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DATE: 23 September 2013

GENERAL PURPOSES AND LICENSING COMMITTEE

Meeting to be held on Wednesday 25 September 2013

11 ECHS DEPARTMENT PAY POLICY FOR CENTRALLY BASED TEACHING STAFF (Pages 3 - 38)

The Chairman to move that the attached report be considered as a matter of urgency in order for the Council to have in place a pay policy setting out the arrangements for determining pay arrangements for all centrally based teaching staff from 1st September 2013, which would not otherwise be possible until the Committee's next scheduled meeting on 4th February 2014.

The attached report was considered for pre-decision scrutiny by the Education PDS Committee on 17th September, and the Committee supported the recommendation, referring the matter to this Committee for decision.

Additional information including consultation responses from the teaching unions was circulated for the PDS Committee's meeting and this is now attached to the report.

Copies of the documents referred to above can be obtained from
www.bromley.gov.uk/meetings

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Report No.
ED13092

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Education Portfolio Holder

Date: For Pre-Decision Scrutiny by the Education Policy Development and Scrutiny Committee on 17th September 2013

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **ECHS DEPARTMENT PAY POLICY FOR CENTRALLY BASED TEACHING STAFF**

Contact Officer: Angela Huggett, Human Resources Consultancy Manager (Education Services)
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Chief Officer: Terry Parkin, Executive Director, Education and Care Services
Charles Obazuaye Director Human Resources

Ward: N/A

1. Reason for report

- 1.1 From 1 September 2013 revised arrangements come into force in relation to Teachers' Pay and Conditions through the publication of the statutory 2013 School Teachers' Pay and Conditions Document.
- 1.2 This report sets out the main changes and proposes a model pay policy (Appendix 1) for all centrally based teachers.
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2. **RECOMMENDATION(S)**

- 2.1 That Members note and comment on the report and the attached model pay policy for all centrally based teachers.
- 2.2 Subject to any comments from the Education PDS Committee, the Education Portfolio Holder agree that the model pay policy be referred on to the General Purposes and Licensing Committee for decision.

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Children and Young People Excellent Council
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Financial

1. Cost of proposal: Not Applicable
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: N/A
 4. Total current budget for this head: N/A
 5. Source of funding: N/A
-

Staff

1. Number of staff (current and additional): All Teachers and Heads of Service centrally employed in Education Services i.e.
 - Behaviour Service
 - Specialist Support and Disability Services (The Phoenix Centre)
 - Sensory Support Services
 - Primary Pupil Support Advisory Team
 2. If from existing staff resources, number of staff hours: N/A.
-

Legal

1. Legal Requirement: Statutory Requirement Sections 122 and 127 Education Act 2002
 2. Call-in: Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 The Education Act 2002 gives the Secretary of State power to prescribe pay and conditions and to issue guidance on pay and conditions matters, to which those concerned must have regard.
- 3.2 The statutory requirements for teachers' pay and conditions for maintained schools in England and Wales are set out in the School Teachers' Pay and Conditions Document which is published annually, and schools and local authorities (LAs) must abide by these. LAs and governing bodies are also required to have regard to the statutory guidance issued in conjunction with the document, and in respect of guidance on procedural matters a court or tribunal may take any failure to do so into account in any proceedings.
- 3.3 In accordance with the requirements of the School Teachers' Pay and Conditions Document, the LA as the "relevant body" is required to have in place a pay policy setting out the arrangements for determining pay arrangements for all centrally based teaching staff from the 1st September 2013.
- 3.4 Up until now there has been limited flexibility and discretion in relation to the application of the School Teachers' Pay and Conditions Document. However in light of the significant changes this year the current pay policy has been revised incorporating the changes as outlined in the School Teachers' Pay and Conditions Document 2013 and is attached to this report at Appendix 1 for consideration and approval.

Background

- 3.5 Each year the School Teachers' Review Body (STRB) is provided with a remit from the Secretary of State to review Teachers' Pay. The remit focuses on specific areas as well as pay trends in general. The school teachers' review body consults with employers and teacher organisations and Unions and reports back to the secretary of state its findings and recommendations. The secretary of state then determines whether or not to accept the proposals put forward by the review body.
- 3.6 The 21st Review Body report made the following recommendations which were accepted by the secretary of state:

The retention of a broad based national framework including 4 pay bands

- Upper Pay scale
- Leading Practitioner Pay Scale
- Main Scale
- Unqualified Pay Scale

- Abolition of mandatory points (though may be kept as 'reference points')

- Differential performance-based progression judged on annual appraisal, assessed against single set of teachers' standards

- Reinforcement of responsibility of Head Teachers to manage staff and resources and governing bodies to hold school leaders to account for managing and rewarding the performance of teachers (this would equally apply to LA employed Teaching Staff)

- Pay Policy to be clear on how performance will be linked to pay and the use of any appraisal information.

- removing pay progression based on length of service and linking all pay progression to performance. New arrangements for teachers' pay will take effect from September 2013. September 2013 will be the last time that annual pay increments are awarded to teachers based on the length of their service. Thereafter, decisions about teachers' pay progression will be linked to performance, with their first annual performance-related progression pay increases being made in September 2014.
 - giving the option of increasing individual teachers' pay at different rates based on their performance
 - replacing the current threshold test for progression from the main to the upper pay range with new simpler criteria, and a revised process for teachers to apply to be paid on the upper range at least once a year in line with their LA's pay policy.
 - discontinuing the current Advanced Skills Teacher (AST) and Excellent Teacher (ET) designations and creating a new pay range for leading practitioners whose primary purpose is to model and lead the improvement of teaching skills
 - the introduction of a fixed term third TLR (TLR3) to a classroom teacher for a clearly identified time limited period. £500 - £2500
 - the removal of the three-year time limit on recruitment and retention allowances.
 - giving more freedom to determine starting salaries of teachers new to the service
 - removing any obligation on services when recruiting to match a teacher's existing salary ("pay portability").
- 3.7 The DfE carried out extensive consultation with relevant parties and published a draft SCTP&CD. The finalised version was laid before Parliament in August 2013 with implementation on the 1st September 2013. This timescale has been very problematic for all those involved with determining pay arrangements not least because of the extensive changes this year but also as there was further consultation on some areas following the 22nd STRB report which was not finalised until August.
- 3.8 The new provisions provide greater flexibility for relevant bodies in relation to reward and performance of staff. Each School and LA is required to determine its own specific pay policy tailored to the needs of the individual school/service.
- 3.9 Schools have already been provided with advice and guidance regarding the preparation of a pay policy.

DfE and Trade Union Perspectives

3.10 The LA currently employs Teaching Staff in the following central service areas:

- Behaviour Service
- Specialist Support and Disability Services (The Phoenix Centre)
- Sensory Support Services
- Primary Pupil Support Advisory Team

- 3.11 There is existing provision for each Teacher's salary to be reviewed annually. In addition the LA already has an appraisal policy in place agreed by Members in autumn 2012.
- 3.12 New Teaching Standards were also introduced in 2012.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/208682/Teachers_Standards_2013.pdf The expectation is that teachers' objectives will be more closely aligned with the Standards and September 2014 will be the first time that pay progression will be directly linked to performance. Managers/Heads of Service will need to have regard to the Teaching Standards when setting objectives for teaching staff.
- 3.13 Teacher Trade Unions nationally are opposed to several elements of the pay changes particularly around the issue of pay portability and the LA in line with neighbouring LAs has received notification of escalation of industrial action short of strike action from NASUWT and the NUT in response to the changes.
- 3.14 Several of the Trade Unions have issued their own guidance/model pay policies including NAHT & ASCL, NASUWT & NUT.
- 3.15 The NASUWT/NUT has made clear that any policy that does not comply with their checklist regarding pay policies will not be accepted by them. They have stated that acting in any way that is contrary to their policy will put schools at risk of unlawful discrimination. A copy of the check list can be found at the following link
http://www.nasuwt.org.uk/consum/groups/public/@journalist/documents/nas_download/nasuwt_010924.pdf
- 3.16 The Secretary of State has sent a letter and advice to schools, and Academies giving the DfE perspective on some of the items in the NUT and NASUWT pay policy checklist. Both documents have been published on the DfE website:
<http://www.education.gov.uk/schools/careers/payandpensions/a00203870/strb-remit-21st-report>
- 3.17 The Secretary of State has indicated that in his view elements of the checklist are unlawful and adoption of the checklist would significantly limit schools' ability to take advantage of the flexibilities now available to them in terms of managing their budgets and rewarding performance. He has further stated that: "As now, schools need to have regard to how they set objectives and appraise performance and decisions need to be evidence based. However, making differentiated pay decisions is not in itself unlawful."
- 3.18 The proposed pay policy has been prepared using guidance and advice from a variety of sources including DfE, the Trade Unions and other LAs. The policy provides flexibility for managers in determining arrangements for Teachers' Pay and embraces the requirements of the new STP&CD.
- 3.19 Following DMT agreement in principle the LA began a period of consultation with the Trade Unions recognised by the LA. An oral update on the outcome of consultation will be provided at the PDS meeting however it should be noted that it is unlikely that agreement with the Trade Unions will be reached due to the position already outlined by NASUWT/NUT in terms of adhering to its checklist.

4. POLICY IMPLICATIONS

- 4.1 The model policies are consistent with BBB priorities to provide strategic leadership and support to schools in the Borough to assist and underpin the Government's Education Reform

Programme and ensuring the organisation has a workforce of appropriate skills and experience to meet future challenges in delivering local priorities.

5. FINANCIAL IMPLICATIONS

Any cost implications arising from the application of the policy will need to be met from existing resources.

6. LEGAL IMPLICATIONS

Part 8 of The Education Act 2002 deals with the legal status of teachers pay and conditions. Section 122 gives the Secretary of State a power to prescribe pay and conditions for teachers and Section 127 recites that the Secretary of State after due consultation may issue guidance which a local authority and a school governing body shall have regard to in respect of teachers pay.

7. PERSONNEL IMPLICATIONS

- 7.1 Given the statutory nature of the process and in light of the Secretary of State's firm response to the trade union document; any local consultation with local unions will not affect the core principles, structure and the process of implementing the Pay Policy. Notwithstanding that the local unions have already been provided with a copy of the guidance issued by HR to schools and some of their comments have been addressed; we will continue to reassure unions and staff that the policy will be applied locally consistently and fairly, and monitored in consultations with the unions.

Non-Applicable Sections:	N/A
Background Documents: (Access via Contact Officer)	



THE LONDON BOROUGH
www.bromley.gov.uk

**EDUCATION CARE AND HEALTH SERVICES DEPARTMENT PAY POLICY FOR
CENTRALLY BASED TEACHING STAFF**

1 SEPTEMBER 2013

ECHS DEPARTMENT PAY POLICY FOR CENTRALLY BASED TEACHING STAFF

CONTENTS

Item	Title	Page
1.	Opening Statement.....	1
2.	Aims of the LA.....	1
3.	Aims of the Pay Policy	1
4.	Consultation.....	2
5.	Equalities	2
6.	Other LA Personnel Procedures including Appraisal	2
7.	Job Descriptions	3
8.	Personnel Records	4
9.	LA Obligations.....	4
10.	Line Manager/Head of Service Obligations.....	5
11.	Teachers' obligations	5
12.	Differentials.....	5
13.	Discretionary Pay Awards	5
14.	Pay Reviews	5
15.	Safeguarding	6
16.	Pay Appeals Procedure	6
17.	Leadership Group Salaries	6
18.	Acting Allowances.....	10
19.	Classroom Teachers.....	11
20.	Threshold Applications.....	12
21.	Upper Pay Range	14
22.	Leading Practitioner Roles.....	15
23.	Unqualified Teachers.....	16
24.	Teaching and Learning Responsibility Payments	17
25.	Special Educational Needs Allowances	18
26.	Part-Time Employees	18
27.	Teachers employed on a Short Notice basis	19
28.	Additional Payments	19
29.	Recruitment and Retention Incentive Benefits	20
Appendix 1	Departmental Staffing Structure	
Appendix 2	Model Pay Appeals Procedure	
Appendix 3	Provision of Services to Other Services/School's - Operating Principles and Requirements	

ECHS DEPARTMENT PAY POLICY FOR CENTRALLY BASED TEACHING STAFF

1. OPENING STATEMENT

This policy will be applied to the pay of all Teaching staff employed by the Local Authority in centralised services.

The Local Authority seeks to ensure that all staff are recognised and rewarded for the level of responsibility that they carry, and for the individual contribution that they make to the work of the service.

Within the budget available to it, the Local Authority will endeavour to maintain a local pay policy, which will enable it to recruit, retain and motivate sufficient staff of suitable quality to achieve the aims and objectives of Building a Better Bromley.

The Local Authority will act with integrity, objectivity and honesty, will be open about decisions made and actions taken, and will be prepared to explain its decisions and actions.

2. AIMS OF THE LOCAL AUTHORITY

The aims of the Local Authority will be consistent with the aims and objectives of Building a Better Bromley.

3. AIMS OF THE PAY POLICY

The pay policy set out below is intended to:

- support and promote the LA's ethos, purpose, and development as set out in Building a Better Bromley;
- promote the principle of best value in terms of the LA's management of its resources;
- complement and support the LA's current personnel procedures and frameworks;
- support the aim of ensuring that all LA policies and procedures make a meaningful and sustained contribution to raising levels of achievement at the service;
- demonstrate the LA's commitment to good employment practice by ensuring that all pay-related decisions are made taking full account of the current version of the School Teachers' Pay and Conditions Document, and Building a Better Bromley and all pay related decisions are taken in compliance with the Equality Act 2010, The Employment Rights Act 1996, The Employment Relations Act 1999, The Employment Act 2002, The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000, The Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 and the Agency Workers Regulations 2010.
- demonstrate that the LA intends to treat all staff fairly and responsibly.

4. CONSULTATION

This policy will be reviewed annually or whenever significant changes in the School Teachers' Pay and Conditions Document (STP&CD) necessitate review. Consultation with staff and representatives from recognised teacher trade unions will be planned accordingly. Full information relating to vacant posts and responsibilities will be made available to staff.

5. EQUALITIES

The LA seeks to use this pay policy to promote equal opportunities within the LA, both in terms of applying to staff and providing an equal and wide curriculum with enriched learning opportunities. The LA will ensure that staff will not be unlawfully discriminated against in matters related to any of the protected characteristics set out in the Equality Act 2010.

The LA intends for Services to make fair and consistent pay decisions having due regard to LA advice and good practice. The LA will also try to provide appropriate support for all staff, for example good working facilities and sufficient non-contact time for teachers. All members of staff will have the opportunity to have their training and development needs reviewed regularly under the LA's performance management arrangements.

The LA will observe the relevant employment law provisions, notably the Equality Act 2010, EU Working Time Provisions, and health and safety requirements.

EQUALITIES AND PERFORMANCE RELATED PAY

The LA will ensure that its processes are open, transparent and fair. All decisions will be objectively justified. Adjustments will be made to take account of special circumstances, e.g. an absence on maternity or long-term sick leave. The exact adjustments will be made on a case-by-case basis, depending on the individual teacher's circumstances and the service's circumstances.

6. OTHER LA PROCEDURES

The LA pay policy will be considered alongside other LA personnel procedures/policies where there is a direct link between them. Procedures/Policies in this category are set out below.

APPRAISAL

The LA will comply with The Education (School Teachers' Appraisal) (England) Regulations 2012 concerning the appraisal of teachers. Assessment will be based on evidence from a range of sources (see the LA's appraisal policy). Although the service will establish a firm evidence base in relation to the performance of all teachers, there is a responsibility on individual teachers and appraisers to work together. Teachers should also gather any evidence that they deem is appropriate in relation to meeting their objectives, the Teachers' Standards and any other criteria (i.e. application to be paid on Upper Pay Range) so that such evidence can be taken into account at the review.

The Manager/Head of Service will moderate objectives to ensure consistency and fairness; the Manager/Head of Service will also moderate performance assessment and initial pay recommendations to ensure consistency and fairness.

GRIEVANCE

If a member of staff:

- has a grievance or complaint about their salary; or
- asks for a review of any decision regarding their pay;
- s/he must follow the LA's pay appeals procedure (see Appendix 2).

STAFF CAPABILITY: Pay Progression may be withheld if the employee concerned has been subject to formal capability action during the academic year preceding the award and the action is ongoing at the expected date of award. However, Pay Progression may be reinstated retrospectively if the formal capability process is discontinued or if the employee makes sufficient progress to reach a satisfactory level of performance. Reinstatement will occur from when the improvement in performance occurs.

The employee concerned should be formally notified as soon as possible of the possibility of pay progression being withheld. The employee should be offered appropriate support and/or training to help her/him to improve her/his performance within the context of the capability procedure.

RECRUITMENT AND SELECTION: when advertising permanent posts, the service will provide job applicants with appropriate salary and remuneration details as set out in this policy and will seek to reflect the LA's attributes and ethos in all advertising and recruitment material. All requests to recruit to a vacant post on either a temporary or permanent basis must be processed through the Budget Holder/Head of Service for approval.

7. JOB DESCRIPTIONS

The LA's policy on job descriptions is as follows:

- (a) all staff should receive a job description (JD) in accordance with the staffing structure agreed by the Service, which should be subject to annual review. Staff will be consulted over the drawing up of the contents. The task of drafting and finalising job descriptions is delegated to the Manager/Head of Service who will have regard to advice and guidance issued by DfE and to any advice offered by the LA.
- (b) job descriptions will identify key areas of responsibility and will, where appropriate, contain tasks consistent with the Portfolio Plan and Building a Better Bromley. Staff job descriptions will clearly state management responsibilities attached to the post and any associated allowances.

- (c) appropriate differentials will be created and maintained between posts recognising accountability, job weight, and the need to recruit, retain, and motivate sufficient employees of the required quality at all levels.
- (d) where there is a clear and substantial change in duties, a member of staff may request a review of her/his existing job description. Any such request will be considered first by the Line Manager and then by the Head of Service should the member of staff request it.
- (e) all teacher job descriptions will make reference to teachers' statutory conditions of service as set out in the STP&CD.

8. PERSONNEL RECORDS

The LA holds personnel files for all staff. Staff may have access to their personnel and salary records as long as an HR Advisor is present. Every member of staff is entitled to have access to the pay policy.

9. LA OBLIGATIONS

The LA will fulfil its obligations to:

- **Teachers:** as set out in the School Teachers' Pay and Conditions Document (the Document) and the Conditions of Service for School Teachers in England and Wales (commonly known as the 'Burgundy Book').

The LA will need to consider any updated pay policy and assure itself that appropriate arrangements for linking appraisal to pay are in place, can be applied consistently and that pay decisions can be objectively justified.

The LA will consult with staff and Teaching Unions representatives on the appraisal and pay policies

The LA will ensure that it makes funds available to support pay decisions, in accordance with this pay policy and the LA's spending plan/budgetary commitments.

The LA will monitor the outcomes of pay decisions, including the extent to which different groups of teachers may progress at different rates, ensuring the LA's continued compliance with equalities legislation.

The LA will determine the annual pay budget, taking into account paragraph 21.2(e) of the Document.

10. LINE MANAGER/HEAD OF SERVICE OBLIGATIONS

The Line Manager/Head of Service will:

- ensure that effective appraisal arrangements are in place and that any appraisers have the knowledge and skills to apply procedures fairly;
- submit pay recommendations to the LA and ensure the LA has sufficient information upon which to make pay decisions;
- ensure that teachers are informed about decisions reached; and that records are kept of recommendations and decisions made.

11. TEACHERS' OBLIGATIONS

A teacher will:

- engage with appraisal; this includes working with their appraiser to ensure that there is a secure evidence base in order for an annual pay determination to be made;
- keep records of their objectives and review them throughout the appraisal process;
- share any evidence they consider relevant with their appraiser;
- ensure they have an annual review of their performance.

12. DIFFERENTIALS

Appropriate differentials will be created and maintained between posts within the service, recognising accountability and job weight, and the LA's need to recruit, retain and motivate sufficient employees of the required quality at all levels.

13. DISCRETIONARY PAY AWARDS

Criteria for the use of pay discretions are set out in this policy and discretionary awards of additional pay will only be made in accordance with these criteria.

14. PAY REVIEWS

Managers, in consultation with Heads of Service/ Assistant Directors will ensure that every teacher's salary is reviewed following a review of their performance against their appraisal objectives in line with the LA's appraisal policy with effect from 1 September and no later than 31 October (except in the case of the Head Teacher where the deadline is 31 December) each year and give them a written statement setting out their salary and any other financial benefits to which they are entitled. Reviews may take place at other times of the year to reflect any changes in circumstances or job description that lead to a change in the basis for calculating an individual's pay. A written statement will be given after any review and will give information about the basis on which it was made. Decisions on the pay of the Head of Service will be communicated by the Assistant Director, in writing together with the reasons why decisions have been taken.

15. SAFEGUARDING

Where a pay determination leads or may lead to the start of a period of safeguarding, the LA will give the required notification as soon as possible and no later than one month after the date of the determination.

16. PAY APPEALS PROCEDURE

A member of staff may seek a review of any determination in relation to his/her pay or any other decision taken by the LA (or a committee or individual acting with delegated authority) that affects his/her pay.

The following list, which is not exhaustive, includes the usual reasons for seeking a review of a pay determination:

That the person or committee by whom the decision was made:

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

The arrangements for considering appeals is attached at Appendix 2

The following sections detail the arrangements for pay determinations for all Teaching staff employed at the service. Where appropriate, specific reference is made to the relevant paragraph's of the School Teachers' Pay and Conditions Document (STP&CD).

The LA will agree the budget to be set for pay, including performance pay, and will make appropriate decisions in the light of the LA's financial circumstances ensuring that appropriate funding is allocated for performance pay progression at all levels.

17. LEADERSHIP GROUP SALARIES

Head Teachers, Deputy Head Teachers, and Assistant Head Teachers are all classed as members of the 'leadership group'. They are paid on a separate 43 point spine known as the leadership pay spine.

The LA will have regard to the provisions of paragraph 11.2.2 and will also take account of any other permanent payments, made to staff within the service to ensure that appropriate differentials are created and maintained between posts of differing responsibility and accountability;

There should be appropriate differentials between staff groups to reflect differences in responsibility levels, that is:

- between the Head and the Deputy Head;
- between the Deputy Head and any Assistant Head;
- between the Assistant Head and/or Deputy Head and the highest paid Classroom Teacher in the Service ;
- Any provisions within the STP&CD that allow the LA to conduct such a review.

When assessing the salary for the appointment of a new head, Deputy Head, or Assistant Head, the LA notes that the postholder may be placed on any of the 4 bottom points (Head Teacher) or 3 bottom points (Deputy or Assistant Head Teacher) of the applicable ISR/pay range.

HEAD TEACHER PAY

Pay on appointment

For appointments on or after 1 September 2013, the LA will determine the pay range to be advertised and agree pay on appointment, taking account of the full role of the Head Teacher (Part 9) and in accordance with paragraphs 11 and 6.2(e) and paragraphs 11 to 26 of the section 3 guidance:

- (a) Head Teachers are paid on one of 8 school group ranges within the leadership spine. They are also assigned to a 7-point individual school range (ISR) within their pay group. The ISR can be reviewed in certain circumstances, but must not exceed the maximum of the Head Teacher group range where determined on or after 1 September 2011.
- (b) The LA may determine that discretionary payments be made to the Head Teacher in the following circumstances:
 - the service is causing concern;
 - without such additional payment, the LA considers that the service would have substantial difficulty filling the vacant Head Teacher post;
 - without such additional payment, the LA considers the service would have substantial difficulty retaining the Head Teacher;
 - the Head Teacher is appointed as a temporary Head Teacher of one or more additional schools/services.

Provided in each case that the LA has not previously taken such reason or circumstance into account when determining the ISR under an earlier document.

- The LA will consider using its discretion, in wholly exceptional circumstances, to exceed the 25% limit on discretionary payments, as

set out in paragraph 11.6.2. However, before agreeing to do so, it will seek external independent advice before providing such agreement.

- The total sum of discretionary payments made to the Head Teacher in any academic year must not exceed 25% of the amount that corresponds to that Head Teachers point on the leadership group pay spine.
- In instances where the LA agrees to the provision of services to other schools/services, it will have due regard to the operating principles and requirements as set out in the 2011 School Teacher Pay and Conditions document and attached to this policy at Appendix 3.
- if the Head Teacher takes on permanent accountability for one or more additional schools/services, the LA will set an ISR in accordance with the provisions of paragraphs 11.2.4 and 6.2(e).
- the LA will consider the need to award any further discretionary payments to a Head Teacher in line with paragraph 11.4.1 to 11.6.2;
- Head Teachers given a temporary ISR in certain circumstances – perhaps because they have been seconded to turn around a failing school– are able to receive any performance award that relates to the temporary ISR as a lump sum when they return to their main post.

Serving Head Teachers

The LA will determine the salary of a serving Head Teacher in accordance with paragraph 6 of the Document.

- the LA will review the Head Teacher's pay in accordance with paragraph 6.2(b) of the Document and award up to two performance points where there has been a sustained high quality of performance having regard to the results of the most recent appraisal carried out in accordance with the Appraisal Regulations 2012 and any recommendation on pay progression in the Head Teacher's most recent appraisal report.
- the LA may determine the head's ISR, within the group range for the service, as at 1 September or at any time if they consider it is necessary (paragraph 12 of section 3 guidance);
- if the LA makes a determination to change the ISR, it will determine the head's ISR within the group range for the service, in accordance with paragraph 11; and paragraph 13 of the section 3 guidance;
- if the Head Teacher takes on temporary accountability for one or more additional schools/services, the LA will consider awarding a discretionary payment under paragraphs 11.4.2 and 11.5(d).
- the LA will consider the use of discretionary payments, as per the provisions of paragraphs 11.4.1 to 11.6.2.

- The LA will consider using its discretion, in wholly exceptional circumstances, to exceed the 25% limit on discretionary payments, as set out in paragraph 11.6.2. However, before agreeing to do so, it will seek external independent advice before providing such agreement.

DEPUTY/ASSISTANT HEAD TEACHERS

- (c) Deputy Heads and Assistant Heads are assigned individual 5-point pay ranges on the leadership spine. Pay ranges can be reset in certain circumstances specified in the STP&CD.

Pay on appointment

The LA will, when a new appointment needs to be made, determine the pay range to be advertised and agree pay on appointment as follows:

- the LA will determine a pay range comprising 5 points in accordance with paragraph 12 of the Document, taking account of the role of the deputy/assistant Head Teacher set out at paragraph 55 of the Document;
- the LA will record its reasons for the determination of the deputy/assistant head pay range, in accordance with paragraph 29 of the section 3 guidance;
- the LA will exercise its discretion under paragraph 12.3 of the Document, and pay any of the bottom three points on deputy head pay range, in order to secure the appointment of its preferred candidate.
- the LA will exercise its discretion under paragraph 47 of Document where there are recruitment issues.

Serving deputy/assistant Head Teachers

- the LA will review pay in accordance with paragraphs 12.1 or 12.2 and award up to two points where there has been sustained high quality of performance having regard to the results of the recent appraisal, and to any recommendation on pay progression recorded in the deputy/assistant head's most recent appraisal report;
- the LA will review and, if necessary, re-determine the deputy/assistant head pay range where there has been a significant change in the responsibilities of the serving deputy/assistant Head Teacher (paragraph 29 of section 3 guidance);
- the LA may determine the deputy head pay range at any time in accordance with paragraph 29 of the section 3 guidance pursuant with the discretionary provisions of that paragraph and to maintain differentials;

18. ACTING ALLOWANCES

Acting allowances are payable to teachers who are assigned and carry out the duties of head, deputy head or assistant head in accordance with paragraph 30 of the Document. Except in the case of the Deputy Head, who is contractually obliged to act as the Head in the Head's absence, any member of staff acting up to a higher position should have first agreed to take on the acting duties in question.

The LA will, within a four week period of the commencement of acting duties, determine whether or not the acting postholder will be paid an allowance. In the event of a planned and prolonged absence, an acting allowance will be agreed in advance and paid from the first day of absence.

Any teacher who carries out the duties of head, deputy head, or assistant head, for a period of four weeks or more, will be paid at an appropriate point of the head's ISR, deputy head range or assistant head range, as determined by the LA. Payment will be backdated to the commencement of the duties.

Should the Deputy Head assume the Head's duties temporarily (s)he will do so without payment only when (s)he has assumed duties in the Head's absence and the period of acting duties does not last for more than four weeks. However, if the Head Teacher position is vacant or the Deputy acts up as the Head for more than four weeks the Deputy should be paid accordingly (see B) above).

Acting allowances for any position other than a leadership group member, will be decided by the Head Teacher/Manager/Head of Service taking into account the responsibilities of the post, the salary of the person acting up, and the substantive postholder's salary

Please note that the payment of Honoraria to Teachers including Head Teachers is not permitted within the provisions of the School Teachers Pay and Conditions Document.

19. CLASSROOM TEACHERS

Pay on appointment

The LA will determine the starting salary of a vacant classroom teacher post on the main pay range or upper pay range, such as the LA determines, having regard to:

- the requirements of the post;
- any specialist knowledge required for the post;
- the experience required to undertake the specific duties of the post;
- the wider service context.

The LA will, if necessary, use its discretion to award a recruitment incentive benefit to secure the candidate of its choice.

Pay determinations for existing mainscale teachers, effective from 1 September 2013

The LA will follow the provisions of the Document **2012** and award a point on the mainscale pay range (paragraph 18.1.1), unless the teacher has been notified that their service has been unsatisfactory for the previous academic year. The LA will normally exercise this discretion only in the context of a formal capability procedure. The LA will restore the withheld point at the conclusion of the capability procedure where satisfactory performance has been achieved.

Pay determinations for existing main pay range teachers, effective from 1 September 2014

The LA will use reference points. Therefore the pay scale for main pay range teachers is:

Minimum	£25,369
Reference point 1	£26,941
Reference point 2	£28,609
Reference point 3	£30,381
Reference point 4	£32,957
Maximum	£35,468

Appraisal objectives will become more challenging as the teacher progresses up the main pay range.

To move up the main pay range, one annual point at a time, teachers will need to have made good progress towards all their objectives meeting most of them and have shown that they are competent in all elements of the Teachers' Standards. Where direct teaching is undertaken this should be

'good', as defined by Ofsted. Assessors will need to consider the spirit of the Teachers' standards when assessing the performance of advisers.

Judgments will be properly rooted in evidence. As a teacher moves up the main pay range, this evidence should show:

- an increasing positive impact on pupil progress
- an increasing impact on wider outcomes for pupils
- improvements in specific elements of practice identified to the teacher, e.g. behaviour management or lesson planning
- an increasing contribution to the work of the service
- an increasing impact on the effectiveness of staff and colleagues

Further information, including sources of evidence is contained in the LA's appraisal policy.

The LA will be advised by the Head Teacher in making all such decisions. Any increase (i.e. no movement, one point, more than one point) will be clearly attributable to the performance of the teacher in question. The LA will be able to justify its decisions.

20. THRESHOLD APPLICATIONS

ROUND 13 APPLICATIONS FOR THRESHOLD

If a teacher reached M6 on 1 September 2012 and applies before the 31 October 2013, under Round 13, their applications will be assessed using the Document **2012** (paragraph 20), i.e. against the Teachers' Standards and the post-threshold standards, having regard to the most recent appraisal reviews.

APPLICATIONS TO BE PAID ON THE UPPER PAY RANGE

From 1 September 2013, any qualified teacher can apply to be paid on the Upper Pay Range. If a teacher is simultaneously employed at another service(s), they may submit separate applications if they wish to apply to be paid on the UPR in that service(s). The LA will not be bound by any pay decision made by another service where it is not the employer.

All applications should include the results of the two most recent appraisals, under the Appraisal Regulations 2012, in the service, including any recommendation on pay. Where such information is not applicable or available, e.g. those returning from maternity or sickness absence, a written statement and summary of evidence designed to demonstrate that the applicant has met the assessment criteria must be submitted by the applicant.

In order for the assessment to be robust and transparent, it will be an evidence-based process only. Teachers therefore should ensure that they build a mainly paper evidence base to support their application. Those teachers who are not subject to the Appraisal Regulations 2012, or who have

been absent, through sickness, disability or maternity, may cite written evidence from a 3 year period before the date of application in support of their application.

Process:

One application may be submitted annually. The closing date for applications is normally 31st December each year; however, exceptions will be made in particular circumstances, e.g. those teachers who are on maternity leave or who are currently on sick leave. The process for applications is:

- Complete the service's application form;
- Submit the application form and supporting evidence to the Head Teacher by the cut-off date of 31st December.
- The teacher will receive notification of the name of the assessor of their application within 5 working days;
- The assessor will assess the application, which will include a recommendation to the Head Teacher or to the LA;
- The application, evidence and recommendation will be passed to the Head Teacher for moderation purposes, if the Head Teacher is not the assessor;
- The LA will make the final decision, advised by the Head Teacher;
- Teachers will receive written notification of the outcome of their application by 31st March. Where the application is unsuccessful, the written notification will include the areas where it was felt that the teacher's performance did not satisfy the relevant criteria set out in this policy (see 'Assessment' below).
- If requested, oral feedback which will be provided by the assessor. Oral feedback will be given within 10 working days of the date of notification of the outcome of the application. Feedback will be given in a positive and encouraging environment and will include advice and support on areas for improvement in order to meet the relevant criteria.
- Successful applicants will move to the minimum of the UPR on 1 September of the following year.
- Unsuccessful applicants can appeal the decision. The appeals process is set out at the back of this pay policy.

Assessment:

The teacher will be required to meet the criteria set out in paragraph 17 of the Document, namely that:

- the teacher is highly competent in all elements of the relevant standards; and
- the teacher's achievements and contribution to the service are substantial and sustained.

In this LA, this means:

“highly competent”: the teacher’s performance is assessed as having excellent depth and breadth of knowledge, skill and understanding of the Teachers’ Standards in the particular role they are fulfilling and the context in which they are working.

“substantial”: the teacher’s achievements and contribution to the service are significant, not just in raising standards of teaching and learning in their own classroom, or with their own groups of children, but also in making a significant wider contribution to service improvement, which impacts on pupil progress and the effectiveness of staff and colleagues.

“sustained”: the teacher must have had two consecutive successful appraisal reports in the service and have made good progress towards their objectives during this period (see exceptions, e.g. maternity/sick leave, in the introduction to this section). They will have been expected to have shown that their teaching expertise has grown over the relevant period and is consistently good to outstanding.

Assessors will need to consider the spirit of the Teachers’ standards when assessing the performance of advisers.

Further information, including information on sources of evidence is contained within the LA’s appraisal policy.

21. UPPER PAY RANGE

Pay determinations effective from 1 September 2013

In accordance with paragraphs 19.5 and 19.6 of the Document **2012** the LA will determine that one point be awarded to a teacher on the upper pay spine whose achievements and contribution to the service, throughout the relevant period have been substantial and sustained (paragraphs 19.5.1 and paragraphs 57 to 59 of the section 3 guidance, the Document **2012**).

In reaching its decision, the LA shall have regard to the results of the teacher’s two most recent appraisal reports, including any pay recommendation, when exercising its discretion in accordance with the provisions of paragraph 19.5.1 of the Document **2012**.

Pay determinations effective from 1 September 2014

The LA will determine whether there should be any movement on the Upper Pay Range. In making such a determination, it will take into account:

- paragraph 21 and the criteria set out in paragraph 17.2 of the Document 2013;
- the evidence base, which should show that the teacher has had a successful appraisal and has made good progress towards all of their objectives meeting most of them;

- evidence that the teacher has maintained the criteria set out in paragraph 17.2, namely that the teacher is highly competent in all elements of the relevant standards; and that the teacher's achievements and contribution to the service are substantial and sustained. The meaning of these criteria is set out in the section of this policy entitled, "Applications to be paid on the Upper Pay Range".

Pay progression on the Upper Pay Range will be clearly attributable to the performance of the individual teacher. The LA will be able to objectively justify its decisions.

Where it is clear that the evidence shows the teacher has made good progress, i.e. they continue to maintain the criteria set out above (see 'Applications to be Paid on the Upper Pay Range'), and have made good progress towards all of their objectives meeting most of them, the teacher will move to the next point on the Upper Pay Range; or if already on the mid-point, will move to the top of the Upper Pay Range.

Further information, including sources of evidence is contained within the LA's appraisal policy.

The LA will be advised by the Head Teacher in making all such decisions.

22. LEADING PRACTITIONER ROLES

It is not the intention of the LA to create a leading practitioner role at this time but the LA will review its position from time to time.

The LA will take account of paragraph 56 of the Document when determining the role of leading practitioner in the service. Additional duties will be set out in the job description of the leading practitioner and the LA will establish the pay range for each leading practitioner post in accordance with paragraph 18 of the Document; and paragraphs 44 to 47 of the section 3 guidance.

23. UNQUALIFIED TEACHERS

Pay on appointment

The LA will pay any unqualified teacher in accordance with paragraph 19 of the Document. The LA will determine where a newly appointed unqualified teacher will enter the scale, having regard to any qualifications or experience s/he may have, which it considers to be of value. The LA will consider whether it wishes to pay an additional allowance, in accordance with paragraph 28.

Pay determinations effective from 1 September 2013

The LA will follow the provisions of the Document 2012 and award a point on the unqualified teacher scale (paragraph 35), unless the teacher has been notified that their service has been unsatisfactory for the previous academic year. The LA will normally exercise this discretion only in the context of a formal capability procedure. The LA will restore the withheld point at the conclusion of the capability procedure where satisfactory performance has been achieved.

Pay determinations effective from 1 September 2014

In order to progress up the unqualified teacher range, unqualified teachers will need to show that they have made good progress towards all of their objectives meeting most of them.

Judgments will be properly rooted in evidence. As unqualified teachers move up the scale, this evidence should show:

- an improvement in teaching skills
- an increasing positive impact on pupil progress
- an increasing impact on wider outcomes for pupils
- improvements in specific elements of practice identified to the teacher
- an increasing contribution to the work of the service
- an increasing impact on the effectiveness of staff and colleagues

Information on sources of evidence is contained within the LA's appraisal policy. The LA will be advised by the Head Teacher in making all such decisions. Pay progression on the unqualified teacher range will be clearly attributable to the performance of the individual teacher. The LA will be able to objectively justify its decisions.

24. TEACHING AND LEARNING RESPONSIBILITY PAYMENTS

The LA may award a TLR to a classroom teacher in accordance with paragraph 23 - 25 of the Document and paragraphs 31 to 37 of the section 3 guidance. TLR 1 or 2 will be for clearly defined and sustained additional responsibility in the context of the service's staffing structure for the purpose of ensuring the continued delivery of high quality teaching and learning. All job descriptions will be regularly reviewed and will make clear, if applicable, the responsibility or package of responsibilities for which a TLR is awarded, taking into account the criterion and factors set out below and at paragraph 23 – 25 of the document.

The award may be while the teacher remains in the same post or occupies another post in the temporary absence of the post-holder.

Factors

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

- (a) is focused on teaching and learning;

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

Before awarding a TLR1, the LA must be satisfied that the significant responsibility referred to in the previous paragraph includes in addition line management responsibility for a **significant** number of people.

The values of TLRs must fall within the ranges set out in the STP&CD. If the LA awards TLRs of different values to two or more teachers, the minimum difference in value between each award of a TLR1 is £1,500 and between each award of a TLR2 is £1,500.

A teacher may not hold more than one TLR of any value, but a TLR could be based on a job description that itemises several different areas of significant responsibility.

A TLR is a payment integral to a post in the service's staffing structure and therefore may only be held by two or more people when job-sharing that post.

TLRs awarded to part-time teachers must be paid pro-rata at the same proportion as the teacher's part-time contract.

TLRs will be awarded to the holders of the posts indicated in the service's staffing structure.

The values of the TLRs to be awarded are set out below:

TLR2s will be awarded to the following values:

TLR 2 (a) £2,561

TLR 2 (b) £4,061

TLR 2 (c) £6,259

TLR1s will be awarded to the following value:

TLR 1 (a) £7,397

TLR 1 (b) £8,897

TLR 1 (c) £12,517

The LA may award a TLR3 of between £505 to £2525 for clearly time-limited school improvement projects, or one-off externally driven responsibilities as set out in paragraph 25.1. The LA will set out in writing to the teacher the duration of the fixed term, and the amount of the award will be paid in monthly instalments. No safeguarding will apply in relation to an award of a TLR3.

25. SPECIAL EDUCATIONAL NEEDS ALLOWANCE

The LA will award an SEN spot value allowance on a range of between £2,022 and £3,994 to any classroom teacher who meets the criteria as set out in paragraph 27 of the Document.

When deciding on the amount of the allowance to be paid, the LA will take into account the structure of the service's SEN provision, whether any mandatory qualifications are required for the post, the qualifications or expertise of the teacher relevant to the post; and the relative demands of the post (paragraph 27.3 of the Document). The LA will also establish differential values in relation to SEN roles in the service in order to reflect significant differences in the nature and challenge of the work entailed so that the different payment levels can be objectively justified. The LA will take account of paragraphs 38 to 43 of the section 3 guidance.

The LA has agreed the following Spot Payment levels for SEN duties:

£2,002
£3,994

26. PART-TIME EMPLOYEES

Teachers employed on an ongoing basis at the service but who work less than a full working week are deemed to be part-time.

The LA will apply the provisions of the Document in relation to part-time teachers' pay and working time, in accordance with paragraph 43 and 58, and paragraphs 57-66 and 83-91 of the section 3 guidance.

The LA is responsible for ensuring that part-time teachers have a clear statement of the sessions and hours they will be required to work. The LA will ensure that all teachers employed on a part-time basis are provided with a written agreed statement which sets out the expectations of the service, and the part-time teacher, regarding the deployment of directed time both within and beyond the school day in accordance with the professional duties as stated in the STP&CD.

Calculation of Salary

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

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

The LA will use its best endeavours to ensure that all part-time employees are treated no less favourably than a full-time comparator.

27. TEACHERS EMPLOYED ON A SHORT NOTICE BASIS

Teachers employed on a day-to-day or other short notice basis will be paid in accordance with paragraph 44 of the Document on a daily basis calculated on the assumption that a full working year consists of 195 days, periods of employment for less than a day being calculated pro rata.

Teachers who work less than a full day will be hourly paid and will have their salary calculated as an annual amount which will then be divided by 195, then divided again by 6 to arrive at the hourly rate.

Teachers should be paid for all the hours they are required to be on the school premises. Consideration should be made for non-contact time.

A short notice teacher who is employed by the same authority throughout a period of 12 months beginning in August or September must not be paid more in respect of that period than he would have received had he been in regular employment throughout the period.

28. ADDITIONAL PAYMENTS

In accordance with paragraph 46 of the Document and paragraphs 67-77 of the section 3 guidance, the LA may make payments as they see fit to a teacher, including a Head Teacher in respect of:

- continuing professional development undertaken outside the school day;
- activities relating to the provision of initial teacher training as part of the ordinary conduct of the service;
- participation in out-of-school hours learning activity agreed between the teacher and the Head Teacher or, in the case of the Head Teacher, between the Head Teacher and the relevant body;
- additional responsibilities and activities due to, or in respect of, the provisions of services by the Head Teacher relating to the raising of educational standards to one or more additional services/schools.

The LA will make additional payments to teachers in accordance with the provisions of paragraph 46 of the Document where advised by the head.

Payment will be calculated on a daily basis at 1/195th of the teacher's actual salary.

29. RECRUITMENT AND RETENTION INCENTIVE BENEFITS

The LA can award lump sum payments, periodic payments, or provide other financial assistance, support or benefits for a recruitment or retention incentive (paragraph 47 of the Document and paragraphs 78 -81 of the section 3 guidance).

The LA will consider exercising its powers under paragraph 47 of the Document where it considers it is appropriate to do so in order to recruit or

retain relevant staff. It will make clear at the outset, in writing, the expected duration of any such incentive or benefit, and the review date after which they may be withdrawn.

The LA will, nevertheless, conduct an annual formal review of all such awards and keep clear records of decisions made including any justification for extension of such an award.

In relation to a Head Teacher, any 'additional payments' under this section will form part of the 25% limit on the use of all discretions, unless the LA chooses to use the 'wholly exceptional circumstances' discretion. The LA will not award a recruitment or retention payment under paragraph 47 if it has already made an award under paragraph 11.5(c) or have taken such reason (recruitment or retention) into account when determining the ISR under an earlier Document (paragraph 11.4.1 of the Document).

PAY POLICY APPENDICES

Appendix 1 (Insert a link to the Department's or Service's staffing structure)

Appendix 2 Model Pay Appeals Procedure

Appendix 3 Provision of Services to Other Services/Schools – Operating Principles and Requirements'

The Local Authority approved this policy on the date below.

Signed: _____ Date: _____

MODEL PAY APPEALS PROCEDURE

The School Teachers' Pay and Conditions Document ("the Document") requires schools and local authorities to have a pay policy in place that sets out the basis on which teachers' pay is determined and the procedures for handling appeals.

As part of the overall appraisal process, a pay recommendation is made by the appraiser/reviewer (normally the line manager) and discussed with the teacher at the Review Meeting prior to being submitted to the LA. Written details of and the reasons for the pay recommendation will be given to the teacher.

At this particular stage of the pay determination process, if the teacher wishes to better understand the rationale for the pay recommendation or bring any further evidence to the attention of the appraiser/reviewer, they should be given the opportunity to do so before the final pay recommendation is drafted in the appraisal report. The nature of any subsequent appraisal and pay discussion will be informal and therefore representation (on either side) is not necessary nor would it be appropriate. At the conclusion of any further discussion, the pay recommendation may be adjusted or it may remain the same; the appraisal report will be updated to reflect the discussion.

If a teacher believes that the final pay recommendation falls short of their expectations and they wish to seek a further review of the information that affects their pay, they may wish to formally appeal against the decision, utilising the formal Appeal Hearing Procedure. Appeal Hearings against pay decisions must satisfy the dispute resolution requirements of employment law (i.e. Part 4 of the Trade Union and Labour Relations (Consolidation) Act, 1992) and the ACAS Code of Practice.

APPEAL HEARING PROCEDURE

It is the intention that the Appeals Procedure will be dealt with promptly, thoroughly and impartially.

PAY APPEALS PROCEDURE

Appeals

The arrangements for considering appeals are as follows:

A teacher may seek a review of any determination in relation to his/her pay or any other decision taken by the LA that affects his pay.

The following list includes the usual reasons for seeking a review of a pay determination;

That the LA or person by whom the decision was made:

- (a) incorrectly applied any provision of the Document;
- (b) failed to have proper regard for statutory guidance;
- (c) failed to take proper account of relevant evidence;

- (d) took account of irrelevant or inaccurate evidence;
- (e) was biased; or
- (f) otherwise unlawfully discriminated against the teacher.

The order of proceedings is as follows:

1. The teacher receives written confirmation of the pay determination and where applicable the basis on which the decision was made.
2. If the teacher is not satisfied, he/she should seek to resolve this by discussing the matter informally with the decision-maker within ten working days of the decision.
3. Where this is not possible, or where the teacher continues to be dissatisfied, he/she may follow a formal appeal process.
4. The teacher should set down in writing the grounds for questioning the pay decision and send it to the appropriate Assistant Director, within ten working days of the notification of the decision being appealed against or of the outcome of the discussion referred to above.

For any formal hearing or appeal the teacher is entitled to be accompanied by a colleague or union representative. Each step and action of this process must be taken without unreasonable delay. The timing and location of the formal meeting must be reasonable. The formal meeting must allow both parties to explain their cases.

5. The LA or the person who made the determination should provide a hearing within ten working days of receipt of the written grounds for questioning the pay decision to consider this and give the teacher an opportunity to make representations in person. Following the hearing the employee should be informed in writing of the decision and the right to appeal.
6. Any appeal should be heard by the Executive Director of Education Care and Health Services or his/her representative normally within 20 working days of the receipt of the written appeal notification. The teacher will be given the opportunity to make representations in person. The decision of the Executive Director of Education Care and Health Services or his/her representative will be given in writing, and where the appeal is rejected will include a note of the evidence considered and the reasons for the decision.

Guidance

- When a teacher feels that a pay decision is incorrect or unjust, they may appeal against that decision, especially when there is new evidence to consider.
- Teachers / Head Teachers should put their appeal in writing to either the Head Teacher or the LA; their appeal should include sufficient details of its basis.
- Appeals should be heard without unreasonable delay and at an agreed date, time and place.

- Employees have a statutory right to be accompanied at any stage of an appeal hearing by a companion who may be either a work colleague or a trade union representative.

The Modified Procedure

There will be no entitlement to invoke the appeal procedure in relation to a pay decision if the teacher has left the employment of the service.

Where a teacher has, whilst employed at the service, lodged an appeal against a pay decision but has then subsequently left the service's employment before any appeal hearing is held, the following steps will be observed:

1. The teacher must have set out details of their appeal in writing;
2. The teacher must have sent a copy of their appeal to the Director of Education Care and Health Services. The Director of Education Care and Health Services will consult with relevant service personnel and provide the teacher with an appropriate written response on behalf of the LA.

DRAFT

**PROVISION OF SERVICES TO OTHER SERVICES/SCHOOLS –
OPERATING PRINCIPLES AND REQUIREMENTS**

- a. Any services provided by the Head Teacher of one service/school to another service/school must be authorised formally by the LA and where the work extends over more than a 12 month period, the agreement of the LA must be formally reviewed annually, or sooner if appropriate. The LA should also agree arrangements for terminating such work.
- b. Before such work is undertaken, the LA and the Head Teacher must take into account:
 - the needs of the service and its pupils;
 - the benefits that the activity would bring to the service;
 - the impact of any absence on other staff, including their workload; and
 - the workload and work-life balance of all the individuals concerned.
- c. In particular, before reaching a view the LA should satisfy itself that these matters have been fully considered within the service's leadership team.
- d. Arrangements for payment for external work, including personal remuneration, must be clearly stated and formally incorporated into a protocol by the LA and decisions duly minuted.
- e. The Head Teacher and LA should monitor the operation of the arrangements and their impact on staff and pupils and take action where arrangements prove to be unsatisfactory.
- f. The disposition of any payment, including personal remuneration, for external services must be agreed in advance in accordance with the determinations of the LA. The terms of such an agreement must be set out in a memorandum signed by the LA and the Head Teacher and any other members of staff involved.
- g. Any income derived from external sources for the work of a service's staff should accrue to the service. The LA should decide whether it would be appropriate for individual members of staff to receive additional remuneration for these activities, and if so, determine the appropriate amount.
- h. The LA should ensure that any expenses incurred by the individual as a result of taking on additional work are reimbursed, unless they are accounted for elsewhere.

**ADDITIONAL INFORMATION FOR MEMBERS IN RELATION TO ITEM 7 E
ECHS DEPARTMENT PAY POLICY FOR CENTRALLY BASED TEACHING
STAFF**

<p>There are 62 staff currently employed on Teachers' Terms and Conditions of employment in the following central services:</p> <ul style="list-style-type: none"> • Behaviour Service • Specialist Support and Disability Services (The Phoenix Centre) • Sensory Support Services • Primary Pupil Support Advisory Team <p>There have been a number of central service restructures that have taken place in the past few years and each time a restructure takes place terms and conditions of employment are reviewed to ensure that they remain appropriate and relevant.</p>	
<p>COMMENTS RECEIVED FROM NASUWT/NUT AS PART OF CONSULTATION ON THE DRAFT PAY POLICY</p>	<p>MANAGEMENT RESPONSE</p>
<p>Neither the recently Draft Pay Policy or the LBB Model Appraisal Policy (consulted upon some time ago) is compliant with the relevant NASUWT/NUT checklists and therefore if adopted both will be subject to our joint Action Short of Strike Action. I would commend to you the NUT/NASUWT Model Pay Policy, PM/Appraisal Checklist and the Lesson Observation Protocol (see attached). All three fit in to DfE guidelines and ensure transparency and accountability whilst supporting what must be everyone's aim, a motivated, well-trained, fairly appraised and properly remunerated staff of teachers.</p> <p>In the meantime I wish to point out that the 2 unions have taken great care to ensure that their model pay policy and checklists mentioned above fit in with DfE guidelines</p>	<p>NASUWT/NUT's action short of strike action has been in force for some time in Bromley and relates to workload, pay and pensions. The dispute is in the main with the Secretary of State.</p> <p>Schools and LA's are required to have a pay policy in place and the draft pay policy incorporates DfE guidance. The Secretary of State has responded to NASUWT and NUT to indicate that he believes that some aspects of the Unions model pay policy is unlawful.</p>

**ADDITIONAL INFORMATION FOR MEMBERS IN RELATION TO ITEM 7 E
ECHS DEPARTMENT PAY POLICY FOR CENTRALLY BASED TEACHING
STAFF**

<p>(whatever is said to the contrary by the Secretary of State). It is to be stressed, noted, and taken very seriously, that some 85% nationally of all teachers belong to the NASUWT and the NUT.</p> <p>The following points re the Draft Pay Policy need addressing in particular:</p> <ul style="list-style-type: none"> • The policy does not commit the LA to the principle of pay portability for classroom teachers. It is the perceived requirements of the post that determine the salary point on MPR offered to a teacher applying for a teaching job with the LA's Central Services. • In this Pay Policy progression on the Main Pay Range and Upper Pay Range is intended to become progressively more difficult. There are criteria deployed for pay assessment which closely resemble those for awarding a TLR. The 	<p>One of the flexibilities introduced by the school teachers' pay and conditions document 2013 is that there is no longer a requirement to match an existing Teacher's salary point when they apply for a new post.</p> <p>This provides the LA with the flexibility to determine the level of salary dependent on the requirements of the post. An example of this would be where a Teacher previously held a post where they had advanced through the upper pay spine threshold but moved to a post which did not require such skills. It would be for the LA to consider and determine which salary point would be applicable to the new post.</p> <p>Whilst not having to commit to pay portability the LA will however need to be mindful of the need to ensure that salary packages are sufficiently attractive enough to recruit and retain high calibre staff.</p> <p>The policy does indicate that in order to Progress through the main pay range and Upper Pay Spine on the main pay range Staff will be expected to demonstrate their continuing professional development. This is consistent with the application of the Teachers' standards published by</p>
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**ADDITIONAL INFORMATION FOR MEMBERS IN RELATION TO ITEM 7 E
ECHS DEPARTMENT PAY POLICY FOR CENTRALLY BASED TEACHING
STAFF**

<p>Teachers' Standards intended as a baseline for entry into the profession are misused, through the Appraisal, so as to be a further obstacle to pay progression. The words/phrases 'highly competent', 'sustained' and 'substantial' have been lengthily defined and thereby expanded into extra criteria.</p> <ul style="list-style-type: none"> • There is no absolute commitment to the 'pro rata' principle with reference to part-timers' pay and conditions. The LA only agrees to try to adhere to it. 	<p>DfE.</p> <p>The policy clearly states that "The LA will apply the provisions of the Document in relation to part-time teachers' pay and working time". It further states "Part –time teachers will be paid the pro rata percentage of the appropriate full-time equivalent salary".</p> <p>The School Teachers' Pay and Conditions Document is statutory and therefore the LA must comply with the provisions within.</p> <p>The policy does state "The LA will use its best endeavours to ensure that all part-time employees are treated no less favourably than a full-time comparator" This is intended as a general statement.</p> <p>Under section 3 "Aims of the Pay Policy" more detailed reference to the LA's commitment to good employment practice is stated including reference made to the part time workers (Prevention of Less Favourable Treatment) Regulations 2000.</p> <p>Section 5 of the policy further makes reference to equalities.</p>
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**ADDITIONAL INFORMATION FOR MEMBERS IN RELATION TO ITEM 7 E
ECHS DEPARTMENT PAY POLICY FOR CENTRALLY BASED TEACHING
STAFF**

The LBB's **Model Policy for Appraisal** has already been analysed and most of it needs addressing, in particular: -

- There is no limit on the number of Lesson Observations.
- There is no limit on the number of Objectives and the use of the Teachers' Standards rendered as a checklist is clearly intended and in effect means that appraisees will have an excessive number of appraisal objectives.
- 'Drop-ins' are to be used to evaluate teaching.
- The policy clearly envisages PM/appraisal to be the informal stage of Capability. This means that teachers are in effect on Informal Capability every time they are observed or 'dropped in on'.

The Model Appraisal Policy was agreed by the Council previously having had regard to the comments provided by the Trade Unions at the time. It is not therefore proposed to respond to these points again.