

Report No.

**London Borough of Bromley**

**PART ONE - PUBLIC**

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**Decision Maker:** **GENERAL PURPOSES AND LICENCING COMMITTEE**  
**Date:** **14 September 2016**  
**Decision Type:** Non-Urgent                      Non-Executive                      Non-Key  
**Title:** **TEACHER PAY POLICY – CENTRALLY BASED STAFF**  
**Contact Officer:** Angela Huggett, Head of HR Strategy and Education  
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**Chief Officer:** Jane Bailey Director of Education  
Charles Obazuaye Director Human Resources  
**Ward:** N/A

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1. Reason for report

- 1.1 From 1 September 2016 revised arrangements came into force in relation to Teachers' Pay and Conditions through the publication of the statutory 2016 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 **Determine whether in light of paragraph 3.19 a further period of consultation with Trade Union representatives is required;**
- 2.3 **In the event that 2.2 above is not required, 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
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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
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## 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.
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## Legal

1. Legal Requirement: Statutory Requirement Sections 122 and 127 Education Act 2002
  2. Call-in: Not Applicable
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## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
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## 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 2016 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. A copy of the 26<sup>th</sup> Review Body full report can be found at the following link <https://www.gov.uk/government/publications/school-teachers-review-body-26th-report-2016>
- 3.6 The Review Body made the following recommendations which were accepted by the Secretary of State:
- 1% uplift to the minima and maxima of all classroom teacher pay ranges and leadership pay ranges in the national pay framework, and to classroom teacher allowances (TLRs and SEN)
  - No change to the STPCD in relation to non-consolidated payments
  - On 'stepping down' - no change to the provisions in the STPCD on arrangements for upper pay range teachers
  - Recommend that the Department include a section in the statutory guidance making clear that a salary advance scheme for rental deposit is one of a number of tools that schools might consider for aiding recruitment or retention, and provide detailed advice on the implementation of such schemes on the DfE web pages.
- 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 2016 with implementation on the 1<sup>st</sup> September 2016.

- 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](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." This advice still stands and applies to Local Authorities as well as schools.
- 3.17 The 2016 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 2016 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 publication of the Pay and Conditions Document the Council is required to formally consult with Trade Unions to seek their views on the pay policy. This year there are no changes to the policy with the exception of the 1% uplift to the minimum and maximum of

scales and allowances which the Council is statutorily required to uplift. It is proposed that Committee agree the percentage uplift for all existing points and allowances to ensure adequate differentials. Any additional progression through performance will need to be assessed objectively and authorised by Head Teacher's/Heads of Service. This approach is consistent with that adopted for Support staff on Localised Pay.

- 3.19 In light of this being the only change to the current policy, Trade Unions were contacted to propose a shortening of the 30 day consultation period in order that a report could go to this committee for consideration in September as the Committee does not convene again until December and the pay policy is effective from 1 September each year. Members will wish to note that traditionally the August period is generally a key holiday period and therefore although only one response was received from ASCL (Association of School and College Leaders) other Trade Unions may respond at the beginning of September when school's return. Any responses received will be verbally advised to the committee at the meeting. ASCL were in agreement with the shortened consultation providing that the Council continued to apply the % uplift to all scale points and allowances.
- 3.20 Members will also wish to note that Agreement with the Trade Unions on the general content of the policy will not be reached due to the position already outlined previously by NASUWT/NUT in terms of adhering to its checklist. This position is also adopted previously by the Council's consultative committee the Joint Teachers' Liaison Committee.

**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**

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

**6. LEGAL IMPLICATIONS**

- 6.1 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.

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