



## SCHOOL PAY POLICIES

### NUT GUIDANCE ON THE TEACHERS' PAY STRUCTURE FOR 2009/10

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**This NUT document provides detailed guidance for the school year 2009-10 about all aspects of the teachers' pay structure. It considers in detail the statutory provisions governing teachers' pay; sets out DCSF and NUT guidance on the use of the discretionary elements of the structure; and is intended to promote fairness and equity in decisions at school level on teachers' pay.**

The teachers' pay structure set out in the School Teachers' Pay and Conditions Document (STPCD) contains a wide range of discretionary elements on which governing bodies may take decisions affecting teachers' pay.

Every governing body is required to:

- (i) have in place a school pay policy, setting out the basis on which it takes pay decisions; and
- (ii) consult teachers and union representatives when formulating the policy and considering changes to it.

The 2009 STPCD, DCSF Explanatory Notes and DCSF model school pay policy are made available at [www.teachernet.gov.uk/management/payandperformance/pay](http://www.teachernet.gov.uk/management/payandperformance/pay). An NUT model school pay policy and NUT school pay policy checklist, which reflect the guidance in this document, are available from the Pay and Conditions section of the NUT website at [www.teachers.org.uk/pay](http://www.teachers.org.uk/pay)

Many local authorities publish model pay policies for their schools. The NUT believes that, where these accord with NUT policy, they should be adopted by governing bodies to ensure consistency of decision making in schools within the local authority.

**Where queries are not resolved by reading this advice, NUT members may wish to contact their NUT division or association or the appropriate NUT regional office or in Wales, NUT Cymru.**

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## INTRODUCTION

### The School Teachers' Pay and Conditions Document (STPCD)

Under the 1991 School Teachers' Pay & Conditions Act, statutory provisions on school teachers' pay and conditions of service are determined by the Secretary of State for Education and Skills. The Secretary of State is further empowered to issue 'statutory guidance' on school teachers' pay and conditions.

The provisions of the teachers' pay structure, teachers' professional duties and some areas of teachers' conditions of service are set out in a publication entitled the 'School Teachers' Pay and Conditions Document and Guidance on School Teachers' Pay and Conditions'. This is normally published annually, coming into effect on 1 September each year.

This publication contains both the statutory provisions made by the Secretary of State on teachers' pay and the separate 'statutory guidance'. It is important to understand the difference between these separate parts of the publication and their respective status in law.

- The statutory provisions on teachers' pay are set out in Part 2 of the publication, which is the School Teachers' Pay and Conditions Document itself. The provisions of the STPCD, as set out in Part 2 of the publication, have the force of law. Local authorities, governing bodies and head teachers must abide by these provisions. References in this NUT guidance to "the STPCD's provisions" are to the provisions set out in Part 2 of the publication.
- The 'statutory guidance' on the application of the provisions of the STPCD itself is set out in Part 3 of the publication. Local authorities, governing bodies and head teachers are required to 'have regard' to the STPCD statutory guidance. The Introduction to the STPCD states that "*Broadly speaking, this means that any party not following this guidance would need to have good reason not to do so and would need to be able to justify any departure from it*". The NUT emphasises that where it is inappropriate or impossible to follow the STPCD statutory guidance, governing bodies and head teachers are entitled to set aside the statutory guidance and take decisions on the basis of the information available to them.

The DCSF also publishes separately, via the Teachernet website, 'explanatory notes' on teachers' pay and a DCSF model pay policy. Advice which appears in these documents but which is not contained in the STPCD or the STPCD statutory guidance is not binding. This NUT guidance draws attention to particular elements of those documents where they are particularly relevant or helpful.

### School Pay Policies

The STPCD requires every school to have in place a written school pay policy setting out how it will take decisions on teachers' pay and the criteria for deciding whether and how to exercise discretionary powers over pay. The STPCD statutory guidance states further that the policy should be reviewed annually and kept up to date.

Teachers and union representatives should always be consulted on formulating the policy and on any changes to it. **All decisions on teachers' pay should then be taken in accordance with the provisions of the school pay policy.**

The governing body is formally responsible for taking pay decisions. It may, however, delegate responsibility to a committee of the governing body which will have full authority to take decisions on behalf of the governing body. The NUT recommends that responsibility for most pay decisions

is delegated to a Pay Committee. A model remit for such a Pay Committee is included as Appendix 1 and appears in the NUT's model school pay policy.

The NUT believes that the governing body or committee should consider recommendations and advice from the head teacher where appropriate but should not delegate responsibility for taking pay decisions to the head teacher. On matters such as progression on the Upper Pay Scale and leadership group scales, it is essential that the governing body or committee takes the formal decisions with regard to teachers' pay.

## **SECTION 1: SCHOOL PAY POLICIES – AIMS AND APPLICATION OF THE POLICY**

### **Statutory Provisions**

There are no specific statutory requirements as to how governing bodies should define the aims and aspirations of their school pay policies. The STPCD statutory guidance and DCSF model pay policy, however, identify a range of principles that should be included.

Many of these principles would appropriately be set out at the start of any school pay policy. These include commitments by the governing body that its procedures for determining pay will be:

- consistent with the principles of public life, objectivity, openness and accountability;
- a commitment to compliance with all relevant discrimination legislation; and
- a commitment that teachers and union representatives will be consulted on formulating the policy and changes to it.

The STPCD and the STPCD statutory guidance require that each school's pay policy should set out clearly the mechanisms for taking pay decisions within the school, including the timetable for annual pay assessments, the responsibilities for taking decisions and the appeals procedure against such decisions. Again, these would appropriately be detailed at the start of a school's pay policy and in appropriate appendices.

### **NUT Policy and Guidance**

The NUT recommends that all governing bodies include appropriate provisions in the introductory sections of their school pay policies on the following areas. The NUT's model pay policy provides appropriate wording.

The policy should affirm the governing body's commitment to:

- acting in accordance with the principles of objectivity, openness and accountability;
- ensuring equality of opportunity for staff and pupils and compliance with anti-discrimination legislation;
- observing statutory provisions on pay and conditions and the terms of national and local agreements on pay and conditions;
- paying regard to local authority advice and guidance and practice in other schools on pay and conditions matters; and
- adopting a 'whole school' approach to pay issues, with pay decisions taken in the context of full consideration of the resources available to the school.

An Equal Pay Statement for inclusion in school pay policies is attached as Appendix 2 and also appears in the NUT's model school pay policy.

The policy should set out the agreed decision-making structure within the school on pay matters, including the timetable for annual pay assessments, the responsibilities for taking decisions and the appeals procedure against such decisions.

The policy should include provision for circulation and availability of information to teachers on pay issues; annual review of the policy by the governing body in full consultation with staff and teacher union representatives; and monitoring of the policy by the governing body, including consideration of an annual report from the head teacher on all decisions taken in accordance with the policy including all decisions to award or withhold pay progression.

## **SECTION 2: PROCEDURES FOR PAY ASSESSMENT AND PAY REVIEW**

### **2.1 CLASSROOM TEACHERS**

#### **Statutory Provisions**

Those teachers who are not head teachers, deputy or assistant head teachers, ASTs or Excellent Teachers are referred to as 'classroom teachers'. Classroom teachers constitute the large majority of teachers. The STPCD provides two pay scales for classroom teachers<sup>1</sup>, generally referred to as the Main Pay Scale and Upper Pay Scale, and also a number of possible additional payments including in particular payments for additional responsibilities.

The STPCD requires governing bodies to undertake pay assessments for all qualified teachers with effect from 1 September each year. The STPCD statutory guidance states further that pay assessments should be carried out for classroom teachers and deputy and assistant head teachers by 31 October at the latest and for head teachers by 31 December. The pay policy should set out when the decisions effective from 1 September will be made.

Each teacher must be given a formal statement setting out the teacher's pay entitlement and the manner in which it was calculated. The pay statement should show the basic pay and allowances, along with any safeguarding payable. This applies equally to teachers on the Main Pay Scale and Upper Pay Scale. Where decisions are made earlier than the date set, these decisions should therefore be notified to the teacher at the earliest opportunity.

Pay assessments must be undertaken whenever teachers enter or re-enter service on any other date, take up new posts or become entitled for the first time to be paid on the Upper Pay Scale. Additional pay assessments may be undertaken at any other time if, for example, these are required to correct errors; the school's pay policy has been changed; or individual teachers' circumstances have changed.

Pay assessments should be undertaken in the context of the management structure of the school; performance management; pay policies; and obligations under Equal Opportunities legislation.

#### **NUT Policy and Guidance**

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<sup>1</sup> The STPCD uses the terms 'Pay scale for classroom teachers (Main Scale)' and 'Pay scale for post-threshold teachers' respectively. This NUT guidance uses the terms 'Main Pay Scale' and 'Upper Pay Scale' for reasons of familiarity and convenience.

The pay policy in each school should contain a clear statement that pay assessments will be undertaken according to the statutory criteria and according to the policy of the governing body on discretionary elements of the pay structure set out subsequently in the policy.

The policy should provide for annual pay assessments to be carried out at the earliest opportunity. For many classroom teachers, this should be possible during the summer term. For Upper Pay Scale teachers awaiting further pay progression, the policy should provide for assessments to be carried out by 31 October at the latest.

**Where teachers wish to appeal against their pay assessments, NUT representatives may refer them to the NUT division or association or to the appropriate NUT office for advice and assistance.**

## **2.2 LEADERSHIP GROUP TEACHERS AND ADVANCED SKILLS TEACHERS**

### **Statutory Provisions**

The STPCD requires governing bodies to undertake pay assessments for leadership group teachers and advanced skills teachers, as for classroom teachers, with effect from 1 September each year. Pay assessments may also be undertaken at other times as necessary as set out in the STPCD, to reflect any changes affecting the basis for calculating pay.

Leadership group teachers and advanced skills teachers must be provided with a written statement following the annual pay assessment setting out their pay entitlement and the reasons for any pay decisions, together with an explanation of the basis upon which their pay will be assessed in future years and details of their agreed performance objectives.

The STPCD statutory guidance states further that, as with other teachers, such teachers' pay should be reviewed by 31 October at the latest, except in respect of head teachers for whom the deadline is 31 December.

### **NUT Policy and Guidance**

School pay policies should provide that annual pay assessments will be carried out according to the statutory criteria and according to governing body policy on discretionary elements of the pay structure set out subsequently in this policy. The policy should provide for all assessments to be carried out as soon as possible in the autumn term and at the latest by 31 October for deputy and assistant head teachers and advanced skills teachers and 31 December for head teachers.

**Where any teachers wish to appeal against their pay assessments, NUT representatives may refer them to the NUT division or association or to the appropriate NUT office for advice and assistance.**

## **SECTION 3: CLASSROOM TEACHERS' PAY**

### **3.1 MAIN PAY SCALE**

#### **Statutory Provisions**

The STPCD provides that classroom teachers are entitled to one point on the Main Pay Scale up to the maximum of M6 for each school year during which they have been employed for at least 26 weeks as a teacher. Teachers may be awarded further points on a discretionary basis for periods of non-teaching employment.

The statutory provisions are explained below.

- The 26 week period of employment does not have to run consecutively during the year and does not have to have been in the same school. For periods of employment on a part-time or short notice basis, service during any one week will allow that week to be counted.
- Holiday, maternity leave, parental leave and sick leave all count as periods of employment. Governing bodies have a discretionary power to count any other type of absence as a period of employment.
- Experience points must be awarded on a mandatory basis for periods of employment as a teacher in a maintained school in England & Wales, an MOD school or in the employment of an Education Action Forum in England & Wales. Experience points must also be awarded on a mandatory basis to teachers trained in the UK, other states in the European Economic Area (EEA) or Switzerland for periods of employment as a teacher of school age children within state sector schools in any of those states. Teachers who qualified in countries which acceded to the EU in 2004 (Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia), and who were working as unqualified teachers in maintained schools at the time of accession, receive a point for each year of teaching anywhere in the EU since qualification.
- A governing body may, at its discretion, award experience points for periods of teaching in independent schools, City Technology Colleges or Academies, sixth form colleges or other further or higher education institutions in England and Wales.
- A governing body may, at its discretion, award experience points for periods of employment as a teacher overseas in other circumstances.
- A governing body may, at its discretion, award experience points for periods of non-teaching experience, whether paid or unpaid.
- The school pay policy should set out the circumstances in which the governing body will exercise its discretionary powers as outlined above, for example whether it will award points for relevant non-teaching experience, what counts as relevant non-teaching experience and how many points will be awarded.

Experience points cannot be taken away once awarded, whether awarded under mandatory or discretionary provisions, either where the teacher stays in the same school or where the teacher is appointed to a post in another school.

A governing body may decide to award an additional experience point where it deems the teacher's performance in the previous school year as 'excellent'. Such experience points cannot be taken away once awarded.

A governing body may decide not to award an experience point where a teacher's performance is deemed to have been unsatisfactory during the previous year. This should normally happen only where formal capability procedures have been initiated. The teacher must have been notified of this in writing before the end of the school year and before the decision not to award the point. The governing body can decide to award an experience point for the year's employment at any later date.

### **NUT Policy and Guidance**

The school pay policy should make clear the commitment of the governing body to observing the mandatory requirements with respect to points for teaching experience.

The NUT believes that discretionary points should be awarded as set out below.

- One point should be awarded for each year of employment as a teacher in an independent school, a City Technology College or Academy, a sixth form college or other further or higher education institution in England and Wales, or as a qualified teacher in an overseas school outside the EEA in the maintained sector of the country concerned.
- One point should be awarded for each period of three years spent outside teaching but working in a relevant area which should include industrial or commercial training, time spent working in an occupation relevant to the teacher's work at the school, and experience with children/young people.
- At least one point should be awarded for each three years of other remunerated or unremunerated experience, which includes caring for children during a career break.

This guidance corresponds to the recommendations on this area included in the DCSF model pay policy for schools.

The NUT believes that additional points for 'excellent' performance are divisive and contrary to the teamwork ethos essential to teaching and should not be awarded.

With regard to withholding experience points, the policy should specify that cases of alleged unsatisfactory performance will be dealt with supportively and according to the school's agreed competence procedures.

### **3.2 PERFORMANCE THRESHOLD ASSESSMENT**

**Detailed NUT guidance on the threshold application process and on completing applications is available separately on the NUT website at [www.teachers.org.uk](http://www.teachers.org.uk)**

#### **Statutory Provisions**

Teachers who have reached Point M6, the top of the Main Pay Scale, are entitled to apply for 'performance threshold assessment'. A teacher whose application is approved by the head teacher becomes entitled to be paid on the Upper Pay Scale.

Teachers are required to make an application before performance threshold assessments can take place. Applications are voluntary and teachers may apply once in any school year. Subject to this, there is no limit to the number of times a teacher can apply.

Changes with effect from 1 September 2009 have been made to the regulations on performance threshold assessment. Assessment for teachers in England subject to the 2006 Performance Management Regulations is on the basis of the results of performance management reviews covering the relevant two-year period. Teachers subject to the 2002 Regulations, or not subject to either the 2002 or 2006 Regulations, have to cite summarised evidence in the form of concrete examples from their day-to-day work in support of their applications.

The head teacher considers each application against statutory 'performance threshold' standards set out in the STPCD. Where a teacher's application is approved, the entitlement to be paid on the Upper Pay Scale will usually take effect from 1 September of the following school year<sup>2</sup>. The previous distinction whereby the date of moving to the UPS depended on when a teacher had reached M6 has been removed.

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<sup>2</sup> Details of the limited exceptions allowing backdating of this entitlement to 1 September 2009 can be found in the DCSF guidance.

The teacher's entitlement to be paid on the Upper Pay Scale is retained when moving to another school covered by the STPCD.

A teacher whose application is not approved by the head teacher is entitled to appeal using the appeal procedures set out in the school pay policy. There is no longer an external and independent appeal mechanism.

While schools may for administrative purposes wish to set dates by which teachers' threshold applications should be submitted, such deadlines are not binding. Teachers subject to the 2006 Regulations can apply once in the period 1 September 2009 to 31 October 2010. The reason for this is that some teachers may want to use the outcomes of their 2009-10 performance management cycle and performance management reviews do not need to be completed until 31 October. Teachers not subject to the 2006 Regulations can apply once in the 2009-10 school year.

Detailed DCSF guidance on threshold assessment can be found at [www.teachernet.gov.uk](http://www.teachernet.gov.uk)

### **NUT Policy and Guidance**

Governing bodies do not possess any discretionary powers in respect of crossing the threshold. The NUT believes, however, that the school pay policy should contain a commitment that the head teacher will deal with applicants to the threshold fairly, objectively and supportively.

The NUT is aware that a high proportion of teachers eligible to apply for a performance threshold assessment do not do so. The success rate for those who do apply, on the other hand, is more than 90 per cent. The NUT does not wish to see teachers losing out on opportunities for pay progression and would encourage all eligible teachers to exercise their entitlement to apply for assessment.

The changes to the arrangements for threshold applications open up the question of whether it would now be appropriate to deal with threshold assessments in the same way as assessment for progression on the Upper Pay Scale, with automatic assessment against the post-threshold teacher standards. The NUT is pressing the Government to adopt this approach.

### **3.3 UPPER PAY SCALE**

**Detailed NUT guidance on Upper Pay Scale progression is available from the NUT website at [www.teachers.org.uk](http://www.teachers.org.uk)**

#### **Statutory Provisions**

The STPCD's requirement on governing bodies to undertake pay assessments each year for all qualified teachers applies to post-threshold teachers in the same way as to other classroom teachers.

There is no requirement for post-threshold teachers to apply for progression on the Upper Pay Scale. Governing bodies are required to carry out pay assessments for all post-threshold teachers according to the statutory provisions. They may not impose any requirement for teachers to make applications or complete any forms. They may not refuse to carry out assessments or refuse progression for teachers who decline to do so.

Teachers awarded progression are entitled to receive the higher rate of pay with effect from 1 September, even where the actual assessment takes place after 1 September. The STPCD statutory guidance advises that all decisions should be taken by 31 October at latest. Points awarded are permanent whether the teacher remains in the same post or takes up a new post.

The STPCD requires that before a decision on Upper Pay Scale progression is taken, there must first be a review of the performance of the post-threshold teacher. The STPCD's statutory criteria for progression to the next point on the Upper Pay Scale require that the teacher's achievements and contribution to the current school or schools at which the teacher has previously worked must have been 'substantial and sustained'.

The STPCD also requires that the governing body should 'have regard' to the outcomes of performance management, the reviewer's pay recommendation<sup>3</sup> and to the provisions of the statutory guidance. The advice of the head teacher should also be considered.

The STPCD's statutory guidance provides additional 'clarification' on the application of the statutory criteria. This states that "progression on UPS should be based on two successful consecutive performance management reviews" and that "to ensure that the achievements and contribution have been substantial and sustained, that performance review will need to assess that the teacher has continued to meet threshold standards and grown professionally by developing their teaching expertise post threshold".

As noted in the Introduction, governing bodies and head teachers are required by the STPCD to 'have regard' to the STPCD's statutory guidance in conducting UPS pay assessments. The use of the phrase 'have regard' means that the governing body should follow this direction unless the circumstances are such that there is a good reason not to do so. In the majority of cases, therefore, the pay assessment process will be linked to the performance management process and its outcomes. In some circumstances, however, it will be inappropriate or impossible to follow this statutory guidance. In such situations, governing bodies and head teachers should disregard that guidance and take decisions on the basis of the information available to them.

The STPCD provides that there should normally be a period of two years before a teacher can progress to the next point on the Upper Pay Scale, and that points should not be awarded annually other than in exceptional circumstances. The pay of a post-threshold teacher may not be increased by more than one point on the UPS in the course of a single annual pay determination.

Where teachers have moved school but are eligible for movement on the Upper Pay Scale, the STPCD statutory guidance states that head teachers should consult with the head of the teacher's previous school to seek evidence as to the teacher's suitability for progression. Decisions on Upper Pay Scale progression can, however, only be made by the governing body of the school at which the teacher is employed at the time of the pay assessment. The previous school's governing body cannot take a decision to award the teacher such points with effect from a future date in such a way as to bind the decision of the new governing body.

Where a teacher has part-time posts at more than one school, awards made by one governing body do not commit the other governing body to award a point. Each governing body should make its own assessment. Points become portable only when the teacher moves between schools.

Teachers in receipt of acting allowances receive these in addition to their substantive pay and should be considered for UPS movement in the normal way. Teachers who are temporarily promoted to posts in the leadership group should also be considered during the period of temporary promotion for UPS movement for their substantive posts in the normal way.

Teachers who have successfully passed the threshold assessment procedure must be paid on the Upper Pay Scale. In addition, some other teachers<sup>4</sup> are automatically entitled to be paid on the Upper Pay Scale, subject to certain conditions, including teachers previously employed as head

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<sup>3</sup> There is no requirement in Wales for the performance reviewer to make a pay recommendation or for the governing body to consider such a recommendation in taking its decision on UPS progression.

<sup>4</sup> See Para 1.2 pages 28-30 of the 2009 STPCD for the full list of categories of eligible teachers and the conditions applicable in each case.

teachers, deputy head teachers or assistant head teachers; teachers previously employed as Advanced Skills Teachers or successful in the AST assessment procedure; teachers previously employed as local authority advisers or inspectors paid on the Soulbury pay spine; and teachers previously employed in sixth form college teachers and assessed as meeting the sixth form college professional standards.

Where such teachers are placed on the Upper Pay Scale for the first time, the STPCD permits the governing body to decide on which point (UPS1, 2 or 3) to place them and to allocate additional pay scale points in respect of any performance-related pay progression made in their previous employment. The STPCD statutory guidance advises that such points “should not be unreasonably withheld”.

Safeguarding for the very small number of teachers paid on Upper Pay Scale points 4 and 5 prior to their abolition in 2004 ended on 31 March 2008.

### **NUT Policy and Guidance**

The following key principles should be included in governing body pay policies and are reflected in the terms of the NUT’s model pay policy.

- The governing body will take decisions on Upper Pay Scale progression according to the STPCD’s statutory provisions. It will not adopt any additional criteria beyond the STPCD’s statutory criterion regarding ‘substantial and sustained contribution’ and the accompanying statutory guidance.
- The decisions on Upper Pay Scale progression will be formally taken by the governing body or committee, following consideration of recommendations from the performance management reviewer and advice from the head teacher based on the statutory provisions. The written statement provided following the annual pay assessment will set out the reasons for the decision in respect of UPS progression.
- The governing body will place no restrictions on UPS progression on the basis of funding. All teachers who satisfy the criteria will progress.
- Teachers will not be required to make an application or provide additional evidence in support of UPS progression. While teachers may choose to draw particular achievements to the attention of head teachers, it will not count against them if they choose not to take this option.
- The school’s performance management processes will not be amended in order to link them to UPS pay assessments. In particular, no modified, additional, new or replacement performance management objectives will be imposed within the performance management cycle for post-threshold teachers. Pay assessments for UPS progression will not be delayed to fit in with performance management timetables.
- The timetable for performance reviews under the school’s performance management policy will be completed sufficiently early to allow the timetable for pay decisions to be met by 31 October at latest. There should be no delay in pay decisions due to delays in the timetable for performance management arrangements.
- The provision of the statutory guidance regarding “two successful consecutive performance management reviews” will not be interpreted as requiring all performance management targets to have been met in full. Teachers will not be regarded as having failed to satisfy this requirement and therefore denied progression on the UPS simply because their individual performance targets have not been met in full; or because previous performance

management records are unavailable; or because previous PM reviews did not specifically consider whether the teacher had maintained threshold standards or 'grown professionally'.

- The provisions of the statutory guidance regarding the need for teachers to have 'continued to meet post-threshold standards' and 'grown professionally' will be interpreted in such a way as to accept that all teachers will necessarily, through their additional two years' teaching experience, have 'grown professionally' over that period. All teachers who have continued to meet post-threshold standards over the two year period will therefore be regarded as having met the criteria of 'substantial and sustained' and awarded progression on the Upper Pay Scale.
- Where it is not possible or practicable to apply the provisions of the statutory guidance, for example due to absence or recent appointment, the governing body will take its decisions on the basis of the information available to it.
- Where teachers have recently joined the school, the governing body will, where necessary, liaise and seek evidence from previous schools and only where necessary seek evidence from the teacher.
- Where teachers have part-time posts at more than one school, the governing body will observe any decision previously taken by another governing body to permit progress by the teacher.
- Where teachers have joined the school from other employment and are statutorily entitled to be paid on the Upper Pay Scale, the governing body should exercise its discretionary power to allocate additional pay scale points in respect of any performance-related pay progression made in their previous employment and recognise such progression in full.
- The description in the statutory guidance of "*characteristics*" of UPS3 teachers and the role they play does not constitute additional criteria for progression to UPS3 and nor does it alter the professional duties or obligations of such teachers. Any additional responsibilities allocated to UPS3 teachers should be rewarded through TLR payments.

### **3.4 TEACHING AND LEARNING RESPONSIBILITY (TLR) PAYMENTS<sup>5</sup>**

#### **Background**

TLR payments replaced Management Allowances (MAs) with effect from 1 January 2006 and safeguarding for MAs ended on 31 December 2008. Governing bodies were required to review school staffing structures by 31 December 2005 and had three years to move to the TLR payments system.

#### **Statutory Provisions**

##### ***Number, Levels and Values of TLR Payments***

Under the TLR payment system, there are no nationally prescribed levels or values of TLR payment. Each school decides for itself the overall number of posts of responsibility carrying TLR payments in the school.

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<sup>5</sup> This NUT guidance document deals only with the TLR payments system and describes the TLR payments system and the NUT's policy and guidance in broad terms. The NUT has produced a wide range of materials advising and assisting with the transition from MAs to TLRs and the review of school staffing structures available separately on the NUT website at [www.teachers.org.uk](http://www.teachers.org.uk) together with more detailed NUT guidance on the TLR payments system.

The STPCD provides two broad bands for the values of TLR payments, the TLR1 and TLR2 bands. There can be more than one level of TLR payment within each TLR band. Each school will decide for itself the number of levels of TLR payments within the two bands and the specific values of the TLR payments at each level. The freedom to determine the number of different levels within each band is subject to a minimum differential of £1,500 between each level of payment.

For 2009/10, the lower band, TLR2, is set at £2,478 to £6,057, while the higher band, TLR1, is set at £7,158 to £12,114. The values of the bands and individual TLR payments are subject to review by the STRB.

### **Criteria for TLR Payments**

In order to qualify for a TLR payment of any kind, teachers' duties must include:

“a significant responsibility that is not required of all classroom teachers and that

- (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 educational 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 order to qualify for a TLR1 (higher band) payment, teachers' duties must include in addition “line management responsibility for a significant number of people”.

The key difference between TLR1 and TLR2 posts is, therefore, the nature of line management responsibilities. The extent, however, of the line management responsibilities needed to qualify – for example the number of teachers and/or support staff managed – is not specified.

The STPCD statutory guidance makes clear that, in all cases, responsibility for other teachers or accountability for a subject area should be linked to TLR payments or leadership group posts.

TLRs are permanent while the teacher remains in the same post. They will cease when teachers move to different schools; where the teacher refuses to perform the responsibilities or is dismissed from them; or where responsibilities are revised.

### **Other Matters**

The staffing structure must be published as part of the school pay policy. It should include the numbers of posts with TLR payments; whether those are TLR1 or TLR2 payments; and the specific values of the payments. The responsibilities attaching to each post and the level of the TLR should be specified clearly in each post's job description.

TLR payments should in all cases be permanent as long as teachers occupy the post concerned. Payments may not be awarded on a temporary and 'rotating' basis. Temporary TLR payments will be justifiable in appropriate circumstances such as cover for sickness absence, maternity leave or pending a permanent appointment.

Although a teacher cannot hold more than one TLR, a TLR can be based on a job description that itemises several different areas of significant responsibility.

Part time teachers are fully entitled to apply for and be appointed to posts of responsibility with TLR payments attached. They may share the responsibilities of such posts on a job share basis

or undertake the full set of responsibilities. NUT guidance on payment provisions is set out in the section below on NUT Policy and Guidance.

TLR payments are payable for different purposes and under different criteria to SEN allowances and recruitment/retention payments. Some teachers may be eligible to receive TLR payments, SEN allowances and recruitment/retention payments.

### **NUT Policy and Guidance**

The NUT opposed the introduction of the TLR payments system, which creates greater discretion for schools and in the NUT's view increases the likelihood of greater inequality, unfairness and discrimination in decisions on responsibility payments. The NUT seeks to ensure consistency, fairness and transparency in every school's decision on staffing structures and allocation of TLR payments. This NUT guidance and the NUT model pay policy have been prepared with a view to assisting in this.

### ***Number, Levels and Values of TLR Payments***

Compared to the five fixed levels of MA payments, a school can decide to establish as many as three levels of TLR payment in the TLR2 band and four levels of TLR payment in the TLR1 band. Alternatively, a school could establish only one level of TLR payment in each band.

The DCSF and its partners have said that decisions on TLRs should "have a clear rationale". The NUT believes, however, that allowing schools to determine the levels and values of TLR payments will increase inequality within and between schools. It will considerably complicate the career path for teachers, compared to the previous structure of nationally applied and understood levels of responsibility payment.

For example, School A may award a TLR2 payment for the same responsibility for which School B awards a TLR1 payment. School C may make no payment for a responsibility for which School D awards a TLR2 payment of £2478 and School E awards a TLR2 payment of £3000. Similar anomalies will occur within many schools with teachers doing similar work but in different departments receiving TLRs of different value.

The NUT therefore recommends, in its model pay policy, that governing bodies adopt the following structure for TLR payments. The payment values below are recommended for 2009/10 and are to be increased appropriately each year.

TLR2a	£2,478	TLR1a	£ 7,158
TLR2b	£4,136	TLR1b	£ 9,346
TLR2c	£6,057	TLR1c	£12,114

Governing bodies should then determine the level of the TLR payments for individual posts, as appropriate to the duties and responsibilities of those posts, using these prescribed levels and values.

### ***Criteria for TLR Payments***

The TLR criteria appear more detailed than the previous broad criteria for awarding MA payments but are still imprecise and open to interpretation. The following deals with some commonly encountered issues. More detailed advice is set out in the NUT's guidance on the implementation of TLR payments, available separately on the NUT website [www.teachers.org.uk](http://www.teachers.org.uk).

- TLR payments should be allocated in accordance with the school staffing structure, which should identify all posts of additional responsibility to which management allowances are

attached. That structure should in turn reflect the governing body's whole school approach to pay policy and commitment to the principles of equal pay.

- Teachers may not be awarded TLRs on a temporary basis other than where they are temporarily assuming the duties of another permanent postholder in receipt of a TLR payment. The STPCD does not permit the award of TLRs for fixed term project-related posts; for posts established as 'temporary' due to doubts within the school about their long-term affordability; or on a rotating basis where either the responsibilities rotate or the TLR payment itself rotates.
- All teachers awarded TLR payments are also entitled to additional non-contact time to undertake their additional responsibilities in accordance with the STPCD's provisions on leadership or management time.
- UPS3 teachers do not have to undertake additional responsibilities without payment of a TLR simply because they are on UPS3.
- Schools are able to determine for themselves the definition of "significant line management responsibility" required for a TLR1 payment. The NUT does not offer a single definition of these terms since the level of responsibility held by individual managers can vary, even where the number of teachers or support staff managed is the same. Since there is no statutory provision on the minimum number of staff to be managed, governing bodies cannot argue that they are precluded from awarding TLR1 payments to teachers on the basis that the number of staff managed is below some pre-determined figure. There are no figures set out in the STPCD to support such a practice.

The criterion relating to "leading and managing pupil development across the curriculum" provides the means by which pastoral responsibilities may be rewarded by TLR payments. The NUT believes strongly that teachers should continue to be involved in pastoral work. In particular, head teachers of year and key posts for pastoral responsibilities should be qualified teachers. Teachers undertaking pastoral work, however, should receive appropriate TLR payments for that work.

### **Other Matters**

Part time teachers must, according to the STPCD, be paid on a pro rata basis to the total FTE pay rate (including any TLR payment) for the post occupied. Where a part time teacher undertakes the full additional responsibilities of a promoted post, it would clearly be unfair if they did not receive the full value of the TLR payment for those responsibilities simply because they are employed on a part time contract. In such cases, the NUT advises that their contractual working time should be adjusted in order that it both fully reflects the additional time spent undertaking those additional responsibilities and provides the full additional payment for such responsibilities.

Where two part time teachers share the duties of a post of additional responsibility, there should be a formal job share arrangement setting out the division of responsibilities and the basis for payment. Where one of the job share partners undertakes a larger part of the additional responsibilities, schools should adjust the working time provisions of the arrangement to ensure that the TLR element of the pay is allocated accordingly.

## **3.5 SPECIAL EDUCATIONAL NEEDS ALLOWANCES**

### **Statutory Provisions**

The STPCD provides two Special Educational Needs allowances payable to teachers in respect of work with children with special needs.

SEN allowance 1 is mandatory for classroom teachers in special schools. It is also mandatory for classroom teachers in mainstream schools who are engaged wholly or mainly in teaching pupils with statements of SEN in designated special classes; or wholly or mainly in taking charge of special classes consisting wholly or mainly of hearing-impaired or visually-impaired children.

SEN allowance 1 can also be awarded on a discretionary basis to other teachers in mainstream schools who make a particular contribution to the SEN-related work of the school, significantly greater than that expected of other teachers.

SEN allowance 2 is a discretionary allowance which can be awarded where teachers would otherwise be entitled to or eligible for the first SEN allowance and have experience and/or qualifications which governing bodies consider particularly relevant to their work. Where SEN allowance 2 is awarded, teachers should be given written notification at the time of the award of its level and the reason for the award.

Any SEN responsibilities should be clearly specified in individual teachers' job descriptions and in the school's published staffing structure.

The STPCD statutory guidance advises that school pay policies should set out clearly the basis on which SEN2 should be awarded. Governing bodies should consider relevant postgraduate qualifications or experience that holders of SEN1 have and whether these are being used for the benefit of the school. SEN2 should be awarded to all who have qualifications or experience in line with the school's pay policy.

The STPCD statutory guidance also notes that SEN allowances can be held at the same time as TLRs. It also states, however, that schools should consider whether teachers' responsibilities and SEN involvement merit TLR payments or SEN allowances.

### **NUT Policy and Guidance**

Governing bodies should pay SEN allowance 1 to all teachers who satisfy the statutory criteria for award on a mandatory or discretionary basis. They should give consideration to payment of SEN allowance 2 to all teachers awarded SEN allowance 1, taking appropriate account of the teachers' qualifications and experience.

At the time of writing, changes to the system for SEN allowances were under consideration. Pending such changes, the system remains unaltered. NUT guidance will be updated when further details become available.

## **3.6 RECRUITMENT AND RETENTION PAYMENTS**

### **Statutory Provisions**

The STPCD provides that governing bodies may make "such payments ... as they consider necessary" to any teachers, including leadership group teachers, for recruitment and retention purposes. Any such payments may be made either as a one-off payment or for a fixed period.

Recruitment payments can be made for a maximum of three years and cannot be renewed. Retention payments, which can include the continuation of payments previously made as recruitment payments, can be made for a maximum of three years. They can, however, be renewed for further three year periods in 'exceptional circumstances' as determined by the governing body.

All schools should consider as part of their pay policy deliberations whether to offer recruitment and retention payments to new or existing teachers and, if so, under what circumstances they will

be paid. Where teachers receive such an award, they should be notified in writing of the nature of the award, its length, how it will be paid and the basis for any future increases to the award.

The previous fixed recruitment and retention (R&R) allowances were abolished from 1 April 2004 and replaced by the present provisions. Governing bodies were required at that date to determine whether R&R allowances awarded on a permanent basis should be replaced by payments made under the present provisions. R&R allowances awarded on a fixed term basis, including so-called 'golden handcuff' payments, could continue to be paid until the end of the period specified or to 31 March 2007 at latest.

Governing bodies have not, however, been required to change their pay policies' criteria for making recruitment and retention payments. Payments may continue to be made to existing teachers and to new appointees according to those criteria in order to meet any continuing problems of recruitment and retention.

The DCSF explanatory notes confirm that all monetary recruitment and retention payments are pensionable. Payments in kind, such as private health care cover, are not pensionable except in some cases where teachers receive free residential accommodation.

Other incentives and benefits e.g., assistance with travel, housing and relocation costs may be available via local authorities and under other arrangements such as the Key Worker Living Programme and Homebuy schemes.

### **NUT Policy and Guidance**

The NUT recognises, notwithstanding its principled opposition to recruitment and retention payments, that governing bodies may wish to use these payments in response to local recruitment and retention difficulties. Payments should, however, be made only according to clearly defined criteria set out in the school pay policy and on a non-discriminatory basis.

There has been, as noted above, no requirement to change the criteria for such payments. Governing bodies should maintain their policies on such payments in order to meet any continuing problems of recruitment and retention. Governing bodies should increase the value of such payments annually in line with general pay increases. Payments to newly appointed teachers should be of the same value as payments made to existing teachers.

Where governing bodies did not determine that previous R&R allowances should be discontinued and have continued to make equivalent payments to those teachers since 1 April 2004, the NUT's view is that this demonstrates evidence of agreement to the continuation of such payments.

The NUT believes that such payments should be used to avoid loss of pay to teachers whose safeguarding, in particular in relation to former management allowances, expires. Such payments are justified on the basis of retention in that teachers would, without such payments, be likely to seek employment at another school due to the pay losses incurred. Further information can be found in the NUT's guidance on safeguarding (see section 11 below).

Governing bodies should ensure that appropriate information is provided to teachers on any other incentives and benefits as outlined above.

### **3.7 ACTING ALLOWANCES FOR CLASSROOM TEACHERS**

#### **Statutory Provisions**

The STPCD provides that, where a teacher carries out the duties of head teacher, deputy head teacher or assistant head teacher on a temporary basis, the governing body must consider within

four weeks of the teacher commencing those duties whether the teacher should be paid an acting allowance as a separate addition to normal pay<sup>6</sup>.

The decision on whether an acting allowance should be paid, and from which date, is at the discretion of the governing body. The DCSF advises that such allowances can be paid from, or backdated to, the time the teacher performs tasks which require the exercise of the full authority of the post. The level of the allowance does not have to reflect the pay of the substantive postholder, but must be equivalent to the minimum leadership spine point payable in the school for the post in which the teacher is acting.

During the period in which they are paid acting allowances, teachers are subject to the conditions of service of the posts in which they are acting up.

## **NUT Policy and Guidance**

Where classroom teachers are required to act as head teacher, deputy head teacher or assistant head teacher for a period in excess of four weeks, the teachers should receive allowances in order that their pay is equal to that of the substantive postholders. Payment of acting allowances should be backdated to the day the teachers assumed these duties. No pressure, direct or indirect, should be placed on teachers to act up where the decision to agree to act up is voluntary on their part.

### **3.8 ADDITIONAL PAYMENTS: CPD, OUT OF SCHOOL HOURS LEARNING & ITT**

#### **Statutory Provisions**

The STPCD permits governing bodies to make such payments as they see fit to any teachers, including leadership group teachers, in respect of continuing professional development (CPD) undertaken outside the school day, out-of-school-hours learning activities and initial teacher training (ITT) activities.

The STPCD statutory guidance advises that appropriate levels of payment and circumstances in which payments will be made should be set out in the school pay policy, which should be reviewed annually.

With regard to continuing professional development (CPD) undertaken outside the school day, guidance in the then DfES Circular 0668/2002 states that *“Full-time teachers cannot be required to undertake CPD outside their directed time and part-time teachers cannot be required to undertake CPD outside the time when they are normally employed to teach.”*

The governing body may decide which CPD activities teachers are to be paid for as well as the level of payment. For full-time classroom teachers, payment should only be made for training undertaken outside directed time. The STPCD statutory guidance recognises that teachers may not wish, or be able, to attend training courses in the evenings, at weekends or during holidays; and states that head teachers and governors should respect the right of individuals to make their own choices and take proper account of equal opportunities.

With regard to out-of-school-hours learning activities, the then DfES Circular 0668/2002 makes clear that taking part in such activities is again entirely voluntary for classroom teachers. DfES Circular 0668/2002 states that *“Teachers' involvement in out-of-school hours learning activity is entirely voluntary and payments can only be made for substantial and, where appropriate, regular commitment outside a teacher's 1265 hours of directed time. Payment can therefore be made for activity at the weekends, during the school holidays and during the school week.”*

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<sup>6</sup> This provision does not apply where the teacher is formally appointed on a temporary basis as an acting head or acting deputy head. In such cases, teachers should be appointed to the leadership group pay scale on the usual basis for such posts for the duration of their acting appointment.

Activities that will attract payment include any learning activities undertaken on a voluntary basis outside directed time – whether during the school week, at the weekend or during school holidays. All agreements to undertake such activities should be documented, along with details of payments.

With regard to payments for ITT activities, the STPCD statutory guidance advises that “*Teachers undertaking school-based ITT activities do so on an entirely voluntary basis*” unless they are ASTs for whom this work is specifically included in their professional duties.

Payment can be made using this power only for ITT provided as a normal feature of the school’s work. Such activities might include supervising or observing teaching practice, feedback to students or formal assessment of students’ competencies, and running seminars or tutorials on aspects of the course. Other aspects of ITT, such as planning ITT courses, preparing course materials and taking responsibility for students’ well-being and tuition, would not be regarded as a normal feature of the school’s work and separate non-teaching contracts of employment would need to be issued to cover such activities.

### **NUT Policy and Guidance**

The NUT emphasises that, as noted above, participation in such activities is entirely voluntary for classroom teachers. No pressure, direct or indirect, should be placed on teachers to be involved in the delivery of such activities. Governing bodies and head teachers should recognise that some teachers have commitments making it difficult for them to be involved. Where teachers encounter difficulties in taking part in CPD at weekends and outside term-time, governing bodies and head teachers should seek to offer suitable alternative training arrangements within directed time.

The NUT believes that all teachers, including head teachers, who undertake voluntary CPD outside the school day should be paid at a daily or hourly rate calculated with reference to the teacher’s actual pay spine position or, where appropriate, at a higher level reflecting the responsibility and size of commitment. The payment to teachers for INSET undertaken at weekends or outside school term-time should not be set simply according to the amount of money saved on supply cover.

The NUT believes that teachers who agree to undertake out-of-school-hours learning activities should again be paid at a daily or hourly rate calculated with reference to the teacher’s actual pay spine position or, where appropriate, at a higher level reflecting the responsibility and size of commitment. The agreement to participate in such activities should be documented to set out the work expected and the rate of payment. Some agreements should be ‘one off’ in the form of a memorandum. Others relating to activities to be repeated over a period of time should be fully documented contracts of employment additional to and separate from the teachers’ main contracts. These additional contracts should be organised and issued by local authorities.

The NUT believes that teachers who undertake ITT activities should again be paid at a daily or hourly rate calculated with reference to the teacher’s actual pay spine position or, where appropriate, at a higher level reflecting the responsibility and size of commitment.

### **3.9 PART-TIME TEACHERS**

**Detailed NUT guidance for part time teachers on pay and conditions is available on the NUT website at [www.teachers.org.uk](http://www.teachers.org.uk)**

#### **Statutory Provisions**

The STPCD requires governing bodies to carry out pay assessments for qualified teachers in regular part-time service according to the same basis as for full-time teachers. They should be paid by reference to the same pay scale point on which they would be paid if employed full time.

Where part-time teachers have been employed during at least 26 weeks of the previous school year, that year will count as a full year of employment for the purposes of experience points on the Main Scale and progression on the Upper Pay Scale.

Part-time teachers should be paid on a pro rata basis according to the proportion of the 'school timetabled teaching week' for which they are employed. This will be determined by their contractual working time commitments as set out in the individual contract of employment.

Part-time teachers are eligible for TLR payments, SEN allowances and recruitment and retention payments, and are entitled to apply to cross the performance threshold once they have reached the top of the Main Pay Scale, on the same basis as full time teachers. They are also entitled to PPA time.

Where the implementation of the new arrangements for part-time teachers results in a lower pay level, safeguarding will apply for a maximum of 3 years ending on 31 August 2011.

### **NUT Policy and Guidance**

The following key principles should be included in school pay policies.

- The governing body will ensure that the pay of part-time teachers is assessed on the same basis as their full-time colleagues;
- All part-time teachers will be provided with an individual contract of employment clearly defining their contractual working time. Timetabled teaching time should include an appropriate element for PPA time and non-contact time for additional responsibilities which matches that for full time teachers. Directed time for non-teaching duties should similarly be allocated on the same basis as for full time teachers.

**Part time teachers should consult the separate detailed NUT guidance in order to ensure fairness in terms of pay and working time.**

## **SECTION 4: LEADERSHIP GROUP TEACHERS**

### **4.1 LEADERSHIP GROUP POSTS AND PAY RANGES**

#### **Statutory Provisions**

The governing body is entitled to determine the size of the school's leadership group. All members of the leadership group should have "substantial strategic responsibilities for school leadership" as head teachers, deputy head teachers or assistant head teachers.

The STPCD provides that head teachers should be paid on an Individual School Range (ISR) of seven points on the Leadership Scale established by the governing body. The rules relating to the determination of the ISR are as follows:

- In determining the ISR, the governing body must take account of the school's group size; and also any difficulties there may be in recruiting and retaining a head teacher and whether there has been a significant change in the responsibilities of the head teacher. The salary of the serving head teacher should not be taken into account when re-determining the ISR.

- The ISR can be set by reference to up to two school groups above the school's group size where the school is in difficulties and needs to appoint a new head teacher, or where the existing ISR is not thought sufficient for recruitment or retention.
- The ISR may be re-determined at any time if this is considered necessary to retain a head teacher.
- The ISR must not overlap with any other leadership group member's pay range and must be re-determined whenever another leadership group pay ranges set which overlaps with it. Any increase to avoid such an overlap, however, should not be greater than necessary to do so.
- The ISR must start above the pay level of the 'highest paid classroom teacher'.<sup>7</sup>
- There are special arrangements for reducing the ISR and for assimilation to a higher ISR.
- When determining a new head teacher's actual salary, account should be taken of the responsibilities of the post, the teacher background of pupils at the school and whether the post is difficult to fill.

The STPCD provides that deputy head teachers and assistant head teachers should be paid on individual pay ranges of five points on the Leadership Scale. The pay ranges for deputy head teachers and assistant head teachers should not overlap with the ISR on which the head teacher is paid.

In determining the pay ranges for deputy head teachers and assistant head teachers, the governing body should take account of the responsibilities of the post, the background of the pupils at the school and whether the post is difficult to fill. Again, the pay ranges of deputy head teachers and assistant head teachers must start above the pay level of the 'highest paid classroom teacher'. The pay ranges of deputy head teachers and assistant head teachers may be re-determined when new appointments are made or where the responsibilities of existing postholders change significantly or, as with head teachers, at any time where it is considered necessary to retain a postholder.

The maximum of the pay range of any assistant head teachers must not equal or exceed the maximum of the lowest pay range for any deputy head teachers at the school. Where a pay range must be increased in order to avoid any overlap with other leadership group members or the highest paid classroom teacher, the increase must not be more than is necessary to avoid such overlap.

The STPCD provides that newly appointed head teachers may be placed only on one of the bottom four points of the ISR. Newly appointed deputy head teachers or assistant head teachers may be placed only on one of the bottom three points of the pay range.

Where a head teacher is appointed on a permanent basis as head of more than one school, pay is determined on the basis of the total unit score of all of the schools in the federation. Where the appointment is on an acting basis, the ISR must be the highest of the total unit score of the schools concerned or the head teacher group that is two groups higher than the group of any of the schools. In cases of acting appointments for federations where any of the schools is in group 7 or 8, the ISR must be determined either by the total unit score of the schools or an uplift of between 5-20 per cent to the ISR of the largest school.

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<sup>7</sup> The pay level of the 'highest paid classroom teacher' is a notional salary comprising UPS1 plus any TLR and SEN allowances held by the highest paid classroom teacher in the school.

The statutory guidance states that increases to pay approaching 20 per cent under the provisions for acting appointments where schools in groups 7 or 8 are involved should be appropriate and proportional to the additional responsibilities and accountability undertaken.

Leadership group teachers can be awarded recruitment and retention allowances and payments for involvement in CPD, ITE and out of hours learning activity.

### **NUT Policy and Guidance**

The NUT believes that decisions on the size of the leadership group and salary ranges should be subject to the whole school approach to pay policy within the statutory requirements set out above.

Governing bodies should ensure that school leadership groups are not excessively large. Previously, the DCSF has advised that it would be exceptional to have leadership groups of more than seven in large secondary schools and more than three in primary schools.

Salary relativities within the school should, however, be taken into account in making decisions on pay ranges with particular reference to maintained appropriate differentials.

Governing bodies proposing to use the pay discretions relating to head teachers in charge of more than one school should set out a clear written justification for their decisions as part of the school's pay policy.

The STPCD provides for permanent and acting heads of federations to be treated differently. The NUT's view is that there is no good reason for such a distinction. We would prefer that, in relation to both permanent and acting heads of federations, determination, in relation to both permanent and acting heads of federations, determination of the ISR should be on the basis of the total unit score in the schools concerned. This approach is clear and coherent, setting out a single approach to pay for the additional responsibilities associated with leading more than one school. The NUT continues to press this case with the DCSF.

## **4.2 PAY PROGRESSION FOR LEADERSHIP GROUP TEACHERS**

### **Statutory Provisions**

The STPCD's requirement upon governing bodies to undertake pay assessments each year for all qualified teachers applies to leadership group teachers in the same way as to other teachers. There is again no requirement for leadership group teachers to apply for progression within their pay ranges.

Teachers who are awarded progression are entitled to receive the higher rate of pay with effect from 1 September, even where the actual assessment takes place after 1 September. The STPCD statutory guidance advises that all decisions should be taken by 31 October at latest, or 31 December in the case of head teachers. Points awarded are permanent while the teacher remains in the same post.

The STPCD requires that before a decision on progression on the leadership spine is taken, there must first be a review of the performance of the leadership group teacher. The STPCD's statutory criteria for progression to the next point on the leadership spine require that the teacher's achievements and contribution to the current school or schools at which the teacher has previously worked must have been of 'sustained high quality' taking account of the performance objectives.

The STPCD also requires that the governing body should 'have regard' to the outcomes of performance management, the reviewer's pay recommendation and to the provisions of the statutory guidance. The advice of the head teacher should also be considered. In the case of the

head teacher, the governors responsible for the head teacher's performance review will provide the pay recommendation.

The STPCD statutory guidance also provides additional 'clarification' on the application of the statutory criteria. This refers to a "successful performance management review" and also states that "to ensure that there has been high quality performance, the performance review will need to assess that the teacher has grown professionally by developing their leadership and (where relevant) teaching expertise".

Additional leadership spine points should not normally be awarded with effect from dates other than 1 September, other than where those points have been awarded for reasons of responsibility or retention.

Leadership group teachers may receive a maximum of two additional points for performance in a given year. Head teachers seconded to turn round a failing school can receive points for performance as a lump sum on returning to their substantive posts.

### **NUT Policy and Guidance**

Decisions on pay progression for leadership group teachers should again be subject to a whole school approach to pay policy.

Leadership group teachers should be provided with written statements of their spine points and pay entitlements following the annual review. The statements should be accompanied by explanations of the basis upon which their pay will be reviewed in future years and details of the agreed performance criteria. The policies should provide for the assessments of deputy head and assistant head teachers to be completed by 31 October at the latest and for head teachers' assessments to be completed by 31 December.

The STPCD statutory guidance on the application of the statutory criteria for leadership group members is similar to that for classroom teachers on the UPS. With regard to the need for a 'successful performance management review', the NUT believes that leadership group members should be awarded additional points where their performance meets the necessary standards set out in the criteria and that it is not necessary for all performance targets to be met in full. With regard to the term 'grown professionally', the NUT believes that all teachers will necessarily, through their additional teaching and leadership experience, have 'grown professionally' over that period.

Decisions not to award additional points following the performance review should not preclude the award of points for other reasons, such as additional responsibilities or an increase in the size of the school.

## **4.3 ACTING ALLOWANCES FOR LEADERSHIP GROUP TEACHERS**

### **Statutory Provisions**

The STPCD's statutory provisions apply in the same way in cases where deputy head teachers or assistant head teachers carry out the duties of head teachers or deputy head teachers on a temporary basis as in cases where classroom teachers do so (see 3.7 above). It should be noted, however, that deputy head teachers are, unlike assistant head teachers, required by their statutory professional duties to undertake on a day to day basis the head teacher's professional duties when the head is absent from the school.

### **NUT Policy and Guidance**

Where deputy head teachers or assistant head teachers are required to act as head teachers or deputy head teachers for a period in excess of four weeks, they should receive allowances in order that their pay is equal to that of the substantive postholders.

Payment of acting allowances should be backdated to the day they assumed these duties. No pressure, direct or indirect, should be placed on assistant head teachers to act up where the decision to agree to act up is voluntary on their part.

#### **4.4 RECRUITMENT & RETENTION PAYMENTS AND ADDITIONAL PAYMENTS – CPD, OUT OF SCHOOL HOURS LEARNING, ITT & RESPONSIBILITY FOR MORE THAN ONE SCHOOL**

##### **Statutory Provisions**

The STPCD's statutory provisions on recruitment and retention payments, CPD, out of school hours learning and ITT apply in the same way to leadership group teachers as to classroom teachers. Additional payments are also available in respect of heads providing services to more than one school.

The criterion for additional payments in respect of extended services is new. It includes provision both for additional payments to the head – for example, where the contract requires work outside school sessions – and for payments to other teachers who take on additional responsibilities or activities as a result of the head's extra commitments.

##### **NUT Policy and Guidance**

The NUT's guidance on recruitment and retention payments, CPD, out of school hours learning and ITT also applies in the same way to leadership group teachers as to classroom teachers.

With regard to service provision, the NUT expects governing bodies actively to monitor the impact of a head's commitments; identify and record any additional responsibilities taken on by the head and by other teachers; and review the pay of such staff accordingly to provide recognition of those responsibilities in pay terms.

## **SECTION 5: ADVANCED SKILLS TEACHERS (ASTs)**

##### **Statutory Provisions**

Advanced Skills Teachers (ASTs) are teachers whose professional duties include "advising on the provision of continuous professional development" and "advising other teachers on classroom organisation and training methods" in addition to the other professional duties of classroom teachers. Normally ASTs spend 20 per cent of their time carrying out AST professional duties through outreach work with, or for the benefit of, teachers or trainee teachers from other schools. The STPCD's working time provisions do not apply to ASTs.

Any school may create one or more AST posts within its staffing structure. Teachers must, however, pass an externally-administered national assessment procedure before they are eligible to be appointed to AST posts.

ASTs must be paid on a 5-point pay range on the separate AST pay spine, which has 18 points corresponding to points 1-18 of the leadership group spine. Details of the AST spine can be found on the NUT website at [www.teachers.org.uk](http://www.teachers.org.uk).

AST pay ranges must take account of specified criteria including the nature of the work, the scale of the challenges, the professional competencies required and any other criteria considered

appropriate by the governing body. The rate of pay compared to the postholder's previous pay should also be considered. Newly appointed ASTs start at the bottom of the 5-point range.

Pay progression is based on similar principles as for UPS teachers and leadership group teachers. Movement through the pay range must be preceded by a judgement that there has been 'sustained high quality performance' in the light of performance criteria previously agreed. Any outreach work undertaken by the AST must be considered.

ASTs are not entitled to receive TLR payments or SEN allowances in addition to their AST pay, but can be awarded recruitment and retention allowances and payments for involvement in CPD, ITE and out of hours learning activity.

### **NUT Policy and Guidance**

The NUT opposes the AST scheme, in part because the NUT does not believe that the responsibilities undertaken by ASTs require the establishment of a separate grade for which there is no limit on working time. The NUT believes that all responsibilities forming part of AST job descriptions can appropriately be included in school staffing structures as part of leadership group or classroom teacher posts and rewarded according to the pay structure and pay policy for such posts.

The NUT hopes that governing bodies will decide not to support the AST scheme and determine not to create AST posts in the school. The NUT's model pay policy is drafted on that basis.

Where AST posts are in place, however, their starting pay rate should fairly reflect their responsibilities and their pay progression should be dealt with following the same principles as UPS and leadership group pay progression.

## **SECTION 6: EXCELLENT TEACHERS (ETs)**

### **Statutory Provisions**

Excellent Teachers (ETs) are teachers whose professional duties again include a number of duties in addition to those of a classroom teacher. These include participating in the induction of NQTs, taking part in the professional mentoring of other teachers and helping other teachers to improve their teaching practice. There is, however, no 'outreach' function required of ETs. The working time provisions of the STPCD do apply to ETs.

Any school may create one or more ET posts within its staffing structure. Teachers must again pass an externally-administered national assessment procedure before they are eligible to be appointed to ET posts and must have been on UPS3 for two years before they are eligible to apply for appointment. As at September 2008, there are only a handful of such posts in existence.

From September 2009, ETs are paid a single 'spot rate' payment within one of four pay ranges specified in the STPCD for Inner London, Outer London, the Fringe Area, and the rest of England and Wales. Further details can be found on the NUT website at [www.teachers.org.uk](http://www.teachers.org.uk)

ETs are not entitled to receive TLR payments or SEN allowances in addition to their AST pay, but can be awarded recruitment and retention allowances and payments for involvement in CPD, ITE and out of hours learning activity.

### **NUT Policy and Guidance**

The NUT opposes the ET scheme. The NUT believes that all responsibilities forming part of ET job descriptions can appropriately be included in school staffing structures as part of leadership

group or classroom teacher posts and rewarded according to the pay structure and pay policy for such posts.

The NUT hopes that governing bodies will decide not to support the ET scheme and determine not to create ET posts in the school; the NUT model pay policy is drafted on that basis. Where ET posts are in place, however, pay rates should fairly reflect responsibilities.

## **SECTION 7: SHORT NOTICE/SUPPLY TEACHERS**

### **7.1 SHORT NOTICE/SUPPLY TEACHERS EMPLOYED BY LOCAL AUTHORITIES & GOVERNING BODIES**

#### **Statutory Provisions**

**Revised statutory provisions will be introduced during 2009/10 but had not been published at the time of writing (August 2009). This NUT guidance will be revised and specific guidance published when this happens.**

Short notice teachers are those employed on a day-to-day or other short notice basis and include supply teachers.

The pay of such teachers, where they are employed directly by the local authority or governing body, is subject to the provisions of the STPCD and their pay assessment must be undertaken on the same basis as for full-time teachers.

Such teachers are paid on a daily basis, according to the assumption of a 195-day working year. Their working day is not defined by statute and should include an allowance for duties other than teaching pupils. Pay for periods of employment of less than a day is calculated on a pro rata basis. The DCSF suggests a factor for hourly calculation of pay of 6.48 (1265 divided by 195) or the total length of the school's pupil day. The DCSF also recommends that teachers should be paid for all the hours they are required to be on the school premises.

Such teachers must receive an additional spine point for experience in September each year, up to the maximum number, provided they have worked during at least 26 weeks in the previous twelve months.

Such teachers are also entitled to apply for threshold assessment and to be considered for progression on the Upper Pay Scale according to the same criteria used for classroom teachers in regular employment.

Every new engagement technically attracts a new pay assessment. Entitlements on the Main Scale and Upper Pay Scale, once awarded, are permanent while any management or special needs allowances or recruitment/retention payments will depend upon the individual assessment. The DCSF has previously advised such teachers to keep an authenticated record of each previous assessment.

#### **NUT Policy and Guidance**

The NUT expects all governing bodies to observe the above rules and guidance, in particular on the application of the appropriate pay rates.

The NUT model pay policy includes provisions relating to use of the 1/195 daily rate where the teacher has taught for the full pupil day; and use of an hourly rate of 1/950 in accordance with NUT policy where the teacher is engaged for less than the full pupil day.

## **7.2 SHORT NOTICE/SUPPLY TEACHERS EMPLOYED VIA AGENCIES**

### **Statutory Provisions**

The pay of supply teachers employed via agencies is not automatically subject to the provisions of the STPCD. Their pay is determined by the agency concerned, which can choose to apply the provisions of the STPCD or its own pay provisions.

### **NUT Policy and Guidance**

The NUT believes that agency supply teachers should be paid in accordance with the STPCD and opposes schools' use of agencies which do not do so.

The NUT's model pay policy includes a statement by the governing body affirming that such supply agencies undercut the national pay rates for supply teachers employed directly by local authorities or schools and committing the school to making every attempt to avoid such agencies when engaging supply teachers.

## **SECTION 8: PAY IN LONDON AND THE FRINGE AREA**

### **Statutory Provisions**

The provisions governing the pay structure for teachers in London and the Fringe Area are identical to that for other teachers. There are, however, separate pay scales for all teachers (Main Pay Scale, Upper Pay Scale, ASTs, ETs and leadership group) in the Inner London, Outer London and Fringe areas. There are no longer separate London and Fringe area allowances paid to teachers in those areas.

The Inner London scales apply to the following London authorities: Barking and Dagenham; Brent; Camden; City of London; Ealing; Greenwich; Hackney; Hammersmith & Fulham; Haringey; Islington; Kensington & Chelsea; Lambeth; Lewisham; Merton; Newham; Southwark; Tower Hamlets; Wandsworth; and Westminster. The additional element of pay for the Inner London area varies from around £4,900 for classroom teachers on the Main Scale, up to £7,700 for classroom teachers on the Upper Pay Scale and around £6,900 for leadership group teachers and ASTs.

The Outer London scales apply to other London authorities excluding those listed above. The additional element of pay for the Outer London area is worth up to £3,600 for classroom teachers and is worth around £2,900 for leadership group teachers and ASTs.

The Fringe Area scales apply to the following District Council areas: Bracknell Forest, Slough, Windsor & Maidenhead in Berkshire; South Bucks and Chiltern in Buckinghamshire; Basildon, Brentwood, Epping Forest, Harlow and Thurrock in Essex; Broxbourne, Dacorum, East Herts, Hertsmere, St Albans, Three Rivers, Watford and Welwyn Hatfield in Hertfordshire; Dartford and Sevenoaks in Kent; the whole of Surrey; and Crawley in West Sussex. The additional element of pay for the Fringe Area is worth around £1,000 for all teachers.

## **SECTION 9: UNQUALIFIED TEACHERS**

### **Statutory Provisions**

The STPCD provides that where unqualified teachers are on one of the employment-based routes into teaching, governing bodies have the discretion to pay them as qualified teachers according to the provisions set out earlier in this document.

Other unqualified teachers must be paid on the unqualified teachers scale set out in the STPCD. From September 2008, the unqualified teachers' pay scale was reduced to six points. Governing bodies may determine where newly appointed unqualified teachers enter the unqualified teachers scale having regard to any experience they deem to be relevant. Additional scale points should be awarded annually for each year of service and may be awarded at any other time subject to the scale maximum. Any scale points awarded on the unqualified teachers scale are permanent, whether teachers remain in the same posts or take up new posts.

Unqualified teachers are not eligible for TLR payments or SEN allowances, but can be awarded an additional allowance to recognise additional responsibilities or relevant qualifications and experience. The value of this allowance is for schools to decide. Unqualified teachers can also be awarded recruitment and retention allowances and payments for involvement in CPD, ITE and out of hours learning activity.

An unqualified teacher becoming qualified must be paid at least on the next point on the main scale above the sum of that teacher's unqualified pay including any allowance paid.

### **NUT Policy and Guidance**

The NUT believes that all unqualified teachers on employment-based routes into teaching should be paid as qualified teachers. Governing bodies should carry out pay assessments for such teachers according to the school pay policy and in the same way as for qualified teachers.

Governing bodies should, when carrying out pay assessments for other unqualified teachers paid on the unqualified teacher scale, consider the allocation of additional points on appointment for relevant experience which should be recognised according to the same criteria as for qualified teachers. Governing bodies should also consider the allocation of an additional allowance where the teacher's responsibilities, qualifications or experience would merit this.

## **SECTION 10: SUPPORT STAFF**

### **Statutory Provisions**

A School Support Staff Negotiating Body will be established in late 2009 to determine pay. In the interim a shadow body will operate.

### **NUT Policy and Guidance**

It would be appropriate for the school pay policy to provide that the pay and conditions of support staff should be determined in consultation with the representatives of the appropriate recognised unions and by reference to any appropriate nationally or locally agreed pay and conditions structures and agreements.

## **SECTION 11: APPEALS AGAINST PAY ASSESSMENTS**

### **Statutory Provisions**

The STPCD requires that the governing body should establish, as part of the school's pay policy, procedures to deal with teachers' grievances in relation to their pay. Procedures for appeals against pay decisions must meet the requirements of the dispute resolution provisions of employment law.

The STPCD does not contain a prescribed appeal procedure. The DCSF model pay policy, however, includes a model pay appeals procedure, which satisfies the requirements of the

statutory dispute resolution procedure. The three formal stages of the DCSF model pay appeals procedure equate to the statutory procedure's step 1 grievance letter, step 2 formal grievance hearing and step 3 grievance appeal hearing. The DCSF model procedure also includes provision for an informal discussion between the teacher and the decision-maker, which is not part of the statutory procedure.

The school's pay appeal procedure will fulfil the functions of a grievance procedure in relation to pay issues. Complaints cannot be pursued further or reopened under the school's usual grievance procedure.

### **NUT Policy and Guidance**

The pay policy should provide a right for teachers to appeal against pay decisions which were taken incorrectly according to statutory provisions or the terms of the policy; taken incorrectly according to evidence which was or should have been considered; or taken unfairly or discriminatorily.

The appeal should be referred to the governing body committee responsible for such matters or by the full governing body, minus the members of the Pay Committee, according to the terms of the school pay policy. The policy should include clear time limits for hearings to be convened and for decisions to be taken and communicated; and provide that the appellant is entitled to make representations and be accompanied and represented by a trade union representative or friend.

Although the NUT has concerns about many aspects of the DCSF model pay policy, the DCSF model pay appeals procedure is acceptable to the NUT. The NUT's model school pay policy contains a model pay appeals procedure, matching the terms of the DCSF model procedure, which is set out as Appendix 3.

## **SECTION 12: SAFEGUARDING**

**Detailed NUT advice on safeguarding is available on the NUT website at [www.teachers.org.uk/pay](http://www.teachers.org.uk/pay)**

### **Statutory Provisions**

The STPCD contains provisions for teachers to receive "pay safeguarding" in a range of different circumstances.

The STPCD provides mandatory safeguarding for teachers who lose their posts due to closure or amalgamation but who are re-employed by the same authority in a different school in a lower graded post; and for teachers who lose their posts as a result of internal reorganisations and continue to be employed in the same school in a lower graded post. The separate safeguarding provisions for management allowances lost as a result of the implementation of the TLR payment system ended on 31 December 2008. Safeguarding for assimilation, Social Priority Allowances and Inner London Supplement ended on the same date.

Safeguarding arrangements operate on the basis of 'cash safeguarding' limited to a maximum period of three years. This three year safeguarding period applies to general safeguarding coming into effect on or after 1 January 2006 and to safeguarding for TLR payments and leadership group payments lost as a result of internal reorganisations. The only exception is for general safeguarding in place before 1 January 2006, which continues as a permanent entitlement for those teachers.

The principal features of safeguarding are as follows.

- Teachers affected will be paid an identified 'safeguarded sum' which will not be increased during the safeguarding period.
- The safeguarded sum will be payable for a period of at most three years.
- Safeguarding may in some circumstances end earlier than the 3 year period.
- Teachers entitled to safeguarding in excess of £500 may be required to undertake additional responsibilities "commensurate with the safeguarded sum" for the period of safeguarding. This provision does not, however, apply to safeguarding arising from the introduction of changes to part-time teacher pay determination.

Where pay decisions are taken which lead to teachers receiving safeguarding, teachers must be given the required notification as soon as possible and no later than a month after the decision.

Where a teacher in receipt of a safeguarded sum occupies another post on a temporary basis – for example, where a teacher in receipt of TLR safeguarding serves on the leadership group in the absence of the postholder – the safeguarding must be restored on return to the original post unless in the meantime one of the other reasons for the safeguarding to end applies.

### **NUT Policy and Guidance**

There are no discretionary elements to the safeguarding provisions. The NUT guidance on safeguarding gives advice on the various different categories of pay safeguarding, explains them in detail and gives examples to illustrate how safeguarding works in practice.

Where safeguarding ends and teachers would as a result suffer a pay loss, the NUT believes that consideration should be given to payment of a recruitment and retention payment in order to protect pay.

### **SECTION 13: SALARY SACRIFICE**

The STPCD permits teachers to participate in salary sacrifice schemes offered by their employers which allow employees to take advantage of tax exemptions for the costs of certain kinds of non-cash benefits provided by their employers. The employees agree to give up part of their gross pay and the employer agrees to provide in return non-cash benefits to the same value. The employees then receive these non-cash benefits free from income tax and National Insurance contributions which they would otherwise have paid on that amount of gross pay. Employers may offer schemes providing Childcare Vouchers or other childcare benefits, cycles or cyclists' safety equipment for travel to and from work and mobile phones.

It is for employers to decide whether or not to offer salary sacrifice arrangements. Teachers can participate voluntarily in such arrangements. The STPCD statutory guidance notes that local authorities and schools should ensure that any relevant information is passed to teachers. Participation is entirely voluntary and cannot be used as a precondition for making an offer of employment or promotion; nor can access to a scheme be withheld from a teacher who wishes to participate.

## **APPENDIX ONE**

### **REMIT FOR THE PAY COMMITTEE OF THE GOVERNING BODY**

The Pay Committee will comprise at least three members of the governing body. All governors, including those employed at the school, will be eligible for membership of the Pay Committee and will be eligible to take part in any discussions including those relating to individuals where their interest is no greater than that of the generality of employees at the school.

#### **Establishment of the Policy**

The Pay Committee is responsible for:

- establishing the terms of the policy, in consultation with the head teacher, staff and trade union representatives, and submitting it to the governing body for approval.

The Governing Body is responsible for:

- formal approval of the policy.

#### **Review of the Policy**

The Pay Committee is responsible for:

- reviewing the policy annually, in consultation with the head teacher, staff and trade union representatives; and submitting it to the governing body for approval.

The Governing Body is responsible for:

- receiving and considering an annual report, including statistical information, on the outcome of decisions taken in accordance with the terms of the policy.

#### **Application of the Policy**

The head teacher is responsible for:

- ensuring that pay recommendations for the deputy and assistant head teacher(s), classroom teachers and support staff are made and submitted to the Pay Committee in accordance with the terms of the policy;
- advising the Pay Committee on its decisions; and
- ensuring that staff are informed of the outcome of decisions of the Pay Committee and of the right of appeal.

The Pay Committee is responsible for:

- taking decisions regarding the pay of the deputy and assistant head teacher(s), classroom teachers and support staff following consideration of the recommendations of pay reviewers and the advice of the head teacher;
- taking decisions regarding the pay of the head teacher following consideration of the recommendations of the governors responsible for the head teacher's performance review;
- submitting reports of these decisions to the governing body; and
- ensuring that the head teacher is informed of the outcome of the decision of the Pay Committee and of the right of appeal.

The Appeals Committee of the governing body is responsible for:

- taking decisions on appeals against the decisions of the Pay Committee in accordance with the terms of the appeals procedure of the policy.

## **APPENDIX TWO**

### **EQUAL PAY STATEMENT**

#### **Governing Body's Policy Statement**

This governing body supports the principle of equal opportunities in employment.

We recognise that in order to achieve equal opportunities for teachers, we should operate a pay system that is transparent, based on objective criteria and free from bias. We also recognise our responsibilities under equal pay and equalities legislation with regard to teachers' pay.

We believe that it is in our school's interest that pay is awarded fairly and equitably.

This statement should be read in conjunction with the school's overall policy on equal opportunities as adopted by the governing body.

#### **Action to Implement Policy**

In order to put our commitment to equal pay into practice we will:

- examine our existing pay policy, and the likely implications of any proposed changes to that policy, for all our teachers, including in particular those working on a part time or fixed term basis and those absent on maternity leave;
- carry out regular monitoring of the impact of our practices;
- inform employees of how these practices work and how their own pay is determined;
- provide access to training and guidance for senior staff and governors involved in decisions about pay and benefits; and
- consult our teachers and their representatives about our pay policy.

We intend through the above action to avoid unfair discrimination, to reward fairly the skills, experience and potential of all teachers and thereby to increase the efficiency and harmony of the school.

## **APPENDIX THREE**

### **PAY APPEALS PROCEDURE**

#### **Pay Appeals**

The arrangements for considering appeals are as follows:

Teachers may appeal against any determinations in relation to their pay or any other decisions taken by the governing body that affects their pay. The grounds for appeal are that the person or committee by whom the decision was made:

- a) incorrectly applied any provision of the STPCD;
- b) failed to have proper regard for statutory guidance;
- c) failed to take proper account of relevant evidence;
- d) took account of irrelevant or inaccurate evidence;
- e) was biased; or
- f) otherwise unlawfully discriminated against the teacher.

The order of proceedings is as follows:

1. The teacher receives written confirmation of the pay determination and where applicable the basis on which the decision was made.
2. If the teacher is not satisfied, he/she should seek to resolve this by discussing the matter informally with the decision-maker within ten working days of the decision.
3. Where this is not possible, or where the teacher continues to be dissatisfied, he/she may follow a formal appeal process.
4. The teacher should set down in writing the grounds for questioning the pay decision (which must relate to the grounds as set out above) and send it to the person (or committee) who made the determination, within ten working days of the notification of the decision being appealed against or of the outcome of the discussion referred to above.
5. The committee or person who made the determination should provide a hearing within ten working days of receipt of the written grounds for questioning the pay decision to consider this and give the teacher an opportunity to make representations in person. Following the hearing the employee should be informed in writing of the hearing's decision and the right to appeal.
6. Any appeal should be heard by a panel of three governors who were not involved in the original determination normally within 20 working days of the receipt of the written appeal notification and give the teacher the opportunity to make representations in person. The decision of the appeal panel will be given in writing, and where the appeal is rejected will include a note of the evidence considered and the reasons for the decision. The decision is final and there is no recourse to the staff grievance procedure.