

Report No.

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENCING COMMITTEE

Date: 9 December 2015

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

Title: MODEL PAY POLICY FOR CENTRALLY BASED TEACHERS

Contact Officer: Angela Huggett, Head of HR Strategy and Education
Tel: 020 8313 4029 E-mail: angela.huggett @bromley.gov.uk

Chief Officer: Jane Bailey Director of Education
Charles Obazuaye Director Human Resources

Ward: N/A

1. Reason for report

- 1.1 From 1 September 2015 revised arrangements came into force in relation to Teachers' Pay and Conditions through the publication of the statutory 2015 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.

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 Agree the model pay policy in respect of centrally based teaching staff employed by the Local Authority.

Corporate Policy

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

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.
 - 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.
- 3.4 The current pay policy has been revised incorporating the changes as outlined in the School Teachers' Pay and Conditions Document 2015 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 25th Review Body report made the following recommendations which were accepted by the secretary of state:

Main Pay Range

- An uplift of 1% to the minima of the range
- An uplift of 2% to the maxima of the range

Upper Pay Range, Leading Practitioner Range, Unqualified Teachers Range

- An uplift of 1% to the minima and maxima of the range

Allowances in the national framework i.e. Teaching and Learning Responsibility Payments (TLRs) and Special Education Needs (SEN) allowances

- An uplift of 1% to the minima and maxima of the TLR payment and SEN allowance ranges

Leadership group range

- An uplift of 1% to the minima of the overall leadership group range
- No uplift to the maxima of the overall leadership group range
- An uplift of 1% to the minima of each of the eight head teacher group pay ranges
- No uplift to the maxima of each of the eight head teacher group pay ranges

These recommendations relate to the national pay and allowance ranges. The Review Body has made it clear that it will be down to schools, in accordance with their pay policies, to determine how to adjust the salaries and allowances payable to individual teachers (within the

bounds of the national framework) and that these decisions must take account of the individual's performance.

Note also, the Review Body's comment that "In the decentralised pay system that now exists, we believe schools can manage our recommendations within current budgets."

In addition, the Report contains the following recommendations:

- Discretionary national reference points should not be published in Departmental advice from September 2015*
- There should be a fuller review of the national pay framework in future - to ensure it enables schools to attract and retain high calibre graduates in an increasingly competitive labour market*

- 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 2015 with implementation on the 1st September 2015.
- 3.8 The new pay and conditions document continues to provide 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.

DfE and Trade Union Perspectives

- 3.9 The LA currently employs Teaching Staff in the following service areas:
- Specialist Support and Disability Services (The Phoenix Centre)
 - Sensory Support Services
 - Primary Pupil Support Advisory Team
- 3.10 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.
- 3.11 New Teaching Standards were introduced in 2012 and from September 2014 pay progression for all Teaching staff became directly linked to performance. A copy of the Teacher standards can be found at the following link.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/208682/Teachers_Standards_2013.pdf
- 3.12 Teacher Trade Unions nationally were opposed to several elements of the significant pay changes that were introduced in 2013 and this continues to be their position.
- 3.13 Several of the Trade Unions have issued their own guidance/model pay policies including NAHT & ASCL, NASUWT & NUT.
- 3.14 The NASUWT/NUT have 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.
- 3.15 The Secretary of State has previously 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.

- 3.16 The Secretary of State at the time indicated that in his view elements of the unions' 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 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."
- 3.17 The 2015 proposed pay policy has been prepared using guidance and advice from DfE. The policy provides flexibility for managers in determining arrangements for Teachers' Pay for all Teaching staff including those employed on the leadership range and fulfils the requirements of the 2015 STP&CD. This includes flexibility regarding starting salaries and progression and is broadly consistent with the current principles applied to those staff employed by the Council on Localised Pay terms and conditions.
- 3.18 Following ECHS DMT agreement in principle the LA began a period of consultation with the Trade Unions recognised by the Council. This consultation period commenced on 16th October 2015 and closed on 15th November 2015. During this period no responses were received although at the Joint Teachers' Liaison Committee held on 22nd October 2015 the Joint Teachers' Committee advised that their position remained the same on this issue and they continued to be in dispute with the Secretary of State regarding this matter. Agreement with the Trade Unions will not therefore be reached due to the position already outlined previously by NASUWT/NUT in terms of adhering to its checklist.

4. POLICY IMPLICATIONS

- 4.1 The model policy is 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. Various elements of the model policy for teachers are similar or consistent with the key elements of the Council's local terms and conditions of service for all non- teaching staff employed by the authority.

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 As set out in this report.

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