

From MAs to TLRs

Guidance for NUT School
Representatives



FROM MAs to TLRs

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This NUT guidance provides all the information needed to conduct the review of staffing structures and implement TLRs. NUT representatives should, however, also read the RIG guidance which is available on the internet at the following address:
www.teachernet.gov.uk/management/payandperformance/pay/2005

OVERVIEW – THE GOVERNMENT’S PURPOSE

This section provides an introductory overview of the Government’s purpose in introducing the TLR payment system and the reasons why the NUT opposes it. It affirms the NUT’s commitment to support its school representatives and protect its members. The subsequent sections consider these matters, and the role of the NUT representative in helping members, in more depth.

KEY POINTS

- The Government’s introduction of the TLR payment system is part of its remodelling agenda and its efforts to cut the teachers’ paybill.
- The NUT was not involved in drawing up the TLR payment system.
- The introduction of the TLR payment system may lead to pay cuts for thousands of teachers. The NUT will campaign to protect teachers and to oppose pay cuts.
- NUT representatives will have a key role in the success of that campaign.

THE GOVERNMENT’S PURPOSE

The introduction of the new Teaching and Learning Responsibility (TLR) payment system is an integral part of the Government’s agenda to progress its "remodelling" initiative. This agenda includes transferring many kinds of work away from teachers and using teacher assistants inappropriately.

The TLR payment system is also part of the Government’s efforts to cut the teachers’ paybill. The Government has estimated that it will lead to “savings” of £49 million per year.

THE NUT’S OPPOSITION

The NUT was not a party to the proposals for introducing TLR payments, which were drawn up by the Rewards and Incentives Group (RIG). The NUT has been excluded from membership of RIG.

The Government, the employers and the teacher organisations who participated in RIG will seek to justify and promote the new system. The NUT will present its case fairly and without spin.

THE REASONS FOR THE NUT’S OPPOSITION

The NUT opposed the TLR payment system for the following reasons.

- The introduction of the TLR payment system will affect every teacher. It may lead to loss of pay for thousands of teachers who currently hold MA payments. For many, it may also lead to loss of pensions entitlement. For their colleagues, it will spell three years of confusion in school staffing and fewer promotion prospects in the future. For some teachers, they could lead to redundancy.
- The transition to staffing structures based on the TLR payment system is not an assimilation exercise. Teachers currently holding management allowances (MAs) are not entitled simply to move across to an equivalent post and payment under the TLR payment system. There is no guarantee that teachers currently holding MA payments will receive an equivalent TLR payment.

- The Government has imposed a requirement upon schools to review their staffing structures and draw up structures based on TLR payments. It has also imposed an unrealistic timetable, requiring them to do so by the end of 2005. This could cause unnecessary work and pressure in schools.
- The key driver behind the TLR payment system is the Government's wish to cut the number of posts of responsibility in schools and hence reduce the paybill for those posts. The other participants in RIG have accepted this. In its evidence to the STRB, RIG stated that: "The net national cost of TLR payments will be no greater than the cost of allowances – our expectation is that it should be less."

THE NUT'S CAMPAIGN

The NUT consistently opposed the TLR payment system and was not a party to the proposals.

The School Teachers' Review Body (STRB) called upon the Government to fully involve the NUT in all discussions concerning changes to teachers' pay. Despite this, the Government, apparently supported by the employers and the other teachers' organisations who were party to the proposals, refused to involve or consult the NUT when drawing up the TLR payment system. Had the NUT been involved, the outcome would have been very different.

The NUT is continuing to seek to protect all existing holders of MA payments as far as

possible from any loss of pay resulting from the introduction of TLR payments. The NUT will oppose any reduction in the numbers of posts of responsibility or in the values of payments for those posts. This will be particularly important for teachers in the primary sector where the availability of posts of paid responsibility is already inadequate to reflect the demands made upon teachers.

The NUT believes that the introduction of the TLR payments system provides the opportunity to ensure that all teachers receive TLR payments appropriate to the additional responsibilities they undertake, whether or not their school's staffing structure has changed. This may require recognition of existing responsibilities or new posts of paid responsibility.

As well as providing this guidance, the NUT is prepared if necessary to take other appropriate steps up to and including strike action to protect its members.

The participants in RIG have made a commitment to promote the introduction of the TLR payment system to their members as a positive step of benefit to teachers and schools.

The NUT, on the other hand, is able to demonstrate to its members the inadequacy of the TLR payment system, its links with the "remodelling" agenda and the problems which will be caused during its introduction and afterwards.

THE ROLE OF THE NUT SCHOOL REPRESENTATIVE

This section outlines the role NUT school representatives can play during the process of consultation in schools on the review and implementation of staffing structures; and the support from the NUT for school representatives.

If at any stage NUT school representatives feel the need for advice or guidance the Union stands ready to give full support.

KEY POINTS

- NUT representatives will have a key role in the success of the NUT's campaign to protect members against loss of pay.
- The NUT is committed to providing maximum support to NUT representatives in making representations on behalf of their colleagues.
- The intention of this NUT guidance is to provide NUT representatives with the knowledge and confidence to take part in consultations at school.
- Advice and support will be available from the NUT locally where situations develop which go beyond the NUT's expectations of its school representatives.
- Although there will be challenges ahead, NUT representatives have the opportunity to make a real and positive difference to their colleagues' working lives.

THE NUT'S COMMITMENT TO SUPPORTING SCHOOL REPRESENTATIVES

The NUT intends to provide maximum support to NUT representatives in order that they can make an effective input into the consultations in their schools and protect NUT members.

The intention of this NUT guidance is to provide NUT representatives with the knowledge and confidence to respond to most situations likely to arise in schools.

This guidance gives information on the nature of the change from MA payments to TLR payments, the requirements for the review of school staffing structures and the NUT's policies regarding that review.

It sets out advice on:

- the procedure and timetable which NUT representatives should seek to agree with their head teachers and governing bodies;

- the key issues to watch for during the process of reviewing the structure and considering changes to the structure; and
- the key points to make in seeking to protect NUT members' pay and job security.

SUPPORT FOR NUT SCHOOL REPRESENTATIVES

The NUT locally will provide advice and support where situations create demands going beyond the NUT's expectations of its school representatives in terms of the limits of their knowledge and responsibilities.

NUT school representatives should already have the necessary contact details allowing them to contact the NUT locally. The name and telephone number of the local NUT contact, usually the secretary of the local NUT association, and the telephone number of the NUT regional office or, in Wales, the NUT Cymru office, are published on the reverse of every NUT membership card.

The NUT locally will be contacting NUT school representatives in order to provide any necessary further contact information, including the names and telephone numbers of the local NUT officers specifically responsible for providing NUT support on this area.

Your local NUT may organise briefing meetings for NUT school representatives and others. In any school which does not currently have a NUT school representative, NUT members will be welcome to send a colleague or colleagues on the understanding that their role is no more than to hold contact details for NUT support.

The head teacher should announce the start of the review by writing on behalf of the Governing Body to all staff and the recognised trade unions. In the letter the head teacher should invite each of the recognised unions to nominate the person with whom all initial communications should be made. NUT school representatives should nominate themselves. When necessary they can send the materials to the Union locally to seek support.

THE KEY STAGES FOR NUT SCHOOL REPRESENTATIVES

Before the Review Starts

- If you have not already heard from the NUT locally, get in touch with the local NUT contact about briefing meetings and who you can contact for advice if necessary.
- Get in touch with the head teacher. Sign and send the letter provided with this document, asking for a meeting to discuss the consultation process and for information about staffing and budgetary matters. The letter asks that you be given access to the information listed below.
 - * The school's present staffing structure.
 - * Any draft revised staffing structure already produced.
 - * Current and projected pupil numbers.
 - * The School Development Plan.
 - * Any recent OFSTED report and/or LEA inspection report and any consequent school action plan.
- * Information on current timetabled contact time and class sizes.
- * The school's budget statements for the current year & coming year (including any monthly statements if available).
- * The current pattern of overspend/underspend.
- * The current level of balances.
- Hold a meeting of NUT members to discuss the proposals and make sure members know what will be happening. Agree that you all support the NUT's position that no teacher should suffer a pay cut as a result of the review or the introduction of TLR payments. Schools can decide to make only minimum changes to their current structures.

During the Review

- Make sure the head teacher gives you details of any initial thoughts or proposals before they are presented to the governing body for consideration.
- Meet with members and obtain their views. If necessary, seek advice from the NUT locally. Send comments to the head teacher and arrange a meeting to discuss them. Ask for confirmation that the comments will also be presented to the governing body.
- When the governing body has considered the head teacher's initial proposals, make sure you receive a copy of the revised proposals.
- Again, meet with members, seek NUT advice if necessary, submit comments to the head teacher and arrange a meeting to discuss them, and ask for confirmation that the comments will also be presented to the governing body.
- Make sure that you keep copies of all correspondence and notes of all meetings throughout the process.
- Support is available from the NUT at all stages, but especially if unresolved problems remain at the end of the process.

TLRs – HOW THE SYSTEM WILL WORK

This section sets out the way in which the TLR payment system will operate when it is in place – in particular how TLR payments can be awarded and how their values are to be determined – and the timetable for its implementation. Later sections look in more detail at how each school should go about reviewing its staffing structure and establishing a TLR-based structure from 1 January 2006 and how the school should handle the transition to that structure.

KEY POINTS

- TLR payments come into effect from 1 January 2006.
- There will be no nationally prescribed levels or values for individual TLR payments, unlike the current management allowance (MA) system.
- Governing bodies will have much greater freedom to decide the number of TLR payments for posts of responsibility, the number of different levels of TLR payments and the specific values of TLR payments.
- School staffing structures must be reviewed by 31 December 2005. TLR payments must be introduced in place of MA payments, and any other changes to staffing structures made, over a three year period from 1 January 2006. Schools are not, however, required to make any changes other than introducing TLR payments in place of MA payments.
- Teachers who lose MA payments as a result of the TLR payment system will be cash safeguarded for a maximum of three years only.

INTRODUCTION

The statutory provisions governing the TLR payment system are now set out in the School Teachers' Pay and Conditions Document (STPCD).¹

The TLR payment system differs greatly from the current system of MA payments. Currently, there are five levels of MA payment with fixed values. Under the TLR payment system, there will be no nationally prescribed levels or values of TLR payment. Instead there will be two broad TLR bands and, within the limits of these bands, schools will be able to determine for themselves the number of different levels of TLR payments and their values. This will significantly increase the discretion available in schools.

The system will operate as follows.

- The TLR payment system will be introduced with effect from 1 January 2006.

- Each school will decide for itself the overall number of posts of responsibility carrying TLR payments in the school.
- There will be no nationally prescribed levels or values for individual TLR payments.
- There will be two bands for the values of TLR payments, TLR1 and TLR2. The range available for TLR payments for the lower band, TLR2, will be £2,250 to £5,500, while the range for the higher band, TLR1, will be £6,500 to £11,000.
- The key difference between the two bands will be the nature of line management responsibilities attaching to posts, as set out below.
- Each school will decide for itself the number of levels of TLR payments and the specific values of the TLR payments at each level.

There can be more than one level of TLR payment within each TLR band, subject to a minimum differential of £1,500 between each level of payment.

- All schools are required to carry out a review of staffing structure by 31 December 2005. All that is required is that the school decides how TLR payments are to be allocated in place of MA payments. There is no requirement to make any other changes to the staffing structure. Each school then has until 31 December 2008 to introduce TLR payments in place of MA payments and implement any other changes to the staffing structure.
- The staffing structure, including the number of posts with TLR payments and the values of the TLR payments for each post, will in future have to be published as part of the school's pay policy.

HOW TLR PAYMENTS ARE AWARDED

To Qualify for a TLR Payment of Any Kind

"Before awarding a TLR the relevant body must be satisfied that the teacher's duties include a significant responsibility that is not required of all classroom teachers and that

- is focused on teaching and learning;*
- requires the exercise of a teacher's professional skills and judgement;*
- requires the teacher to lead, manage and develop a subject or curriculum area; or to lead and manage pupil development across the curriculum;*
- has an impact on the educational progress of pupils other than the teacher's assigned classes or groups of pupils; and*
- involves leading, developing and enhancing the teaching practice of other staff."*²

The criterion requiring a "significant responsibility ... not required of all classroom teachers" is similar to the current criterion that an MA payment is payable only for responsibilities "beyond those common to the majority of teachers". It is possible that it may, however, be applied more stringently in many cases in future.

The requirements that the responsibility is "focused on teaching and learning" and "requires ... a teacher's professional skills and judgement" are new. They show the link with the Government's remodelling agenda. This link is supported by a requirement that the review of the staffing structure should include "the transfer to support staff of any remaining administrative and/or clerical tasks being undertaken by teachers".

The key criteria are that the responsibility must involve leading, managing & developing "a subject or curriculum area" or leading and managing "pupil development across the curriculum".

The latter provides the means by which pastoral responsibilities may be rewarded by TLR payments. The NUT has raised the issue of pastoral posts throughout the development of the TLR payment system. The NUT succeeded in persuading the STRB to recommend that guidance should be issued on the allocation of TLR payments for pastoral responsibilities. The Government and its partners in the RIG simply ignored the STRB and made no mention of pastoral posts in its guidance.

To Qualify for a TLR1 (higher band) Payment

*"Before awarding a TLR1, the relevant body must be satisfied that the significant responsibility ... includes in addition line management responsibility for a significant number of people."*³

The key difference between posts within the two bands will therefore be 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.

NUT Attitude to the Criteria

Although the TLR criteria appear more detailed than the previous broad criteria for awarding MA payments, they are still vague.

RIG has said that decisions must "have a clear rationale" and "meet the provisions of equal

pay, equality and other relevant legislation". The NUT doubts whether such fairness and transparency will exist in all schools. It is likely that the new system will increase inequality, unfairness and discrimination.

HOW THE LEVELS AND VALUES OF TLR PAYMENTS ARE DETERMINED

Levels of TLR Payments

Each school will determine how many different levels of TLR payments will be in the new structure.

There will be no nationally prescribed number of levels. Within each board, schools can establish more than one level of TLR payment, subject only to a minimum differential of £1,500 between levels.

Compared to the current five fixed levels of MA payments, a school could 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 if it so wished.

Values of TLR Payment

Each school will determine for itself the specific values of the TLR payments at each level.

There will be no nationally prescribed values.

The only limits are that payments will have to be within the ranges for each band (£2,250-£5,500 for TLR2 and £6,500- £11,000 for TLR1) and be subject to the minimum differential of £1,500 between each level of payment within the band.

For example, if a school establishes two levels within the TLR2 band and sets the first level at £2,250, the second will have to be a minimum of £3,750.

The payments will be "spot payments". Like MA payments, they will have a single value, rather than a sliding scale of values increasing over time. Schools will not be able to increase TLR payments on the basis of experience or

performance in the role. TLRs will, however, be subject to recommendations from the STRB and Government decisions regarding annual pay increases.

NUT Attitude to the Criteria

RIG has said that decisions must "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.

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 £2250 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.

OTHER MATTERS

Pay Policy and Job Descriptions

The staffing structure will in future be published as part of the school pay policy. It will 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 the job description.

Temporary TLRs and Termination of TLRs

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.

TLR payments will cease when teachers move to different schools. They can also cease where any teacher refuses to perform the responsibilities; is dismissed from them; or where responsibilities are restructured. Relationship with SEN and Recruitment and Retention Payments

SEN allowances are payments in respect of teachers' involvement with SEN pupils rather than in respect of additional responsibilities. They are unconnected with TLR payments. Some teachers may be eligible to receive both TLR payments and SEN allowances.

Payments for recruitment and retention purposes are equally unconnected with TLR payments. Again, some teachers may be eligible to receive both TLR payments and recruitment and retention payments.

INTRODUCING THE TLR PAYMENTS SYSTEM

The Timetable

TLR payments will be available from 1 January 2006. From this date, no new MA payments can be awarded.

Before this, all schools are required to review their staffing structures and establish structures

based on TLR payments. Schools must publish these structures, together with a plan and timetable for their implementation, by 31 December 2005.

Schools will then have three years to implement TLR payments and any other changes to staffing structures, starting on 1 January 2006 and ending on 31 December 2008.

NUT advice on all of this is set out in the sections on "Reviewing the School Staffing Structure" (page 19) and "Implementing Changes to the Staffing Structure" (page 30).

Safeguarding

Teachers holding MA payments who are awarded TLR payments which are lower in value, or who are not awarded any TLR payments, will be safeguarded for a maximum period of three years on a cash safeguarding basis. Detailed advice on this is set out in the section on "Pay Safeguarding for Teachers" (page 32).

¹ As amended by the Education (School Teachers' Pay and Conditions) (No.2) Order 2005. The STPCD as amended can be found at www.teachernet.gov.uk/management/payandperformance/pay/2005/STPCD_April_05/ while the Order can be found at <http://www.opsi.gov.uk/si/si2005/20051101.htm>

² Para 23A.3 of the STPCD. The relevant body is the governing body in all LEA maintained schools with delegated budgets.

³ Para 23A.4 of the STPCD. As before, the relevant body is the governing body in all LEA maintained schools with delegated budgets

ESTABLISHING THE PROCEDURE AND TIMETABLE

This section gives NUT school representatives practical advice on the procedure and timetable for the review of the staffing structure and on securing their rights to consultation. It sets out an NUT-recommended procedure and timetable to ensure adequate consultation at every stage. Finally, it identifies the information needed from the school.

The later sections on “Reviewing the School Staffing Structure” and “Implementing Changes to the Staffing Structure” give more detailed practical advice on those stages of the consultation.

KEY POINTS FOR NUT SCHOOL REPRESENTATIVES

- You have a statutory right to be consulted.
- Start by contacting your head teacher to establish the procedure and timetable for the review and the consultation exercise accompanying it. The NUT has already written to all head teachers on this issue emphasising the requirement for consultation during the review.
- Seek information to help you and your colleagues consider proposals and make representations.
- Follow the guidance in this and other briefings to help you make effective representations to secure NUT policy goals and protect members.

THE REQUIREMENT TO REVIEW THE STAFFING STRUCTURE

The statutory requirements for governing bodies to review school staffing structures are set out in the Education (Review of Staffing Structure) (England) Regulations 2005.⁴

The Regulations require the governing body to review the school's staffing structure and, by 31 December 2005, prepare a plan for the implementation of any changes to that staffing structure.

NO REQUIREMENT TO CHANGE THE STAFFING STRUCTURE

There is no *requirement* to change the school staffing structure or the allocation of additional responsibilities. All that is changing is the system by which teachers receive specific

payments for additional, defined responsibilities. The governing body needs only to decide on the value of the TLR payments to be awarded to teachers with additional responsibilities in place of their existing MA payments.

The NUT believes that, as a starting point, all schools should as far as possible ensure that their existing staffing structures are not subject to significant or unnecessary disruption. Teachers who currently receive responsibility payments should continue to do so and no teacher's pay should be cut. All teachers, however, should receive TLR payments appropriate to any and all additional responsibilities they undertake.

Many schools, however, may propose sweeping changes in staffing structures.

THE REQUIREMENT TO CONSULT NUT REPRESENTATIVES

“During the conduct of the review the relevant body must consult –

- (a) all staff;*
- (b) representatives of recognised trade unions; and*
- (c) such other persons as the relevant body considers appropriate.”⁵*

NUT representatives should be consulted on the timetable and the procedure for the review. This consultation should start immediately.

Establishing an appropriate timetable and procedure for the review will be essential in order to ensure that the process is not rushed and that adequate opportunities to comment are provided at every stage.

Thereafter, NUT representatives should be consulted fully at every stage of the review. This

will cover the form of the staffing structure, such as the number of posts of responsibility; the levels and values of TLR payments for those posts; and any proposals for changes to the existing structure of posts of responsibility. It will deal with proposals for implementing any such changes, including the way in which teachers are allocated to posts if the structure changes and the timing of any such changes.

The complexity of the consultation process will reflect the extent to which the school staffing structure is revised. The NUT is seeking to persuade schools to ensure as far as possible that their existing staffing structures are not subject to significant or unnecessary disruption. A less detailed and shorter consultation period may be acceptable where a school proposes to maintain its existing structure or to implement a new structure very largely replicating the existing structure.

THE NUT’S RECOMMENDED TIMETABLE

Summer Term

June/July

Head teacher consults governing body and NUT representative on the procedure & timetable for review

Governing body establishes timetable and procedure for review

NUT representative provided with appropriate information

First half of Autumn term

July to October

Head teacher develops initial proposals on the staffing structure

NUT representative consulted and comments considered

Second half of Autumn Term

November

Head teacher submits initial report to governing body

Governing body considers proposals and comments

Governing body publishes draft staffing structure and draft implementation plan

NUT representative again consulted and comments considered

December

Head teacher submits further report to governing body

Governing body considers proposals and comments

Governing body agrees final version of staffing structure and implementation plan

THE PROCEDURE AND TIMETABLE IN DETAIL

This section looks in more detail at the various stages in the procedure and timetable for the review. Where appropriate, it includes references to any advice in the RIG “toolkit” which is potentially helpful or unhelpful to NUT representatives.⁶

The governing body is required to carry out the review with the assistance of the head teacher. In practice, the head teacher will lead the review on behalf of the governing body.

The governing body is permitted to delegate decisions on staffing. The NUT believes, however, that in this case the full governing body should take the final decisions relating to the procedure and timetable for the review and the staffing structure and implementation plan emerging from the review.⁷

NUT members who are teacher governors should be permitted to participate in the deliberations of the governing body on exactly the same basis as any other governor.

Where the headteacher will change during the process, either from 1 September 2005 or 1 January 2006, it is good practice for the incoming headteacher to be consulted.

PRIOR TO THE REVIEW OF THE STAFFING STRUCTURE

June:
[Consultation by head teacher on the procedure and timetable for the review of the staffing structure and the consultation process during that review](#)

Your local NUT is currently discussing the arrangements that will be put in place for support to NUT representatives and will be contacting NUT representatives about this.

The first step for the NUT representative is to meet with the head teacher to establish the procedure and timetable for consultation during the review.

The NUT nationally has written to all head teachers to inform them that the NUT expects there to be full and open consultation. The NUT has asked them to meet NUT school representatives to discuss the procedure and timetable for the review.⁸

NUT school representatives will want to check that the procedure and timetable permits all of these opportunities for consultation and consideration of the school’s proposals. If not the NUT locally should be asked for advice.

The detailed consultation associated with the review itself should not start before the end of the summer term. Otherwise, you will not have sufficient time to become familiar with the area and attend any briefings or seek advice from your local NUT.

You should, at this stage, seek information from the head teacher for use in the consultation. With this document, you have been provided with a letter to your head teacher, requesting access to the information listed below.⁹

July:
[Agreement by governing body to the procedure and timetable for the consultation process](#)

DURING THE REVIEW OF THE STAFFING STRUCTURE

July to October:
[Consultation by the head teacher on any initial proposals for changes to the staffing structure and for the implementation of such changes](#)

The head teacher should, during this period, develop his/her initial thoughts on the review and discuss them with the NUT representative and others.

It is important that NUT school representatives are permitted a proper input into the development of any proposals. Consultation should not be delayed until after the governing body has considered and approved a draft staffing structure and draft implementation

plan. Once a draft structure and plan have been presented to and agreed by the governing body, it is less likely that changes of any significance will be secured through consultation.

Sufficient time should be allowed for the school representative to:

- * meet with members and obtain their views;
- * seek advice from the NUT locally;
- * communicate comments to the head teacher; and
- * discuss these comments with the head teacher.

NUT representatives should be provided with time and accommodation to meet with members. Confirmation should also be sought from the head teacher that time will be available for NUT representatives and also to consult the NUT locally where this is necessary.¹⁰

The NUT representative should be allowed to meet the head teacher to communicate views¹¹ in addition to putting them in writing. A meeting is essential to ensure the NUT's views, which may differ from those of other teacher organisations, are understood.

The NUT's comments should be considered before any report is presented to the governing body.

These comments should also be provided to the governing body for consideration at its meeting. The governing body should consider and discuss comments made by those whom they are required to consult.

Where appropriate, the NUT representative may wish to be allowed to address the governing body meeting on issues of particular concern.¹²

NUT representatives should make sure that copies are kept of all written communications and records kept of all discussions. Where headteachers arrange for minutes of meetings, these should be circulated for approval and challenged if necessary.

Detailed advice on the issues to consider and points you make during this consultation is set

out in the sections on "Reviewing the School Staffing Structure" (page 19) and "Implementing Changes to the School Staffing Structure" (page 30).

November:

[Initial report by head teacher to governing body on comments received during that stage of the consultation and consideration by the governing body of those comments](#)

[Publication by governing body of the draft staffing structure and draft implementation plan](#)

[Further consultation by head teacher on any revised proposals for changes to the staffing structure and for the implementation of such changes](#)

Following its meeting, the governing body is required to publish the staffing structure and implementation plan for consultation, whether or not any significant changes are proposed to the existing structure.

Again, sufficient time should be allowed for the NUT representative to:

- * meet with members and obtain their views;
- * seek advice from the NUT locally;
- * communicate comments to the head teacher; and
- * meet with the head teacher to discuss these comments.

These comments should be considered before final draft proposals are presented to the full governing body for approval. The comments should be considered by the governing body at its meeting and the NUT representative allowed to address the governing body meeting on issues of particular concern.

It is essential that individual teachers are also allowed to raise concerns, if they choose, about any proposals potentially affecting them individually. The NUT's advice is that such concerns have the same status as any other grievance about employment matters. Such a teacher will therefore be entitled to pursue the matter through the school's grievance procedure, which should provide the teacher with the right

of appeal to the governing body as well as to a meeting with the headteacher to discuss the matter and also include the right to union representation. [Where any NUT member wishes to pursue concerns in this way, the member should be advised to contact the NUT locally.](#) Where the governing body did not consider such grievances before it confirmed its final decision on the staffing structure, it would be difficult for the governing body to afford the teacher with an appropriate remedy at a later stage.¹³

December:

[Further report to governing body on comments received during that stage of the consultation and consideration by the governing body of those comments](#)

[Agreement by the governing body to the final version of the staffing structure and implementation plan](#)

If the governing body makes changes to the final draft proposals at its meeting, these should be subject to further consultation before being confirmed.

When the governing body takes the final decision, the staffing structure, including details of TLR payments, and the implementation plan should be circulated to all staff. All staff should receive pay statement; including details of any safeguarding, by the end of January 2006.

The school is not required to complete the process of determining which teachers are allocated to posts under the staffing structure by 31 December 2005. This process can be pursued during the three year implementation period allowed from 1 January 2006 to 31 December 2008. Where a school wishes to implement the structure from 1 January 2006, however, it must have allocated all teachers to posts and determined what TLR payments they will be awarded from 1 January 2006.

INFORMATION FOR USE IN CONSULTATION

This section sets out the information NUT representatives should seek for use in the

consultation on the review of the staffing structure.

NUT representatives have the legal right to this information. The specimen letter to the head teacher attached to this document is for NUT representatives to use in asking for this information.

The School's Staffing Needs

Information on the school's current staffing structure and staffing needs will help assess whether any changes are needed to the current structure.

NUT representatives should ask for:

- * the school's present staffing structure;
- * any draft revised staffing structure already produced by the head teacher or governors;
- * current and projected pupil numbers;
- * the School Development Plan;
- * any recent OFSTED report and/or LEA inspection report and any consequent school action plan; and
- * information on current timetabled contact time and class sizes.

The School Budget

Budget information will help assess whether and how any budgetary issues can be addressed in order to maintain the current staffing structure.

NUT representatives should ask for:

- * the school's budget statements for the current year & coming year, including any monthly statements if available;
- * the current pattern of overspend/underspend; and
- * the current level of balances.

Detailed advice on the use of this information and issues to consider during this consultation is set out in the sections on "Reviewing the School Staffing Structure" (page 19) and "Implementing Changes to the School Staffing Structure". (Page 30)

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- 4 Available on the internet at <http://www.opsi.gov.uk/si/si2005/20051032.htm> No such regulations have as yet been introduced placing a similar requirement upon governing bodies of schools in Wales, although the 2005 Pay Order applies to Wales as well as England and the TLR payments system will have effect in Wales from 1 January 2006.
 - 5 Regulation 3(5). As before, the relevant body is the governing body in all LEA maintained schools with delegated budgets.
 - 6 Paras 47 to 63 of the RIG guidance on consultation requirements endorse all elements of this NUT guidance except as outlined in the following footnotes.
 - 7 The RIG guidance states only that governors should "consider carefully" putting the new structure to the full governing body for approval (para 58)
 - 8 The RIG guidance advises only that head teachers should "consider" meeting with union representatives to "advise them" of the proposed procedure and timetable.
 - 9 You have a legal right to this information. It is an established legal principle that any such consultation must be both 'meaningful' and 'informed'. The RIG guidance advises only that "it would be prudent" for head teachers to share proposals with NUT representatives and others before sharing them with the governing body (para 47) and talks of formal consultation starting only after the governing body has approved a draft for consultation (para 53).
 - 10 The RIG guidance advises only that time and accommodation for meeting members at the school should be provided (para 16).
 - 11 The RIG guidance advises only that the head teacher should "meet the recognised trade unions collectively" and does not refer to meetings with union representatives individually (para 55).
 - 12 The RIG guidance is silent on this issue.
 - 13 The RIG guidance advises only that such teachers should be allowed a meeting with the head teacher. It does not recognise the right of such teachers to pursue their cases in the same way as any other grievances. (para 54)

REVIEWING THE SCHOOL STAFFING STRUCTURE

This section gives more detailed guidance on the review of the staffing structure, including practical advice on the cost implications of the new TLR payment system; points that might be made in support of the existing structure; and advice on steps to take where more major changes are proposed or where problems are encountered.

KEY POINTS

- Schools are statutorily required to review their staffing structure. There is no requirement to draw up new structures from scratch. Schools should start by reviewing the existing structure, not with a “blank sheet of paper”.
- The NUT believes that, as a starting point, all schools should as far as possible ensure that their existing staffing structures are not subject to significant or unnecessary disruption. They should make any changes necessary to ensure that all teachers receive TLR payments appropriate to any and all additional responsibilities they undertake, but avoiding cuts in other teachers’ pay, and accept the minor additional costs which they will encounter.
- This approach will ensure a straightforward process of transition to the TLR payment system, avoiding unnecessary work and upheaval, disaffection among teaching staff and possible unfairness or discrimination.
- Any changes to structures should be based on the needs of schools and should neither increase workload for teachers nor require them to undertake additional responsibilities without appropriate TLR payments.
- Pastoral posts are educationally important and a vital part of school structures. Heads of year and other postholders with key pastoral responsibilities should be qualified teachers. Their responsibilities should be considered as falling within the defined criteria for TLRs.

NO REQUIREMENT TO CHANGE THE STAFFING STRUCTURE

There is no *requirement* to change the staffing structure or alter the way in which additional responsibilities are allocated. All that is changing is the system by which teachers with additional responsibilities receive additional payments for those responsibilities. The governing body needs only to decide on the value of the TLR payments to be awarded to teachers with additional responsibilities in place of their existing MA payments.

The NUT believes that, as a starting point, all schools should as far as possible ensure that

their existing staffing structures are not subject to significant or unnecessary disruption. Teachers who currently receive responsibility payments should continue to do so and no teacher’s pay should be cut. All teachers, however, should receive TLR payments appropriate to any and all additional responsibilities they undertake.

THE COST IMPLICATIONS OF MOVING FROM MAs TO TLR PAYMENTS

There is a deliberate lack of fit between the new structure of TLR payments and the old MA payment structure. Schools cannot establish structures in which all TLR payments are set at

the same values as the current MA payments. Keeping the same number of responsibility payments and the same number of levels of payment will increase the payroll slightly.

The NUT nonetheless believes that these additional costs will not be so high as to prevent schools from maintaining their existing staffing structures.

The minimum TLR2 payment of £2250 is over £600 higher than the current MA1 payment level of £1638. This will increase the cost of current MA1 posts for schools wishing to retain these payments. One quarter of primary classroom teachers receive MA1 payments, and many primaries may therefore be tempted to remove those MA1 payments or even those posts. MA1 payments for teachers in secondary and special schools may also come under pressure for similar reasons of increased cost.

Assuming that a TLR2 payment at the minimum level of £2250, the minimum value for the next level of TLR2 payment would be £3750, in view of the requirement that a £1500 differential must exist. This is over £400 higher than the current MA2 payment of £3312.

The current MA3 payment of £5688 lies between the TLR bands. Depending on their line management responsibilities, teachers currently holding MA3 payments might be placed in the TLR2 band, requiring a lower payment of no more than £5500) or the TLR1 band (requiring a higher payment of at least £6500.

If teachers currently holding MA3 payments are placed in the TLR1 band, there would be 'knock on' implications for teachers currently holding MA4 payments, currently £7833, due to the minimum differential.

It might also be seen as appropriate to maintain the differentials between the salaries of teachers currently holding MA5 payments and leadership group teachers. In some cases schools may be obliged to increase the pay of assistant and deputy heads due to the requirement to set their pay by reference to classroom teachers' pay.

Attached separately are cost examples illustrating the extent of the additional costs which will be incurred by typical schools which maintain their existing staffing structures, including the same number of payments and same number of levels of payments, under the TLR system. These demonstrate that in most cases the additional cost will be relatively small.

STARTING THE REVIEW

Deciding How to Start

There are two ways of going about the review of the staffing structure.

- Schools could start by considering the existing structure and review the continuing appropriateness of that structure and the responsibility payments under that structure; or
- they might start with a "blank sheet" and draw up from scratch entirely fresh staffing structures and responsibility payments.

The approach in the RIG guidance is based on every school starting with a "blank sheet" and establishing a new staffing structure from scratch in place of the previous structure. The participants in RIG argue that this will lead to a structure *"which will result in enhanced teaching and learning for pupils"*.¹⁴

In contrast, the NUT believes that every school's structure is already aimed at teaching and learning. The RIG approach is inappropriate and unnecessary. The NUT strongly encourages schools to start by reviewing the existing structure and its continuing appropriateness.

The NUT's priority is to ensure that existing staffing structures are not subject to significant or unnecessary disruption. Reviews should ensure that all teachers are entitled to TLR payments appropriate to the responsibilities they undertake. In this way, teachers will both be protected against pay cuts and properly paid in the future. The NUT's policy is most likely to be achieved where the first approach is adopted, with the current structure used as the basis for the review.

The following points make the case for adopting the first approach rather than the second approach.

- There is no requirement to start with a “blank sheet of paper”. It is in any case illogical to suggest that schools should ignore their existing staffing structures.
- Schools should refuse to be pressed into making change for the sake of change. The approach of drawing up a new structure from scratch, without basing this upon the previous structure or drawing upon that structure, is more likely to result in substantial changes to the current structure.
- Such substantial changes to the current structure will lead to:
 - * unnecessary disruption to the life of the school;
 - * a far higher number of disaffected teachers, aggrieved at changes to their responsibilities and pay;
 - * maximum cost to the school in terms of the need to pay safeguarding; and
 - * far more work for the head teacher and others, resulting from the need to draw up the new structure, draft job descriptions, answer questions from governors, meet with union representatives, consider their representations, allocate teachers to new posts, handle complaints from individual teachers, and deal with many other issues arising from all of this unnecessary work.
- Where the approach of drafting an entirely new structure from scratch is adopted, an overall budget limit is far more likely to be rigidly applied from the outset.¹⁵ Reviewing the existing structure is in truth more likely to lead to fair and proper consideration of the school’s needs than a “blank sheet of paper” approach.

SECURING THE EXISTING STRUCTURE

The NUT believes that all schools should as far as possible ensure that their existing staffing structures are not subject to significant or

unnecessary disruption. Teachers who currently receive responsibility payments should continue to do so and no teacher’s pay should be cut. All teachers, however, should receive TLR payments appropriate to any and all additional responsibilities they undertake.

This approach will ensure that NUT members are fully protected against loss of pay due to the introduction of the TLR payment system and are properly paid in future.

NUT representatives can make the following arguments to governing bodies in favour of the retention of their existing arrangements:

- The governing body should not fall victim to the argument that it is not possible to maintain the existing staffing structure. Existing structures can be maintained. Only the payments system is changing.
- Schools should refuse to be pressed into making change for the sake of change. If a school’s structure is not broken, don’t fix it.
- The existing structure will have been developed over a period of many years. The governing body, and the headteacher, presumably believe that it is already appropriate to the school’s needs and the provisions of the School Development Plan and is already intended to promote and enhance teaching and learning.
- The NUT is not arguing that school staffing structures should be static and unchanging. Of course they need to evolve over time. There may be a need now to make some changes in order to ensure that teachers receive TLR payments appropriate to their responsibilities. But this may not be the most appropriate time to reorganise the entire staffing structure. Schools will be facing many kinds of challenge over the next few years. Seeking to reorganise now may actually hamper the school’s ability to respond to those challenges and mean that it will have to reorganise again.

- If the staffing structure is to be reorganised, then it may be necessary to review the School Development Plan prior to, or as part of, the review of the structure.

Cost Implications of Maintaining the Current Structure

The NUT recognises that there is likely to be an additional cost in maintaining the existing structure. However, the additional cost will in fact be relatively small in most cases. It will be a fraction of the additional cost already incurred as a result of the two-part pay increase for 2005, which was itself modest in comparison to recent years.

The final section of this document, 'Maintaining the Staffing Structure: Cost Exemplifications' (page 40) sets out cost examples illustrating the extent of the additional costs which will be incurred by typical schools which maintain their existing staffing structures, including the same number of payments and same number of levels of payments, under the TLR system. These demonstrate that the additional costs will be relatively minor.

Appendix 1 to this section looks at budgetary issues in a little more detail in order that NUT school representatives are able to answer any objections made on grounds of cost.

The NUT wishes the TLR-based staffing structure to be implemented as soon as possible. The additional costs of those structures can, however, be phased over a period of up to three years if they pose a problem for schools. Further details on this area are contained in the next section on "Implementing Changes to the School Staffing Structure" (page 30).

Reviewing Job Descriptions

It may be necessary to review some job descriptions in order to ensure that they are current and up-to-date. It may also be necessary to amend some job descriptions in a minor fashion in order to ensure that the responsibilities listed clearly meet the criteria for TLR payments or particular TLR bands.

New Payments or Posts

All teachers should receive TLR payments appropriate to the additional responsibilities they undertake, whether or not their school's staffing structure has changed. This may require new TLR payments to recognise existing responsibilities or new posts of paid responsibility. Appendix 2 to this section lists the many types of posts for which TLR payments can and should be awarded.

Resisting Cuts in Payments for Posts on the Existing Structure

Some governing bodies may, on the grounds of cost, propose changing the payment rates for some posts of responsibility.

Such an approach could threaten the pay entitlements of the teachers affected. As such, the NUT does not accept any of these approaches are appropriate.

- The school might propose reducing the value of TLR payments for some posts in comparison to previous MA payments for those posts.
- The school might propose introducing a flatter TLR payment structure with fewer levels of payment than under the MA system. It might, for example, decide to have only two levels of payment at TLR2 and one at TLR1, instead of the five levels of MA payment. This might be accompanied by a proposal to reduce the value of TLR payments for some posts in comparison to previous MA payments for those posts.
- A third possibility is that a school might propose not to make a TLR payment for some posts for which MA payments were previously awarded.

Where a school proposes *either* to discontinue the responsibility payment and the actual responsibilities of any individual post, or to discontinue the payment but not the responsibilities, then advice should be sought from the NUT locally if this would affect any NUT member.

Even where a school decides that it will

retain its existing structure, it is possible that individual teachers may object to the level of TLR payment or TLR band for their post. Such concerns should be pursued through the school's grievance procedure. Where any NUT member wishes to pursue concerns in this way, they should be advised to contact the NUT locally.

DEALING WITH OTHER OUTCOMES: PROPOSALS FOR MORE SIGNIFICANT CHANGES TO STAFFING STRUCTURES

Some schools may propose more significant changes to staffing structures, either on grounds of cost or on other grounds.

Such proposals might involve more widespread changes to the staffing structure and to job descriptions and allocations of responsibilities as well as to the values of responsibility payments. They might involve adoption of "remodelling" arguments promoting transfer of responsibilities away from teachers or reorganisation of pastoral posts as well as other possible changes to curricular arrangements.

Again, any such approach poses a threat to the pay entitlements of teachers. As such, the NUT does not accept that any such approach is appropriate.

This section gives advice on responding to such proposals, including:

- the information which should be presented for consultation;
- advice on issues which may arise in all schools when responding to proposals to make significant changes to structures; and
- advice on specific issues which may arise in particular sectors.

The earlier section on "Establishing the Procedure and Timetable" (page 13) gives detailed advice on the various stages in the review process and the actions you should take at each stage. That section also includes advice on the way in which concerns of individual teachers should be treated.

The NUT's intention is that this guidance should give NUT representatives the knowledge and confidence needed to respond to such proposals. Where such proposals would potentially affect NUT members, however, then advice and support will nevertheless be available from the NUT locally in order that NUT members are fully protected.

Situations where NUT Representatives should seek Advice and Assistance

Advice should in particular be sought in situations where it is proposed that:

- any postholder should continue to undertake a particular responsibility for which an MA payment was previously payable but should receive either a lower TLR payment or no TLR payment at all for that responsibility;
- any new or reorganised post should carry a particular responsibility for which an MA payment was previously payable but for which either a lower TLR payment or no TLR payment at all will now be payable;
- that a postholder should cease to undertake responsibilities which formerly attached to that post and consequently not receive a TLR payment.

Presenting Information for Consultation

Any head teacher who proposes that the school staffing structure should be reorganised more significantly will need to make the following information available for consideration:¹⁶

- * the overall revised structure of posts;
- * the revised job descriptions and reporting/line management provisions for each individual post;
- * the pay arrangements, including any TLR payments, for each individual post;
- * an overall costing of the proposals compared to the retention of the existing structure;
- * comparisons with the existing staffing structure, including comparisons of the

- duties and responsibilities allocated to posts on the new and the existing structure, duties and responsibilities no longer undertaken; and
- * an assessment of the equality implications of the proposals (see below for further details).

Appendix 2 to this section lists the many types of post for which TLR payments may appropriately be made.

Responding to Proposals: All Schools

The School Development Plan

Changes to a school's staffing structure must be consistent with the provisions of the School Development Plan or School Improvement Plan.

The following questions should be asked:

- Will the School Development Plan be considered as part of the review of the staffing structure?
- Will the School Development Plan be reviewed prior to, or as part of, the review of the staffing structure?

If the School Development Plan is to be reviewed, staff and union representatives should be consulted on any changes to the School Development Plan as well as on the review of the staffing structure.

The NUT believes that where significant changes to a school's staffing structure are proposed, it is essential that the School Development Plan is reviewed at the same time. Such a review will need to consider a number of major national initiatives before any significant changes to the school's staffing structure can proceed. They include:

- * development and coordination of the school's CPD offer including responsibility for mentoring and coaching teachers and support staff;
- * curriculum coordination between schools in clusters;
- * developing linked responsibilities with other services in extended schools and local

Safeguarding Children Boards;

- * responsibility for coordinating the school profile;
- * involvement, where relevant, in creative partnerships; and
- * (in future) developing the outcomes of the Key Stage 3 curriculum review.

Whether or not the School Development Plan itself is reviewed, NUT representatives will want to ensure that any proposals for changes to the staffing structure properly reflect the provisions of the School Development Plan and the school's consequent staffing requirements.

Points which might be made include:

- What does the School Development Plan say about the development of the subject areas, pastoral areas or area of management in which changes are planned? Are the proposals consistent with that Plan?
- What does the most recent inspection report say? Are there areas about which concern was expressed? Are the proposals consistent with the school's action plan in response to the report?
- What will the effects be on the curriculum? Will the school be able to deliver the present range of subjects/options? Can it justify staffing changes by reference to periods of teaching required in the subjects over the coming year? Is it reducing the diversity of choice available to pupils?
- How will class sizes be affected? Will they increase, affecting the quality of education for pupils or the school's popularity and intake in future years?
- What will the effects be on teachers' other conditions of service such as PPA or internal cover obligations? Will this affect internal relations or prospects for recruitment and retention?

Consideration will also need to be given to the

implications of the proposed changes for teachers' workload (see below).

A Whole School Process

The process of reviewing the school staffing structure should be a whole school process. Although any changes to the structure may be limited to particular areas of the school's operation, the review should not be limited to particular groups of staff.

Where the role and responsibilities of classroom teachers are being reconsidered, the role of leadership group teachers and members of the support staff should be considered alongside them.

Care should nevertheless be taken to ensure that responsibilities are not transferred inappropriately away from teachers.

Care should also be taken to ensure that there is no unnecessary increase in the number of posts on leadership group pay and conditions, which do not include any specific working time protections. The only postholders paid on leadership group scales should be those who are genuinely part of the school's leadership group. Other postholders with additional responsibilities should be paid the appropriate TLR payments. There should be no exploitation of support staff.

Avoiding Increases in Workload

A number of points must be addressed to avoid increases in workload resulting from changes to staffing.

- All responsibilities for which an MA payment is currently paid should, in the NUT's view, attract a TLR payment in future. Schools should clearly identify what will happen in future in respect of existing MA responsibilities for which TLR payments are not awarded. There should in all cases be appropriate TLR payments for additional responsibilities meriting responsibility payments.
- Whether or not any significant changes are

proposed to the staffing structure, no job descriptions should be rewritten in order to increase workload or with the effect of increasing workload unless the appropriate TLR payment is also adjusted.

- Under the transition arrangements, safeguarded teachers can be required to undertake additional work in return for their safeguarded sum. [The NUT opposes the use of this power which has never previously formed part of any teachers' pay safeguarding arrangement.](#)

Avoiding Discrimination and Protecting Equality

According to the DfES, all procedures for determining pay must comply with the requirements of anti-discrimination legislation. The law requires that there should be no discrimination on grounds of gender, race, disability, sexuality and trade union membership/activity nor, in most circumstances, religious opinion or the lack of it. Similarly there should be no unjustifiable discrimination against employees who are part time or employed on fixed term or temporary contracts.

Attention should, therefore, be paid to the implications of any proposed changes for the individuals likely to be affected, as well as to their wider implications for the school and the education of pupils. The NUT will seek to protect its members against proposals which are either directly or indirectly discriminatory. Head teachers will wish to avoid any risk of unfairness or discrimination.

It is, therefore, essential that head teachers assess the likely equality implications of any proposed changes to staffing structures. This "equality impact assessment" should be conducted as an integral part of the consultation process at every stage of the review. NUT representatives should seek to be involved in any discussion with governors on this area.

Head teachers should contact the local authority for further advice on all aspects of implementing an equality impact assessment.¹⁷

NUT representatives who suspect discrimination may result from any proposals should seek further NUT advice and assistance.

Avoiding the Targeting of Individuals

The NUT will need to guard against any changes proposed with the explicit intention of targeting individuals who are “unpopular” on other grounds. Where it appears that any such motivation might exist, it should be made clear to the head teacher that the NUT will strongly oppose such targeting and is willing to pursue such complaints if necessary, including to employment tribunal where appropriate.

Excellent Teacher posts

The RIG guidance advocates the consideration of Excellent Teacher posts as part of school staffing structures. It does so even though teachers could not be appointed to such posts until September 2006 at earliest and the detailed standards and pay rates are not available.

The NUT continues to oppose the Excellent Teacher scheme. It requires applicants to cross, in effect, a second ‘threshold’. Teachers with TLR payments, who are the majority of teachers, are excluded. It is not a replacement for the pay prospects once available to all teachers but removed as a result of the agreement between the Government and the other participants in RIG.

The NUT believes that such posts would be an unnecessary complication in school staffing structures and create role conflicts between such teachers and other teachers with management and leadership roles, in particular heads of faculty/department in secondary schools. Excellent Teacher posts, therefore, should not be included in staffing structures.

Responding to Proposals: Secondary Schools

Pastoral posts

There has been much discussion over the role of teachers in the pastoral structures of secondary schools and the way in which pastoral responsibilities meet the statutory criteria for

TLR payments. The RIG guidance, however, makes no comment on pastoral care.

One of the key principles of the “remodelling” process is that responsibilities should be transferred away from teachers to support staff where they do not require teachers’ professional skills and judgement and need not be undertaken by teachers.

The NUT has argued consistently that teachers must play a central role in the pastoral structures of schools. The exercise of teachers’ professional skills and judgement is an essential part of delivery of schools’ responsibilities for pupils’ development. **In particular, the NUT believes that heads of year and other postholders with key pastoral responsibilities should in all cases be qualified teachers and be part of the teaching staff of the school.**

The NUT believes that most existing secondary school pastoral posts do in fact meet the statutory TLR criteria which state that payments can be made for posts which include responsibilities related to “leading and managing pupil development across the curriculum”. Pastoral responsibilities need not be, for example, directly related to management or monitoring of pupil attainment in order to qualify. Responsibilities relating to personal and social development are closely related to pupil achievement. Undertaking such responsibilities will, in the NUT’s view, require the exercise of the professional skills and judgement of qualified teachers on the teaching staff of the school.

It may, however, be appropriate to consider whether any adjustment of descriptions of responsibilities attached to pastoral posts is appropriate in order to describe properly the relationship these have towards pupil development across the curriculum.

Responding to Proposals: Primary Schools

Structural changes in primary schools

The NUT believes that structures in primary schools should reflect the reality of the differing

levels of responsibility held by teachers. Even in schools where all teachers are expected to assume oversight of some part of the curriculum or some other responsibilities, there will be some whose duties impose a heavier workload and heavier burden of responsibility than others.

Those teachers should be properly rewarded through appropriate TLR payments. Teachers who carry out significant additional responsibilities in addition to their classroom teaching roles should be awarded TLR payments.

“Rotating” and Shared TLRs

The school staffing structure will have to identify the responsibilities and the TLR payment attached to each teaching post. A teacher is entitled to receive the appropriate TLR payment while occupying that post. Neither the responsibilities nor the TLR payment may be awarded on a temporary or “rotating” basis. It will not be possible to transfer either the responsibilities of a post or the TLR payment for those responsibilities from one teacher to another.

A TLR payment cannot be shared between two or more post holders. Individual posts to which TLR payments are attached, however, may be available for job-sharing on the same basis as all other posts. If a post is job-shared, the TLR

payment is payable to each job-sharer on the appropriate pro rata basis. Job-sharing should be properly documented showing how any TLR payments are shared. Detailed NUT guidance is available on job-sharing.

Pastoral posts

The points made in the earlier section on secondary schools about the case for maintaining pastoral posts undertaken by qualified teachers and rewarded by means of TLR payments are equally applicable to such posts in primary schools, even though they may not have the formal structures in place in secondary schools.

Responding to Proposals: Special Schools

SEN allowances

SEN allowances continue to be separate and distinct from payments for additional responsibility. Any teachers in special schools with additional responsibilities should receive an appropriate TLR payment separately and additionally to their SEN allowances. The review should look at teachers’ responsibilities and determine whether they should get TLR payments and if so at what level. Their SEN allowances should be unaffected. *This guidance applies also to teachers in mainstream schools who hold SEN allowances.*

¹⁴ The RIG guidance acknowledges that reviews will “need to take into account all previously-held responsibilities”. By implication, this cannot therefore be a blank sheet of paper” exercise. (para 33)

¹⁵ The RIG guidance, on the other hand, envisages that “financial information will ... play a central role on determining the scale and shape of the new structure”. (para 28)

¹⁶ The RIG guidance advises that all of the above information should be provided to governing body members at least. (para 50)

¹⁷ The RIG guidance supports the NUT position on this. (para 30)

Only schools and PRUs are required to review their staffing structures. LEAs will, however, have to decide how TLR payments are implemented in place of MA payments for teachers employed in central support services from 1 January 2006.

APPENDIX 1: BUDGETARY MATTERS

On budgetary matters NUT school representatives may wish to ask the following questions.

- Is the budget situation as bad as the governing body suggests? Can the situation be managed simply by accepting the additional costs involved in maintaining the current staffing structure?
- Does the school have balances being carried forward from year to year? Are there good reasons, based on definite expenditure plans, for this money to be carried forward? Can some of this money be used instead to balance the budget without altering the staffing structure?
- Is there room simply to increase planned expenditure to cover the current staffing allocation, even if this results in a temporary overspend for one year?
- Has the school approached the LEA with a request to borrow against future year's budgets to cope with a year in which there is a "blip" overspend?
- What contribution can be made by considering budgetary allocations in other

areas? Is there room for savings in these areas? Are all items of planned spending elsewhere justifiable – (profitable areas of the budget to explore can often include supply cover and insurance)?

- Comparing this year and next year's budget, are there any discrepancies in spending on particular items or areas of spending? Can they be adequately accounted for?
- Is any significant part of the present staffing budget taken up by use of pay discretions? Can a commitment be made over the longer term to remove or reduce use of pay discretions?

NUT school representatives can make powerful points with regard, in particular, to any pattern of underspending and any existing and planned school balances. They can point out that the LEA has allocated the school's budget for spending on its present needs, not against future contingencies. They can call on the school to be loyal to its present teaching staff in determining its spending plans. Under-spending and carrying forward balances must therefore be strongly questioned on both of these grounds.

APPENDIX 2: EXAMPLES OF THE AREAS TLR PAYMENTS CAN COVER

- Heads of Faculty, Heads of Department
- subject coordinators
- responsibility for coordinating the Primary Strategy
- responsibility for the Key Stage 3 strategy
- Heads of Year
- Special Educational Needs Coordinators/Heads of Learning Support
- sixth form coordinators
- curriculum coordinators
- assessment coordinators
- responsibility for Foundation Stage unit
- responsibility for primary/secondary transfer
- liaison with other services
- responsibility for developing citizenship and PSHE including policies on drug education, anti-bullying strategies and sex education
- professional development coordinators
- responsibility for developing Information Technology
- responsibility for induction, ITT partnership and schemes, and the training arrangement in a training school
- home/school/community liaison
- coordinator of English as an additional language provision
- responsibility for school pupil behaviour strategies and policies
- responsibility for developing equal opportunities policies
- responsibility for performance management arrangements
- coordination of school self-evaluation arrangements

IMPLEMENTING CHANGES TO THE SCHOOL STAFFING STRUCTURE

This section provides practical advice on the way in which the introduction of TLR payments, and any changes to the staffing structure, should be achieved and the timetable for implementation.

KEY POINTS

- After reviewing the structure, schools must decide how to process changes including the allocation of teachers to posts – and the timetable for implementation.
- This must be completed with three years, commencing on 1 January 2006 and ending on 31 December 2008.
- The NUT favours immediate implementation, taking into account the need to protect and improve teachers' pay entitlements. Structures do not, however, have to be implemented in their entirety by the end of the review. Where necessary, they can act as shadow structures with changes taking place appropriate to staffing circumstances.

TWO STAGES IN TRANSITION

The review of the staffing structure is the first step in the process required by law. As well as publishing its proposals for replacing MA payments by TLR payments and other changes to the structure, the governing body must at the same time publish its plan for implementation.

The three year period for the transition process commences on 1 January 2006 and end on 31 December 2008.

During the implementation period, governing bodies must:

- determine which teachers occupy individual posts on the staffing structure and what responsibility payments they receive; and
- decide when to implement the structure.

DETERMINING WHICH TEACHERS OCCUPY INDIVIDUAL POSTS

The process of determining which teachers occupy individual posts on the staffing structure will be straightforward if the NUT has achieved its goal of persuading the school to maintain the existing structure or make minimum changes to the structure.

WHERE THE EXISTING STRUCTURE HAS BEEN MAINTAINED

Where the structure has not been changed, each teacher will continue to occupy the same post as previously. All that will change is that the MA payments made to teachers occupying posts of additional responsibility will now be replaced by TLR payments.

The process will therefore be a straightforward process of awarding TLR payments according to the rules of the new TLR system in place of the MA payments made under the old MA system.

WHERE THE EXISTING STRUCTURE HAS BEEN CHANGED

Where the existing structure has been changed or the governing body has brought forward what purports to be an entirely new staffing structure, the method of determining which teachers occupy individual posts will depend to a large extent on the nature of those changes.

The approach should be to identify the correspondence and continuation between the posts on the new structure and the posts on the previous structure and allocate teachers to posts accordingly.

Teachers allocated to posts will be awarded TLR payments appropriate to the responsibilities of those posts.

Posts which are clearly continuation of previous posts

Where a post is clearly a continuation of a previous post with identifiably corresponding responsibilities, the teacher who occupied the previous post should simply be allocated to the new post.

Posts which have changed

It will be necessary for the governing body to decide how to fill a post combining the responsibilities of previous posts.

There are not hard-and-fast rules covering all possible situations. The following is for guidance only. **Where NUT members are at risk of losing either responsibilities or pay, further advice should be sought from the NUT locally.**

The first stage should be to identify teachers whose previous responsibilities form part of the responsibilities of the new post. If such teachers can be identified, then in most cases the new post should be ring-fenced to those teachers only.

Some teachers, however, may have already been displaced from their previous posts as a result of the reorganisation. Where such teachers would be able to undertake the responsibilities of the new post, it might be appropriate to include them within the ring-fence. The example gives some indication of the considerations involved.

Situation

School X decides to reorganise its science function on a faculty basis. Teachers A, B and C are the current heads of subject for physics, chemistry and biology. A single head of faculty post and two deputy head of faculty posts will exist.

Normally it would be appropriate to ring-fence the post to Teachers A, B and C.

Where, however, a reorganisation of the pastoral structure has already led to Teacher D, an experienced science teacher, losing the post of head of year, it might be appropriate to include Teacher D within the ring-fence for the head of faculty post.

Most posts which have changed will fall into this category. Few posts of responsibility will be entirely "new", as most responsibilities on a structure will have been undertaken previously in some way. Only where all teachers who undertook those responsibilities previously have left the school would there be no ring-fence for a "new" post.

After deciding whether there should be a ring-fence, the governing body will need to decide what process it will adopt to fill the post. It will need to consider whether or not applications and interviews will be required. Where there is no ring-fence, it will need to consider whether and how applications will be invited and considered. The NUT believes that the process of allocating teachers to posts should initially be internal to the school in all cases to avoid any risk of compulsory redundancy.¹⁸

The governing body will also have to establish an appropriate avenue for any teacher who is not allocated to a particular post to raise any objection or complaint about the decision not to allocate him or her to the post, the process of making that decision, etc.

The NUT will defend members against threats of loss of pay or redundancy arising from the above process.

Governing bodies should be reminded that they will not need to worry about such issues if they adopt the existing structure with minimum change.

DECIDING WHEN TO IMPLEMENT THE STRUCTURE

Governing bodies can implement their structures immediately at the start of the 3 year transition period, at a later date during that period or on a phased or staged basis across that period.

If a school decides against immediate implementation, it will have to publish its plan for either a delayed or a phased/staged implementation.

- The most straightforward move would be to implement immediately. This would mean, however, that the school is immediately required to pay the full cost of TLR payments under the new structure as well as the full cost of safeguarding of MA payments.

The NUT favours immediate implementation of structures. Only in the very small minority of cases where there are genuine problems with the cost of implementing a structure based on TLR payments should there be any need to consider delaying the process.

- A delayed implementation would involve the school deciding to implement TLR payments across the whole school on the same date, but at a date later than 1 January 2006. This date could be delayed until as late as 31 December 2008.
- A phased/staged implementation would allow the school to implement TLR payments at different times in different parts of the school. Conceivably this could be by department or faculty, or for pastoral posts before curriculum posts (if for example there has been a reorganisation of the pastoral structure), or on some other basis.

Any plan for delayed or phased/staged implementation will inevitably be affected as soon as teachers leave. New post holders will have to be appointed to the appropriate TLR payments under the planned new structures. Similarly, when any “temporary” MA payment held by a current postholder expires, the school will then have to award that person TLR payment due under the new structure. Thus any such plan may lead to situations developing where two structures are operating in parallel with pay leapfrogging and pay inequality.

Schools will have to consider whether and how to use the power to require safeguarded teachers to undertake additional work commensurate with the safeguarded sum. Such teachers will not welcome being told that their previous responsibilities have been

downgraded, their pay has been reduced and that they must now carry out additional work, possibly in addition to those previous responsibilities, as a condition for keeping the same pay. [The NUT opposes the use of this power which has never previously formed part of any teachers’ pay safeguarding arrangement.](#)

MAKING APPOINTMENTS WITH EFFECT FROM 1 JANUARY 2006

During the autumn term 2005, many schools will need to advertise and make appointments to posts falling vacant from 1 January 2006 due to resignations in the summer or autumn terms.

Teachers who are appointed to posts of responsibility with effect from 1 January 2006 will have to be awarded MA payments rather than TLR payments, unless the appointment is made to a TLR post within a staffing structure for which the review has already been completed at the time the offer of the post is made.

In practice, it is highly unlikely that schools will have completed their staffing structure reviews in time to appoint teachers to vacant posts with TLR payments from 1 January 2006. It would be wholly inappropriate for governing bodies to seek to complete reviews simply to precede job interviews in October or November. The full period available for reviews, up to 31 December 2005, should be used in order to ensure full and proper consultation.

Where a teacher is awarded an MA payment with effect from 1 January 2006, the governing body will regrettably be required to award that MA payment on a temporary basis and only for a period of up to one year. The teacher will then be subject to the process of transition to TLR payments under the terms of the school’s implementation plan for its staffing structure. Should the teacher lose out as a result of the review, safeguarding will apply only for the period of the award of the MA. **The NUT believes that in all such cases the MA payment should be awarded for the full period permitted ie one year.**

SUPPORT FOR MEMBERS

The NUT is committed to supporting its members in unresolved situations, through action up to and including industrial action.

NUT school representatives should liaise with the NUT locally in cases of difficulty. The NUT locally will seek further NUT advice and assistance as necessary.

¹⁸ *The RIG guidance advises only that headteachers should be “mindful” of the implications of external advertisement of posts during this process, since “it is not the intention... that the process be managed through compulsory redundancy”. (para 38)*

PAY SAFEGUARDING FOR TEACHERS

This section gives guidance on the arrangements for safeguarding management allowances (MAs) following the introduction of TLR payments; and at proposals to change the existing safeguarding entitlements of teachers previously affected by closure or reorganisation.

KEY POINTS

- Teachers who lose pay as a result of the introduction of TLR payments will receive cash safeguarding for a maximum of 3 years only.
- Safeguarding for former MA payments may be lost earlier than this as a result of pay progression or in other circumstances. At the end of the three year period, however, all safeguarding will be removed, cutting the pay and possibly the pensions of those teachers.
- “Temporary” MA payments awarded after 1 April 2004 will only be safeguarded for the end of the period for which they were awarded.
- Teachers in receipt of safeguarding can be required to carry out additional work in return for that safeguarding.
- Changes to “general safeguarding” are proposed, which would replace this by a system of 3 year cash safeguarding and remove existing safeguarding rights of several thousand teachers.
- The NUT is currently seeking changes to the Teachers Pension Scheme to prevent reductions in teachers’ pensions as a result of all of these proposals.

SAFEGUARDING FOR MANAGEMENT ALLOWANCES

Summary

Safeguarding will apply to teachers currently holding MA payments who are awarded TLR payments at a lower value or who are not awarded TLR payments.

This is a new form of safeguarding, different from the previous safeguarding arrangements with which teachers will have been familiar. [The Government and the other participants in RIG have overturned both the previous safeguarding system and recent NUT legal victories in the courts on this area.](#)

The result is a safeguarding system which is more complicated than previous systems and will lead to cuts in pay and pensions for teachers in a very short time.

The safeguarding arrangements are now set out in the School Teachers’ Pay and Conditions Document and are reproduced in full in Appendix 1 to this section.¹⁹

The safeguarding will operate for a maximum of up to 3 years only, until 31 December 2008. It will be a “cash safeguarding” system, protecting a fixed “safeguarded sum”. For teachers who are not awarded TLR payments, the safeguarded sum will be the value of their current MA payments. For teachers awarded TLR payments lower than their MA payments, the safeguarded sum will be the difference between the two. The amounts safeguarded must be individually notified to all teachers.

The safeguarded sum will not change during the period for which it is paid. It will not be increased or reduced in line with future pay awards.

Safeguarding may be removed in its entirety in some circumstances before the end of the three year period to 31 December 2008. All safeguarding of MAs will be removed on 31 December 2008. The removal of safeguarding will have serious consequences for teachers in terms of immediate pay cuts and further possible consequences in terms of loss of future pensions' entitlement.

"Temporary" MA payments awarded on a fixed term basis after 1 April 2004 will be treated differently. Safeguarding for these MA payments will be limited to the end of the maximum twelve month period for which they were awarded.

In return for the safeguarded sum, all teachers can be required to carry out "such additional work as is commensurate" with that safeguarded sum. This is a new requirement which has never previously formed part of any pay safeguarding arrangement.

Differences from Previous Safeguarding Arrangements

The arrangements for safeguarding teachers' pay differ from the previously applicable. "General safeguarding" provided for teachers to retain the pay entitlements of their previous posts, including the full benefit of annual pay increases and incremental progression. Mark-time safeguarding provided for teachers to retain their previous pay entitlement in cash terms, with the safeguarded element of their pay progressively reducing as they became entitled to incremental progression or annual pay increases.

The "cash safeguarding" arrangements for MAs will apply if teachers are awarded TLR payments lower than their previous MAs, or are not awarded any TLR payments, so that their pay under the new structure is less than the total pay under the former management allowance structure.

The "Safeguarded Sum"

The provisions do not safeguard the former total pay entitlement (basic scale pay plus MA) of the teacher. Instead they safeguard a discrete

"safeguarded sum" defined as the teacher's former MA less any TLR awarded.

The teacher will be paid this "safeguarded sum" until:

- * the teacher moves post;
- * the teacher receives a new TLR payment higher than the old MA payment;
- * the teacher's total pay under the new structure, which must include some incremental progression, exceeds the total pay (in cash terms) paid under the former structure; or
- * 31 December 2008 when all such safeguarding will cease.

The teacher continues to receive the basic pay entitlement on the Main or Upper Scale separately. It is the extent to which the basic pay entitlement increases, due to any incremental progression on those scales and "cost of living" increases in the values of the Main and Upper Scales, which will determine whether or not the teacher retains or loses the "safeguarded sum".

When the teacher is no longer entitled to safeguarding, either due to moving post, increases in basic pay entitlement or the overall three year limit, then the safeguarded sum will be withdrawn in full. Until then, however, the teacher will continue to receive the safeguarded sum in full in addition to increases in the basic pay entitlement.

Circumstances in which Safeguarding may be Lost

As noted above, safeguarding is lost when the teacher moves post, other than in circumstances where general safeguarding applies.

Teachers who remain in the same post may lose the safeguarded sum before the end of the three year period under the following circumstances:

- the teacher receives a higher TLR payment which exceeds the former MA payment (para 23C.3.d) ; or
- the teacher's total pay under the new

structure exceeds the total pay under the former structure, as a result of a combination of annual pay increases and incremental progression (para 23C.3.e).

In the second situation, however, teachers will only lose the safeguarded sum where they have made some incremental progression.

Teachers on the Main or Upper Scale who lose their MA1 payments entirely will therefore lose the whole of their safeguarded sums (£1638) immediately if they make any incremental progression in September 2006 or September 2007. This is because their total pay increases would be larger than the safeguarded sums would have been. Teachers who are already on UPS3, however, will not make incremental progression and because of that they will not lose the safeguarded sum, no matter how large their total pay increase.

Appendix 2 to this briefing gives examples of how the provisions will work in practice.

Requirement to carry out Additional Work

Teachers in receipt of safeguarding can be required to carry out additional responsibilities "commensurate with the safeguarded sum", even if they are still carrying out the full responsibilities of their posts. Any teacher who unreasonably refuses to carry out such additional duties can be given one month's notice of the withdrawal of safeguarding. As noted earlier, the NUT opposes the use of this power which has never previously formed part of any teachers' pay safeguarding arrangement.

EXISTING SAFEGUARDING RESULTING FROM PREVIOUS CLOSURES/ REORGANISATIONS

The Secretary of State has proposed that the existing system of "general safeguarding" or "statutory safeguarding" should be withdrawn over the same 3 year period as the safeguarding period for MA payments and replaced by a similar system of "cash safeguarding" only.

General safeguarding arrangements provide for permanent and full safeguarding of previous

pay entitlements, on a mandatory basis in cases of closure or amalgamation and on a discretionary basis in cases of internal reorganisation.

The participants in RIG proposed that this system of general safeguarding should be replaced by a three year "cash safeguarding" system similar to that for MA payments under the TLR system. The STRB and Secretary of State endorsed this proposal.

The RIG proposals mean that any teachers affected in future by closure, amalgamation or reorganisation would receive temporary, rather than permanent, safeguarding. Existing general safeguarding for teachers previously affected by closure, amalgamation or reorganisation would be replaced with effect from 1 January 2005 by three year "cash safeguarding" to be withdrawn in full on 31 December 2008. Thousands of teachers would face substantial pay cuts.

The RIG proposal to remove existing general safeguarding entitlements, which teachers had believed to be permanent, was strongly opposed by the NUT. The DfES has not yet introduced provisions to replace the system with the proposed cash safeguarding system. It appears that faced with the NUT's opposition and the Union's exposure of the consequences, the RIG participants are considering whether and how to reverse their previous agreement. Decisions will need to be taken soon in order for any revised provisions to be included in the 2005 STPCD.

POSSIBLE PENSIONS PROTECTION FOR SAFEGUARDED TEACHERS

Safeguarding for pay losses incurred as a result of the implementation of TLR payments or future closures or reorganisations will be limited to three years. This means that at the end of the period the teachers affected will face pay cuts.

This may subsequently affect their pensions. The salary on which their pension entitlement is calculated may not include the element of pay lost at the end of the safeguarding period.

The NUT has sought to resolve this problem by securing changes to the Teachers' Pension Scheme rules for calculating the pay rate on which pension entitlement is based. Final agreement has not yet been reached. The NUT is seeking provision which will allow the lost sum

to be included in the pay rate on which pension entitlement is based.

Teachers who believe they may be affected by this should contact the NUT for further advice at a future date when the outcome is known.

¹⁹ RIG guidance on safeguarding can be found at www.teachernet.gov.uk/docbank/index.cfm?id=8487

APPENDIX 1: SAFEGUARDING FOR MANAGEMENT ALLOWANCES

Statutory Provisions in Full

Paragraph 23C.2

"The relevant body shall on or before 31 January 2006 notify the teacher in writing of:

- (d) the value of the safeguarded sum, being the [previously held] allowance less any TLR awarded on or before the date of the notice."

Paragraph 23C.3

"Subject to paragraph 23C.4, the teacher shall be paid the safeguarded sum from 1 January 2006 until:

- (a) 31 December 2008;
- (b) if the safeguarded sum is a management allowance that was awarded for a fixed period that would have expired before 31 December 2008, that earlier date;
- (c) the teacher ceases to be a classroom teacher;

- (d) the teacher is awarded a TLR that, either at the time it is awarded, or as a result of a subsequent determination by the relevant body, exceeds the combined value of the safeguarded sum and any TLR awarded on or before the date of the notice given under paragraph 23C.2;
- (e) the teacher is placed on a higher point on either the pay scale set out either in paragraph 17.3 or in paragraph 19.2, or he first becomes entitled to be paid on the pay scale set out in paragraph 19.2 as a result of a pay determination that has effect after 1 September 2005; and the combined value of that point and any TLR awarded to him after the date of the notice given under paragraph 23C.2 exceeds the combined value of his original salary and the safeguarded sum; or
- (f) the teacher's employment at the school ends other than in circumstances to which paragraph 47 applies, whichever is the earliest."

APPENDIX 2: EXAMPLES OF SAFEGUARDING IN PRACTICE

These examples illustrate both the pay cuts that will result and the inconsistencies in the treatment of different teachers even in the same school.

Example 1: Teacher with MA1 (£1638), no TLR payment awarded

Safeguarded sum = £1638

Teacher on M6	1.9.06	3% increase in pay scales, progression to U1 Pay increase = £3222 > teacher loses safeguarded sum
Teacher on U1	1.9.06	3% increase in pay scales, progression to U2 Pay increase = £2052 > teacher loses safeguarded sum
Teacher on U3	1.9.06	3% increase in pay scales, no progression Pay increase = £972 > teacher keeps safeguarded sum
	1.9.07	3% increase in pay scales, no progression Pay increase = £1002; total pay increase = £1974 > teacher still keeps safeguarded sum since no incremental progression has been made

Example 2: Teacher with MA2 (£3312), no TLR payment awarded

Safeguarded sum = £3312

Teacher on M6 (Inner London)	1.9.06	3% increase in pay scales, progression to U1 Pay increase = £5071 > teacher loses safeguarded sum
Teacher on M6 (not London)	1.9.06	3% increase in pay scales, progression to U1 Pay increase = £3222 > teacher keeps safeguarded sum

Example 3: Teacher with MA3 (£5688), TLR2 payment of £3750 awarded

Safeguarded sum = £1938

Teacher on U1	1.9.06	3% increase in pay scales, progression to U2 Pay increase = £2052 > teacher loses safeguarded sum
Teacher on U1	1.9.06	2% increase in pay scales, progression to U2 Pay increase = £1740 > teacher keeps safeguarded sum

COMPARISON OF VALUES OF MAs AND TLRs

The figures below show the minimum level of TLR payments which would have to be awarded in schools seeking to maintain existing staffing structures in terms of the number of responsibility payments and the number of different levels of payments.

					£increase	% increase
MA1	£1,638	TLR2 (minimum)	£2,250		£612	37%
MA2	£3,312	TLR2 (+£1500 differential)	£3,750		£438	13%
MA3	£5,688	TLR2 (maximum)	£5,500	1	-£188	-3%
MA3	£5,688	TLR1 (minimum)	£6,500	2	£812	14%
MA4	£7,833	TLR1 (same level as MA)	£7,833	3	£0	0%
MA4	£7,833	TLR1 (+£1500 differential)	£8,000	4	£167	2%
MA5	£10,572	TLR1 (same level as MA)	£10,572		£0	0%

- 1 maximum value of TLR payment permitted for an MA3 post placed in the TLR2 band
(no significant line management responsibility)
- 2 minimum value of TLR payment permitted for an MA3 post placed in the TLR1 band
(significant line management responsibility)
- 3 minimum value of TLR payment permitted for an MA4 post placed in the TLR1 band
(assuming no MA3 post placed in TLR1 band, so £1500 differential does not apply)
- 4 minimum value of TLR payment permitted for an MA4 post placed in the TLR1 band
(assuming at least one MA3 post placed in TLR1 band, so £1500 differential does apply)

TLR PAYMENTS: COST EXEMPLIFICATIONS

The following examples set out how much it would cost to maintain the current pay structure and make minimum necessary increases in TLR payments compared to previous MA payments.

Three examples of primary schools of various sizes are given. The costs incurred by larger or smaller secondary schools will not be significantly different to the secondary school example given.

The costings are based on the pay scales from September 2005 for schools outside the London and Fringe Areas. The costs incurred by schools in those areas again will not be significantly different to these examples.

SECONDARY SCHOOL

Assumptions: Classroom teachers are all on UPS1 (average pay point)
 Leadership group teachers do not get any increase to maintain differentials
 Effect on percentage figure if teachers are all on UPS3 and M6 is also shown

Posts	No of post holders	Current pay per postholder	Current paybill total	Additional cost per postholder	Additional cost total
Headteacher	1				
Deputy Head	2				
Assistant Head	4				
MA4 Head of Faculty	8	£38,172	£305,376	£167	£1,336
MA3 Jt 2nd in Faculty	3	£36,027	£108,081	-£188	-£564
MA2 2nd in Faculty	8	£33,651	£269,208	£438	£3,504
MA1 3rd in Faculty	10	£31,977	£319,770	£612	£6,120
MA3 Head of Year	5	£36,027	£180,135	£167	£835
MA3 SENCO, EMAG	2	£36,027	£72,054	£167	£334
MA2 Whole School	2	£33,651	£67,302	£438	£876
MA1 Whole School	6	£31,977	£191,862	£612	£3,672
MPG teachers	15	£30,339	£455,085	£0	£0
	66		£1,968,873	TOTAL	£16,113

£ increase in the school's paybill	£16,113 plus on-costs
% increase in the school's paybill	0.82%
If classroom teachers are all on UPS3	0.77%
If classroom teachers are all on M6	0.88%

PRIMARY SCHOOL – SMALL SCHOOL

Assumptions: Classroom teachers are all on UPS1 (average pay point)
Effect on percentage figure if teachers are all on UPS3 and M6 is also shown

Situation 1 Leadership group teachers do not get any increase to maintain differentials

Posts	No of post holders		Current pay per postholder	Current paybill total	Additional cost per postholder	Additional cost total
Headteacher	1	L10	£41,550	£41,550		
MA1 (Co-ordinator)	1		£31,977	£31,977	£612	£612
Main scale teachers	1		£30,339	£30,339	£0	£0
	3			£103,866	TOTAL	£612

£ increase in the school's paybill	£612 plus on-costs
% increase in the school's paybill	0.59%
If classroom teachers are all on UPS3	0.56%
If classroom teachers are all on M6	0.62%

Situation 2 Leadership group teachers get one point increase to maintain differentials

Posts	No of post holders		Current pay per postholder	Current paybill total	Additional cost per postholder	Additional cost total
Headteacher	1	L10	£41,550	£41,550	£1,077	£1,077
MA1 (Co-ordinator)	1		£31,977	£31,977	£612	£612
Main scale teachers	1		£30,339	£30,339	£0	£0
	3			£103,866	TOTAL	£1,689

£ increase in the school's paybill	£1,689 plus on-costs
% increase in the school's paybill	1.63%
If classroom teachers are all on UPS3	1.56%
If classroom teachers are all on M6	1.70%

PRIMARY SCHOOL – TWO FORM ENTRY

Assumptions: Classroom teachers are all on UPS1 (average pay point)
Effect on percentage figure if teachers are all on UPS3 and M6 is also shown

Situation 1 Leadership group teachers do not get any increase to maintain differentials

Posts	No of post holders		Current pay per postholder	Current paybill total	Additional cost per postholder	Additional cost total
Headteacher	1	L14	£45,816	£45,816		
Deputy Head	1	L6	£37,617	£37,617		
MA2 (Co-ordinators)	2		£33,651	£67,302	£438	£876
MA1 (Co-ordinators)	3		£31,977	£95,931	£612	£1,836
Main scale teachers	9		£30,339	£273,051	£0	£0
	16			£519,717	TOTAL	£2,712

£ increase in the school's paybill	£2,712 plus on-costs
% increase in the school's paybill	0.52%
If classroom teachers are all on UPS3	0.49%
If classroom teachers are all on M6	0.56%

Situation 2 Leadership group teachers get one point increase to maintain differentials

Posts	No of post holders		Current pay per postholder	Current paybill total	Additional cost per postholder	Additional cost total
Headteacher	1	L14	£45,816	£45,816	£1,140	£1,140
Deputy Head	1	L6	£37,617	£37,617	£1,017	£1,017
MA2 (Co-ordinators)	2		£33,651	£67,302	£438	£876
MA1 (Co-ordinators)	3		£31,977	£95,931	£612	£1,836
Main scale teachers	9		£30,339	£273,051	£0	£0
	13			£519,717	TOTAL	£4,869

£ increase in the school's paybill	£4,869 plus on-costs
% increase in the school's paybill	0.94%
If classroom teachers are all on UPS3	0.88%
If classroom teachers are all on M6	1.00%

PRIMARY SCHOOL – ONE FORM ENTRY

Assumptions: Classroom teachers are all on UPS1 (average pay point)
Effect on percentage figure if teachers are all on UPS3 and M6 is also shown

Situation 1 Leadership group teachers do not get any increase to maintain differentials

Posts	No of post holders	Current pay per postholder	Current paybill total	Additional cost per postholder	Additional cost total	
Headteacher	1	L11	£42,627	£42,627		
Deputy Head	1	L4	£35,808	£35,808		
MA1 (Co-ordinators)	2		£31,977	£63,954	£612	£1,224
Main scale teachers	4		£30,339	£121,356	£0	£0
	8			£263,745	TOTAL	£1,224

£ increase in the school's paybill	£1,224 plus on-costs
% increase in the school's paybill	0.46%
If classroom teachers are all on UPS3	0.44%
If classroom teachers are all on M6	0.49%

Situation 2 Leadership group teachers get one point increase to maintain differentials

Posts	No of post holders	Current pay per postholder	Current paybill total	Additional cost per postholder	Additional cost total
Headteacher	1	L11	£42,627	£1,084	£1,084
Deputy Head	1	L4	£35,808	£891	£891
MA1 (Co-ordinators)	2		£31,977	£612	£1,224
Main scale teachers	4		£30,339	£0	£0
	8		£263,745	TOTAL	£3,199

£ increase in the school's paybill	£3,199 plus on-costs
% increase in the school's paybill	1.21%
If classroom teachers are all on UPS3	1.15%
If classroom teachers are all on M6	1.28%

NUT BRIEFING FOR MEMBERS: FROM MAs TO TLRs

This NUT briefing has been sent to all NUT members at their home addresses. It is provided for NUT representatives' information.

The teachers' pay system is changing. As a result, your own pay may change – and possibly be cut – as well.

Management Allowances have been frozen in value since April 2003. Now they are to be abolished. By the end of 2005, every school must review its staffing structure and replace Management Allowances by Teaching and Learning Responsibility (TLR) payments.

Teachers who currently hold Management Allowances are under threat. There is no guarantee that they will receive the same, or even any, payment for their responsibilities under the future structure.

Schools are being encouraged by the Government and its partners to go further. They are being pressed to review their staffing structures from scratch. They are being encouraged to review every teacher's responsibilities and to consider whether they can be transferred or removed. They are being encouraged to cut many millions of pounds from the paybill for responsibility payments.

The NUT is seeking to protect teachers against these pay cuts. Advice and assistance will be available for every NUT school representative and every member as schools review their staffing structures.

Read the advice in this leaflet. Make yourself aware of the Government's plans for your pay. Discuss the issue with your colleagues and your NUT school representative. Make sure your voices are heard when your school reviews its staffing structure. Help the NUT to protect teachers' pay.

WHOSE PROPOSALS?

The TLR system is the creation of the Rewards and Incentives Group (RIG).

RIG is made up of the Government, the national employers' organisation, and the teacher organisations ATL, NASUWT, PAT, SHA and (until recently) NAHT.

The NUT is not a member of RIG and has been excluded from its meetings. Although the School Teachers' Review Body recommended that the NUT should be involved, recognising that the NUT had "much to contribute", the Government and its partners refused to accept this sensible proposal.

The NUT has had no involvement in drawing up the TLR system. If the NUT had been involved, the system would have been very different.

THE NUT'S CONCERNS

The TLR payment system is part of the Government's efforts to cut both the number of posts of responsibility in schools and the pay bill for those posts. It is also directly linked to the "remodelling" agenda, which seeks to transfer responsibility for many areas of schools' work to non-teachers and includes even the idea that whole classes should be taught by people who are not qualified teachers.

The TLR system will affect every teacher. Unless the NUT's campaign to protect teachers succeeds, it will lead to loss of pay for thousands of teachers who currently hold Management Allowances (MAs). For many, it may also lead to loss of pension. For their colleagues, it will spell three years of confusion in school staffing and fewer promotion prospects in the future.

There is no guarantee that teachers who currently hold MAs will receive equivalent TLR payments in future. The transition to the TLR system will not be an assimilation exercise. Teachers holding MAs are not entitled simply to move across to an equivalent payment under the TLR system.

The Government and its partners in RIG have now published guidance to schools. It presses schools to go much further than simply reviewing their staffing structures to introduce TLRs. It wants schools to consider how responsibilities undertaken by teachers can be discontinued or transferred to support staff. It does not recognise the essential role that teachers play in central matters such as pastoral care of pupils

The Government has said that it wishes to cut both the number of posts of responsibility in schools and the paybill for those posts. Its partners in RIG have accepted this. RIG has stated publicly that: "The net national cost of TLR payments will be no greater than the cost of allowances – our expectation is that it should be less."

RIG's guidance to schools seeks to justify all of the above and promote this new system. The NUT will not mislead its members by doing so. The NUT will present its case fairly and without spin.

THE TLR SYSTEM EXPLAINED

The current system of management allowances has five levels of payment, MA1 to MA5, with fixed values. Schools cannot vary these allowances. This easily-understood structure helps ensure consistency in the way schools pay teachers for additional responsibilities.

Under the TLR system, there will be no nationally prescribed levels or values of payment. There will only be two broad payment ranges. Within those ranges, schools will decide both the number of different levels of payments for promoted posts and the actual values of those payments.

This will significantly increase the discretion available to schools. Even in the largest schools, there could be as few as one or two levels of promoted postholder outside the leadership group, or as many as seven. The number of levels, and the value of payments, could be very different between schools.

The unrealistic timetable for transition to the TLR system requires all schools to draw up new staffing structures, based on TLRs in place of MAs, by the end of 2005. From 1 January 2006, no new MAs may be awarded and TLR payments must be awarded instead. Schools will have three years to move existing MA holders onto TLR payments – if they are entitled to receive them under the staffing structure the school has devised.

KEY PROBLEMS WITH THE TLR SYSTEM

The most significant problem is the far greater discretion over payments which the TLR system gives to schools. The national pay structure for teachers, which promotes consistency and understanding and prevents a bidding war, is being undermined.

The discretion available increases the likelihood of inconsistency both within and between schools. The NUT fears that it will lead to greater inequality and discrimination. The further a school goes in changing its current staffing structure, the more likely it is that unfairness and discrimination will result.

The TLR system has been designed to conflict with the current MA system. In particular, the lowest possible payment for TLRs will be £2,250, some £600 higher than the current value of MA1 at £1,638. This will threaten teachers' future entitlement to MA1 payments.

The TLR system ignores the importance of pastoral responsibilities in schools. This is a direct result of its link to the "remodelling" agenda. There is no reference to pastoral work anywhere in the RIG guidance. However, the participants in RIG have since publicly called for teachers to be excluded from many aspects of

pastoral work. This does not simply threaten the pay of teachers who currently undertake such work. It threatens the future of their pupils.

Teachers who lose out under the introduction of the TLR system will only have their MAs safeguarded until 31 December 2008 at latest. Many will lose this protection much earlier. This loss of safeguarding will have serious consequences – immediate loss of pay may be followed by loss of pensions entitlements as well.

Teachers who are safeguarded can be required to carry out extra work in return for this safeguarding. This has never formed part of any previous teachers' pay safeguarding arrangements.

THE NUT'S CAMPAIGN

The NUT consistently opposed the proposals for the TLR system. The NUT did not take part in drawing up the system. Had the NUT been involved, the system would have been very different.

The NUT will be seeking to protect all existing MA holders as far as possible from any loss of pay resulting from the introduction of TLRs.

The NUT is calling upon all schools to retain their existing staffing structure without significant changes. Reviews should be limited to implementing TLR payments in place of MAs and making sure that all teachers with

additional responsibilities receive appropriate TLR payments. More substantial reviews of the structure are unnecessary and undesirable. The additional costs of retaining the existing structure are not so great as to be unaffordable. Where necessary, schools can phase in the changes to minimise any genuine problems of affordability.

The NUT will oppose any proposals by schools to reduce the numbers of responsibility posts or reduce the values of payments for those posts.

Detailed advice has been sent to all NUT school representatives and is available on the NUT's website at www.teachers.org.uk Further advice and assistance is available for NUT school representatives and members. The NUT is prepared to take other appropriate steps up to and including strike action to protect its members.

The other teacher organisations which participate in RIG have made a commitment to promote the proposals to their members as a positive step of benefit to teachers and schools.

The NUT, on the other hand, is able to demonstrate to its members the inadequacy of the proposed system, the links with the "remodelling" agenda and the problems which will be caused during the transition process. The NUT is the only teachers' organisation able to tell its members the truth.

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