1,000, £2,000 or £3,000 pa.

Impact might be measured using factors like:

- *the school/students have already suffered detriment because of a lack of the quality of staff member needed (evidence – outcomes, loss of students, bad publicity, effect on other staff, resignations),*
- *a course will be delivered by a teacher who is not trained in the subject,*
- *a course/option will not be able to be offered by the school,*

- a key development priority has no suitable person to deliver,
- an underperforming area requires personnel with specific skills.

Recruitment and Retention Benefits

The consideration of awarding such benefits as travel, housing costs, childcare, health provision etc. will be undertaken on a post by post basis taking into account:

- Any difficulties in attracting suitable applications for the post,
- Identified shortage areas,
- Specific identified challenges for prospective employees in attending for interview and/or accepting a post.

The extent of any award granted will be confirmed in writing by the Governing Board. Any ongoing benefit(s) will be awarded on a time limited basis, to a maximum of 3 years. Staff members may request the continuation of a benefit at the commencement of the academic year in which it is due to end and the Governing Board will consider, in the light of the awarding criteria, whether to renew the benefit for a new fixed term, give notice of cessation or provide for the benefit to be phased out.

The Local Authority Pay Policy states that representatives of Professional Associations and Trade Unions will have been consulted about the award of any recruitment/retention incentives/benefits before any decision is made by the Governing Board and the agreed list will be made available to staff. The Governing Board need to be mindful that if a recruitment and retention allowance is awarded to one teacher in a post, all other teachers in similar shortage subject posts (for instance) should also be awarded the same level of allowance, unless there is good reason not to award the same payment.

7.4 Acting Allowances

A relevant body has discretion to decide whether or not an acting allowance should be paid and from when. If a teacher performs tasks that require the full authority of the post to be exercised then the acting allowance will be paid from, or backdated to, the time when the teacher commenced the acting role. The assumption of an acting role is voluntary for teachers. Where the teacher fills a TLR post on an acting basis they will be paid the usual rate for the post. For leadership posts, a relevant body does not have to reflect the pay of the substantive post-holder, however the teacher's pay must be equivalent to the minimum Leadership point payable within the school for any Leadership Group post in which the teacher is acting.

A relevant body must consider within 4 weeks of the start of the period of any acting up arrangements whether teachers temporarily carrying out duties of Headteacher, Deputy or Assistant Headteacher or other management responsibility should receive an acting allowance as a separate addition to their normal pay.

It is expected that where a teacher is required to temporarily carry out duties which would normally attract a higher rate of pay they will receive a temporary acting allowance.

7.5 Other Issues

- Unqualified teachers are paid on a separate unqualified teachers' pay range. The Governing Board must set the pay points within the range for Unqualified Teachers. *The LA recommended policy replicates the previous six point scale.* Newly appointed unqualified teachers will be at the first salary point on the Unqualified Pay Range or at a higher point if determined by the relevant body according to their pay policy. Progression through the range is subject to a successful performance review.
- The relevant body determines whether teachers on employment based routes into teaching will be employed as qualified or unqualified teachers.
- The relevant body determines whether and what extra payments will be made to teachers for continuing professional development, support for initial teacher training, or out of school learning activities.
- The salary of teachers who lose their post as a result of the statutory closure or reorganisation of a school is safeguarded in accordance with the current national statutory arrangements.
- In other circumstances any safeguarding will normally be made in accordance with the current national statutory arrangements.
- All payments made under the School Teachers' Pay and Conditions Document are pensionable with the exception of any financial assistance with housing, relocation costs or travel expenses.

7.6 Stepping Down

A relevant body must pay a class teacher at point 1 on the Upper Pay Range if:

- They were paid as a Headteacher or Deputy Headteacher before 1 September 2000
- They were appointed to the Leadership Group on or after 1 September 2000 and stepped down after at least one year in the Leadership Group
- The relevant body has discretion to pay on a higher point of the Upper Pay Range if they deem it appropriate.

7.7 Payment for Continuing Professional Development.

A relevant body may make additional payments to teachers, who undertake voluntary continued professional development outside of 1265 hours directed time (pro-rata for part-time teachers).

A relevant body must decide which continued professional development teachers will be paid for and set an appropriate level of payment.

Initial Teacher Training (ITT)

Additional payments may also be made for activities relating to teachers who support initial teacher training activities, only as provided in the ordinary conduct of the school, such as supervising teaching practice, providing feedback, acting as a mentor, running seminars/tutorials and assessing competence. Such activities are voluntary for teachers, excepting Leading Practitioners who have such activities included in their role.

Other aspects of ITT are not part of the ordinary conduct of the school, such as School Centred ITT (SCITT), where schools lead in the provision of ITT Courses eg planning Initial Teacher Training (ITT) courses, preparing course materials, undertaking the marketing, finance administration of courses and taking responsibility for the wellbeing and tuition of ITT students. In these circumstances a separate non-teaching contract should be issued, where the duties require the exercise of a teacher's professional skills and judgement and require that a teacher undertakes activities that go beyond the ordinary conduct of the school. No teacher should routinely carry out administrative or clerical duties in relation to the provision of ITT.

A relevant body must decide on the level of payment for such activities, taking account of whether any additional allowances the teacher may hold in their substantive post are pertinent to the duties they will be providing in relation to ITT. This would be taken into account in determining the appropriate level of payment.

7.8 Payment for Out of School Learning Activities

A relevant body may make payments to teachers who participate in out of school hours learning and decides the level of payment. Teachers' involvement in out of school hours learning activities is entirely voluntary and payments can only be made for substantial and where appropriate, regular commitment outside of a teacher's 1265 hours of directed time. Such payments should be calculated at an hourly rate equivalent to that paid to supply teachers, or a flat rate, provided for in a specific scheme (e.g. one to one tuition).

The relevant body must ensure that unlawful discrimination does not occur in the exercise of this discretion.

7.9 Additional Responsibilities Connected to the Provision of Service to Other Schools

Relevant Bodies may make additional payments for additional responsibilities and/or activities due to, or in respect of, the provision of services relating to the raising of educational standards to one or more additional schools.

The teacher may be paid for the additional hours, outside of their normal directed time, needed to perform the additional duties. This amount will be specified at the outset of the arrangement. The amount will be calculated in relation to their normal salary calculation.

8. Transfer between Schools and Breaks in Service

A teacher's salary is not automatically transferable under the STPCD, on the Main Pay Range or Upper Pay Range, between schools whether or not there has been a break in service. It is for each relevant body to set out its approach to determining the salary offered to teachers on appointment to a post, in its pay policy.

The relevant body must ensure that unlawful discrimination does not occur in the exercise of this discretion.

In the LA model pay policy it is recommended that schools adopt the principle of recognising teachers' previous salary progression, on Main Pay Range and Upper Pay Range. Schools who do not adopt this approach may run the risk of deterring potential applicants for vacancies and reducing movement between schools. The model policy also includes provisions for determining the placement of new teachers moving from employers utilising different pay ranges on to the school's pay scales.

9. Part-Time Teachers

Part time teachers are eligible for the same salary considerations as full time teachers but will be paid on a pro-rata basis, with the exception of TLR3 payments.

10. School Teachers' Pay and Conditions Payments

All payments made under the School Teachers' Pay and Conditions Document are pensionable with the exception of any financial assistance with housing, relocation costs or travel expenses. Emoluments for residential duties, for teachers in residential schools, are pensionable.

11. Job Description

(Detailed in Pay Policy)

12. Unsatisfactory Performance

Where a teacher has been notified in writing that his or her performance has not been satisfactory and they have been given timely opportunity to address the issues, there should be no performance pay progression if formal competence procedures or a 'Teachers Experiencing Difficulties' process have been implemented and not successfully concluded. *This will have been considered in the context of the School's Appraisal and Competence Procedures. Teachers who have successfully completed a Teachers Experiencing Difficulties process may be eligible for performance pay progression at the end of the cycle.*

The performance review will be deemed successful unless significant concerns about standards of performance have been raised in writing with the teacher during the annual performance management/appraisal cycle and have not been addressed through support provided by the school by the conclusion of that process. (See LA recommended Appraisal Policy).

13. **Salary Statements**

The School Teachers' Pay and Conditions Document requires that when the relevant body has determined the remuneration of a teacher, it must, at the earliest opportunity – and in any event not later than one month after the determination – ensure that the teacher is notified in writing of that determination.

A teacher's Salary Statement will show an assessment of basic salary and allowances. It will also include any safeguarding if appropriate.

The Statement should specifically include:

- The teacher's salary scale (Main, Upper Pay Range, Leading Practitioner, Leadership Group)
- The teacher's points entitlement on the Main Scale and Threshold Assessment or Performance on the Upper Pay Range
- Any TLR payment
- Any allowance for teaching children with Special Educational Needs.
- Any Recruitment and Retention benefit, when it will be reviewed, and the date.
- Any other appropriate allowances
- Any appropriate safeguarding
- The Teacher's actual salary

(Please note confidentiality statement in Pay Policy section 4.6)

PROVISION OF SERVICES BY THE HEADTEACHER MEMORANDUM OF UNDERSTANDING

This memorandum outlines the agreement reached by (Name) -----
Headteacher and (any other staff) and the Governing Board of -----
School in relation to the Headteacher providing their services as a ----- (Role)
to ----- (Organisation)

DURATION

This agreement will be in place from (date) to (date) and will be reviewed by the Governing Board
by (date)

DEPLOYMENT

The Governing Board have agreed for the Headteacher (name) -----
to be released during their normal working hours to undertake the role of ----- with -----
----- for a maximum of ----- days during the academic year -----

The specific dates to be agreed at least one term in advance and the Chair of governors will be
notified at the earliest opportunity.

During the absence of the Headteacher to undertake this work the following arrangements have
been agreed including any temporary additional payments or allowances paid to other staff during
the absence of the Headteacher

PAYMENT

The payment for the services provided to ----- (organisation) will accrue to the
school.

The Governing Board have agreed that there will be no payment made to the Headteacher except
authorised expenses in relation to these duties, which will be undertaken in normal working time.

Or

The Governing Board have agreed that the Headteacher should receive a temporary payment of £ per occasion/term/year for the temporary duties undertaken which are deemed to be additional to the post for which the salary has been determined. This temporary payment takes into account any time outside of normal working hours that is required to complete the duties necessary to meet the obligations outlined by -----(the organisation). I.e. there will be no separate payment for additional hours in relation to this work. Authorised expenses in relation to these duties will be paid in addition to this temporary payment

Temporary additional payments/ allowances will be made to the following staff to provide the additional capacity required during the Headteacher's absence to undertake this work.

CHANGES

The Governing Board or the Headteacher shall give three months' notice and in the summer term four months' notice terminating at the end of a school term if they wish to terminate the above agreement:

AGREEMENT

This memorandum of understanding was agreed on (date).

(Signatures)

Headteacher

(Name)

.....

Employee 1

(Name)

.....

Employee 2

(Name)

.....

Chair of Governors

(Name)

.....