

Public Document Pack



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PUBLIC

To: Members of the Appointments and Conditions of Service Committee

Date Not Specified

Dear Councillor,

Please attend a meeting of the **Appointments and Conditions of Service Committee** to be held at **3.30 pm** on **Wednesday, 3 November 2021** in the Members Room, County Hall, Matlock, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in black ink that reads 'Helen E. Barrington'.

Helen Barrington
Director of Legal and Democratic Services

AGENDA

PART I - NON-EXEMPT ITEMS

1. To receive apologies for absence
2. To receive declarations of interest (if any)
3. To confirm the minutes of the meeting held on 23 September 2021 (Pages 1 - 4)
4. Teachers' Pay Award - 1 September 2021 (Pages 5 - 50)

5. Salary Sacrifice Shared Cost Additional Voluntary Contribution (AVC) Scheme Employer non-mandatory discretion in the Local Government Pension Scheme (LGPS) Regulations (Pages 51 - 60)
6. Exclusion of the Public

(To move that under Section 100(a)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that in view of the nature of the business, that if members of the public were present exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 would be disclosed to them and the public interest in maintaining the exemption outweighs the public interest in disclosing the information).

PART II - EXEMPT ITEMS

7. To receive declarations of interest (if any)
8. Pensions - Application for Market Supplement Payments Extension (Pages 61 - 78)
9. Public Health - Application for Market Supplement Payment Extensions (Pages 79 - 88)

PUBLIC

MINUTES of a meeting of the **APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE** held on 23 September 2021 at County Hall, Matlock.

PRESENT

Councillor S Spencer (in the Chair)

Councillors R George, S Hobson, T Kemp, A Sutton (substitute Member), S Swann and J Woolley (substitute Member)

Officers in attendance – E Alexander, H Barrington, P Buckley, E Crapper and J Lakin

Apologies for absence were received on behalf of Councillors J Dixon, R Flatley and B Lewis

Declarations of Interest

There were no declarations of interest.

3/21 MINUTES RESOLVED that the minutes of the meeting held on 10 March 2021 be received.

4/21 APPLICATION FOR A MARKET SUPPLEMENT PAYMENT EXTENSION FOR CHILD PROTECTION LAWYERS Market supplement payments for the child protection lawyers had started on 1 April 2018 for two years and had then been extended for 18 months from 1 April 2020 to 30 September 2021. A full review of market conditions had been carried out to support the continuation of market supplement payments for these posts and a business case was provided in Appendix 3 to the report.

The team continued to have difficulties in recruiting qualified solicitors or lawyers in this area of work. Continuing the payment was crucial in retaining the current staffing and maintaining the necessary levels of managerial supportive supervision. This was particularly important because the lack of adequate supervision had been identified in national serious case reviews and it was therefore imperative that this level was maintained. As a consequence of recruitment difficulties and the increase in child protection cases, an extensive amount of work had been outsourced to private practice firms, barristers and/or agency solicitors (locums) had been commissioned. These options had significantly increased expenditure for Legal Services and Childrens Services with an external expenditure of nearly £1.8m in 2020-21 in respect of barrister's fees and private practice fees.

Given the year on year increase in child protection legal work and the difficulty in recruiting staff a comprehensive review of the conduct of child protection litigation by Derbyshire County Council had been carried out jointly with Children's Services. The recommendations of this review were key to ensuring a longer-term service delivery model which met the Council's statutory duties towards the most vulnerable children and young people across the County. A two-year market supplement was approved for Child Protection Social Workers by this Committee on 10 March 2021 which was a further reflection that local authority child protection work in all its forms had experienced considerable difficulties with recruitment and retention. The Review proposed to increase the size of the team and to introduce a structure which would provide greater career progression and more opportunities to 'grow our own' solicitors through training programmes and apprenticeships. It was anticipated that if this new structure can be achieved that savings in excess of £350,000 would be achieved.

The Child Protection Litigation Review contained a significant number of recommendations regarding the structure of the DCC Legal Services child protection team and the conduct of child protection proceedings. In relation to the market supplement, the Review recommended that this should be continued for two years to support recruitment and retention of staffing pending the undertaking of a job evaluation exercise across Legal Services in relation to the lawyer grades. The revaluation was recommended to reflect the high level of responsibility and influence which the lawyer posts had in the field of child protection. In the meantime, it was proposed that the current market supplement of £5,000 per annum per lawyer across all levels be continued for a further two years to 30 September 2023 in order to implement and embed the recommendations of the Review. The continuation of the market supplement would ensure that the salary for the posts was competitive, particularly as regards Derby City Council where the salary was £5,558 higher on a permanent basis.

A summary of the current application of market supplements within the team was at Appendix 2 to the report and an application (business case) for the continuation of the payment was attached at Appendix 3. If approved it was proposed that the recommendations would be actioned with effect from 1 October 2021 for a period of two years, with a further review of market conditions taking place six month prior to the end of the two-year period.

RESOLVED that the committee (1) approves the application for the payment of a market supplement of £5,000 per annum per lawyer (pro rata), to the Child Protection Lawyer roles at Grades 12 to 14 inclusive;

(2) agrees that the market supplement will take effect from 1 October 2021 for a period of two years; and

(3) note that a further review of market conditions will take place six months prior to the end of the two-year period.

5/21 REVIEW OF STANDBY, SLEEP-IN AND RECALL TO WORK (SSR) DUTY TERMS AND CONDITIONS As a result of issues being raised by trade unions in 2020, the Council had agreed to review the terms and conditions of SSR duty. The review aimed to provide a clear set of terms and conditions relating to all aspects of SSR duty. The level of pay and remuneration aimed to be fair for all employees undertaking SSR duty reflective of the length of duty being undertaken.

The Council had undertaken a process of employee, manager and trade union engagement through a series of working groups and workstream meetings since January 2021. A summary of feedback from the engagement sessions was attached at Appendix 2 to the report. On 6 September 2021, the Council and Joint Trade Unions reached a collective agreement on a revised set of terms and conditions for SSR duty, that met the objectives of the review. The revised set of terms and conditions are outlined as follows:

Standby duty - Duty payment rates of £27.02 will apply for the first 8 hours of standby duty, with an additional basic rate payment of £3.38 for each two-hour block thereafter up to 24 hours, providing payment for a 24-hour period at £54.06. The payment for any 8 or 2-hour block of time that spans into or out of a bank holiday will receive enhancement to double the duty payment rate. Any 8 or 2-hour block of time that was not within the bank holiday period would be paid at the basic duty payment rate. The rationale for having a minimum period of standby of 8 hours was to provide a payment that was reflective of the potential sacrifice if an employee were to be called out. The estimated additional cost to the council pay bill for the revised terms and conditions was estimated at £0.216m.

Sleep-in duty – It was proposed to maintain a flat rate sleep-in duty as the period of sleep-in duty was relatively static i.e. between 8-10 hours. In order to maintain parity with the proposed change to standby duty payment rate, the basic duty payment rates for sleep-in duty will be increased to £30.40. Where sleep-in duty spans into or out of a bank holiday, the duty would be enhanced to double the basic duty payment rate. The estimated additional cost to the Council pay bill for the revised terms and conditions was estimated at £0.046m.

Recall to work - The extent that recall duty payments were utilised within the Council was low with only 141 in 2019-20 reducing to 22 claims in 2020-21. It was proposed to reflect the following changes;

- The Council would remove the requirement to include the first 30 minutes working time within the duty payment. Based on an average pay rate for 141 claims, the additional cost would be £1.1k. Actual cost was lower due

to inaccuracy of claims being made. Working group feedback had identified employees had incorrectly claimed from the moment they start work rather than deducting the first 30 minutes from the claim.

- Travel time was included in the duty payment rate of £27.02 for those who were required to travel before they start work. This was offset by the removal of the first 30 minutes working time rule above. Where there was not a requirement to travel before starting work, recall would be paid at a proposed reduced rate of £20 per recall. The reduced rate was offset by the removal of the first 30 minutes working time rule.

Duty payment rates as outlined within the report would be applied from 1 November 2021 and would not be subject to annual pay award for 2021-22. SSR duty payments will be subject to future pay awards as of April 2022. Payments for duties relating to Bank Holidays will be backdated to 1 December 2020.

RESOLVED that the committee agrees to (1) implement the revised terms and conditions for standby, sleep-in and recall to work duty with effect from 1 November 2021; and

(2) backdate payment for the revised terms and conditions for bank holiday duty payment to 1 December 2020.



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE

3 November 2021

Report of the Director of Organisation Development and Policy and Executive Director for Children's Services

Implementation of the provisions of the teachers' pay award, updated pay policy for centrally employed teachers – 1 September 2021 and review of the working arrangements for centrally employed teachers and term-time only employees in relation to the extra bank holiday in 2022 to celebrate the platinum jubilee of her majesty the queen.

1. Purpose

- 1.1 To inform the Committee Members of the details of the nationally agreed School Teachers' Pay Award payable from 1 September 2021.
- 1.2 To seek approval for the adoption of a revised Teachers' Pay Policy for teachers employed by the Local Authority and not attached to schools that reflects the changes made in the School Teachers' Pay and Conditions Document (STPCD) 2021. The proposed revised policy can be found as appendix 2.
- 1.3 To seek retrospective approval to adopt the advisory pay points for teachers on the unqualified teachers pay range as outlined in the STPCD 2021 and the uplift of the bottom 3 points by £250. The changes are to be made to the pay framework for teachers employed by Derbyshire County Council (DCC), and not attached to schools.
- 1.4 To seek approval from Committee Members of the recommendation made to schools that Governing Boards agree to the proposal to adopt the advisory pay points for teachers on the unqualified teachers pay

range as outlined in the STPCD 2021 and the uplift of the bottom 3 points by £250.

- 1.5 To seek approval for the 6 June 2022 be designated a non-working day for teachers employed by Derbyshire County Council (DCC), and not attached to schools in order to comply with the working time provisions outlined in the STPCD 2021 for the academic year commencing in September 2021.
- 1.6 To seek approval for employees of the Council on terms and conditions other than the STPCD who work only during term-time be granted an additional non-working day for the 2021-22 academic year as a result of the additional Bank Holiday to mark the Queen's Platinum Jubilee. Where it meets operational requirements, the 6 June 2021 be allocated as a non-working day for these staff. Where employees of Council work in only one or two specific educational establishments the additional non-working day will be determined at a local level in consultation with the educational establishment and in agreement by their line manager.

2. Information and Analysis

- 2.1 The regulations governing teachers' pay and conditions of service are contained in the School Teachers Pay and Conditions Document (STPCD) which is revised by the Secretary of State annually
- 2.2 The STPCD imposes various duties on relevant bodies in relation to the determination of teachers' pay. Any changes need to be reflected in the authority's policies for the management of teachers employed in the education support services.
- 2.3 The Education (School Day and School Year) (England) (Coronavirus) (Amendment) Regulations which came into force on 1 June 2021 reduced the minimum number of sessions which must be held in the school year 2021-2022 by one day. This is to enable schools to close for the additional bank holiday to celebrate the Platinum Jubilee of Her Majesty the Queen or where schools are already closed, as is the case in Derbyshire, close on another day to compensate.
- 2.4 The STPCD 2021 reduces the working time that all Teachers must be available for the academic year commencing in September 2021, to compensate teachers for the additional bank holiday to celebrate the Platinum Jubilee of Her Majesty the Queen

3. Summary of proposals

- 3.1 The main changes to the Teachers Pay Policy proposed for 2021 are listed below:
- adoption of the advisory pay points for teachers on the unqualified teachers pay range as outlined in the STPCD 2021 and the uplift of the bottom 3 points by £250
 - a change in the number of days that teachers must be available to work for the academic year 2021-22 because of the additional Bank Holiday to mark the Queen's Platinum Jubilee bank holiday.
 - changes to the statutory provisions for teacher induction which come into force on 1 September 2021.
 - The policy contains all the other continuing provisions for the determination of individual salary ranges (ISR) for teachers paid on the leadership spine, payment of responsibility and special educational needs allowances, and part time teachers' pay calculation. These elements are unchanged.
- 3.2 The nationally agreed Teachers' Pay Award effective from 1 September 2021 is a consolidated award of £250 to all Teachers whose full-time equivalent basic earnings are less than £24,000
- 3.3 The re-introduction of the advisory points on the unqualified teachers pay range is recommended to take into consideration the potential impact on recruitment and retention, and to provide a fair approach to the implementation of the agreed consolidated pay award.
- 3.4 The recommendation to school Governing Boards is that they adopt the same approach and agree the increase as detailed above, considering the benefits of a consistent approach across the Authority
- 3.5 It is proposed that the 6 June 2022 be designated a non-working day for teachers employed by Derbyshire County Council (DCC) and not employed in Schools to celebrate the platinum jubilee of Her Majesty the Queen.
- 3.6 Employees of the County Council on terms and conditions other than the STPCD who work only during term-time have contractual terms which reflect the working days required to work whilst schools are in session.

To acknowledge the reduction of working days for the school year 2021-22 it is proposed, following consultation with Heads of Service, that where it meets operational requirements the 6 June 2021 be allocated as a non-working day for these staff.

- 3.7 It has been agreed that each school and academy be able to determine its own term-dates for the 2021-22 academic year to accommodate the requirement to reduce their academic year by one day. It is proposed therefore that where employees of Derbyshire County Council work in only one or two specific educational establishments, then their additional non-working day will be determined at a local level by the educational establishment and in agreement by their line manager.
- 3.8 It is proposed that part-time employees be entitled to pro rata time off to reflect the reduction in working time applicable.

4. Background Papers

- 4.1 School Teachers Pay and Conditions Document 2021

5. Appendices

- 5.1 Appendix 1 – Implications
Appendix 2 – Pay Policy for Teachers employed by the LA and not attached to schools.

6. Recommendation(s)

That ACOS agree:

- (a) To adopt the proposed Pay Policy for teachers employed by the LA and not attached to schools which includes the advisory pay points and uplift detailed in the background information.
- (b) To the recommendation to Governing Boards of the adoption of the revised pay policy which includes the re-introduction of the advisory points on the Unqualified Teachers pay range and the application of the national pay award of a consolidated award of £250 to all Teachers whose full-time equivalent basic earnings are less than £24,000 backdated to 1 September 2021.
- (c) That the 6 June 2022 be designated a non- working day for teachers employed by Derbyshire County Council (DCC), and not attached to schools.
- (d) That employees of the Council on terms and conditions other than the STPCD who work only during term-time be granted an additional non-working

day for the 2021-22 academic year as a result of the additional Bank Holiday to mark the Queen's Platinum Jubilee. Where it meets operational requirements, the 6 June 2021 be allocated as a non-working day for these staff. Where employees of the Council work only in one or two specific educational establishments the additional non-working day will be determined at a local level in consultation with the educational establishment and in agreement by their line manager.

7. Reasons for Recommendation(s)

- 7.1 The Council feels that the recommendations meet their obligations to review the Teachers Pay Policy to reflect changes outlined in the STPCD 2021 and provide a fair approach to the provision of time off to compensate employees who are employed term-time to recognise the additional Bank Holiday agreed for the Platinum Jubilee of her Majesty the Queen

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Implications

Financial

- 1.1 The Local Authority does not currently have any centrally employed teachers who are impacted by the pay award and therefore there is no effect on resources.
- 1.2 It is not anticipated that there will be any cost implications of the additional non-working day for centrally employed teachers or term-time only employees.

Human Resources

- 2.1 There has been formal consultation at Schools' Joint Consultative Committee (SJCC) and agreement reached with the recognised trade unions and professional associations in relation to;
 - (a) the proposed Pay Policy, the re-introduction of the advisory points on the unqualified teachers pay range and the uplift of the bottom 3 points by £250.
 - (b) the proposed arrangements in relation to the additional non-working day for teachers employed by Derbyshire County Council and term-time only employees.

Legal

- 3.1 The STPCD imposes various duties on relevant bodies in relation to the determination of teachers' pay. Any changes need to be reflected in the authority's policies for the management of teachers employed in the education support services.
- 3.2 Local authorities must abide by the statutory requirements and must have regard to the guidance issued, as a court or tribunal may take any failure to do so into account in any legal proceedings. The changes introduced from September 2021 by the STPCD introduces advisory pay points for the Unqualified teachers range, to support a transparent and coherent career pathway and to assist with recruitment and retention, advisory pay points for the unqualified teachers pay range have been set out along with the advisory points introduced for main and upper pay ranges in 2020 and the Department for Education encourages schools to use them. The advisory points on the unqualified teachers pay range are not mandatory but are recommended.

Equalities Impact

- 4.1 The revisions to the Teachers' Pay Policy, the uplift and additional non-working day for term-time only employees are compliant with the relevant provisions of anti-discrimination legislation contained in the Employment Relations Act 1999, the Equality Act 2010, the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 and the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002. It is also consistent with the principles of public life – objectivity, openness, and accountability.

PUBLIC

**PAY POLICY FOR TEACHERS
EMPLOYED BY
THE LOCAL AUTHORITY AND
NOT ATTACHED TO SCHOOLS**



November 2021

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PAY POLICY FOR TEACHERS EMPLOYED BY THE LOCAL AUTHORITY AND NOT ATTACHED TO SCHOOLS

1. PURPOSE

The purpose of this policy is to provide a clear basis upon which the pay of teaching employees will be determined in the context of the Council's improvement plans and staffing structure. It has been developed to comply with the current School Teachers' Pay and Conditions Document (STPCD) and the conditions of service laid down in the Burgundy Book. The policy takes account of associated government guidance and has been the subject of formal consultation with the recognised professional associations and trade unions.

2. CONTEXT

The responsibility for adopting and implementing a pay policy for teachers rests with the relevant body, which is the Local Authority for those teachers employed but not attached to schools, acting in accordance with the overriding requirements of legislation, which determine its rights, responsibilities and duties, and in accordance with the present and projected financial circumstances. In adopting this policy, the LA intends compliance with the Employment Relations Act 1999, the Equality Act 2010, the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000, The Fixed Term Employees (Prevention and Less Favourable Treatment) Regulations 2002. Procedures for determining pay should also be consistent with the principles of public life - objectivity, openness and accountability.

This pay policy should comply with the current School Teachers' Pay and Conditions Document (STPCD, also referred to as the 'Document') and the accompanying statutory guidance. It should be used in conjunction with them, but, in the event of any inadvertent contradictions, the Document and guidance take precedence.

This model pay policy only covers teachers, whose statutory pay and conditions of service fall under the terms of the Document. It does not cover support staff, who have their own pay determination mechanism.

In determining teacher pay levels in accordance with statutory pay and conditions of service under the terms of the Document, relevant bodies should also ensure these are set in accordance with the services' staffing structure (a copy of which should be appended to this policy).

3. AIMS

The LA wishes to have a pay policy consistent with legal requirements and pay and conditions of service, which supports the Council's improvement and strategic plans through:

- (a) A clear staffing structure.
- (b) Objective, consistent, and fair criteria for assessing and reviewing salaries in accordance with the mandatory and discretionary provisions in the School Teachers' Pay and Conditions Document.
- (c) An agreed policy on Appraisal.
- (d) A procedure for representation and appeal.
- (e) The application of the LA's Equality and Diversity Policy.
- (f) A mechanism for annual review of this policy within the context of the School Teachers' Pay and Conditions Document.
- (g) Regard to available resources.

The LA aims that the policy will:

- assure the quality of teaching and learning in the education support services,
- support the recruitment and retention of a high quality teacher workforce,
- enable the LA to recognise and reward teachers appropriately,
- ensure accountability, transparency, objectivity, and equality of opportunity.

4. PRINCIPLES

The LA has agreed the following principles in relation to the assessment and reviews of salaries for teaching employees.

4.1. Consultation

When adopting, implementing and annually reviewing the pay policy, the LA has a duty to consult fully with the staff, recognised professional associations and trade unions.

All teachers will have easy access to a copy of the pay policy. Services should attach a copy of the Staffing Structure to the pay policy.

In keeping with good practice, the annual report on the operation of the pay policy will be provided, on request, to the trade unions and professional associations. The report should include a summary of pay decisions and equality impact assessment.

4.2. Application

The pay policy will be determined by The Appointments and Conditions of Service Committee of the County Council. Implementation will be the responsibility of the Executive Director Children's Services. Each Head of Service will be responsible for ensuring that Pay decisions will be communicated in writing to their members of staff,

in accordance with the requirements of STPCD. Decisions on the pay of the head of service (where they are employed under STPCD) will be communicated by the relevant Assistant Director, in writing.

4.3. Vacancies

All vacant posts and temporary and acting posts, associated allowances and enhancements, will be made known to LA staff and publicly advertised where appropriate or necessary.

4.4. Job Description

Job Descriptions will be provided for all staff who will be consulted over their content. Job descriptions for individual posts (e.g. Teaching and Learning Responsibility payments) will have been issued during the consultation over the Staffing Structure Review in 2005 or subsequently when the staffing structure of the relevant support service has been revised. Any changes to these would be subject to consultation. The Head of Service (or designated senior leader) is responsible for discussing each year with individuals which tasks, from within the overall role, need to be amended, reviewed, developed or prioritised.

4.5. Contracts of Employment and Salary Records

All teaching employees will be provided with a letter of appointment and contract of employment. Each teacher will have access to their own salary records and will be notified of the outcome of their salary assessment and subsequent reviews by an annual Salary Statement which provides details of salary points and allowances. Details of the information which will be included in the annual Salary Statement are included as Appendix A to this policy.

4.6. Confidentiality

The LA recognises obligations under the Data Protection Act 2018. The Heads of Service, other senior officers and relevant Members will treat all salary issues confidentially, with sensitivity, and will undertake to make no public disclosure or provide details, other than by consent, or as required by legislation. Please note; where a request for information is received, regarding an individual's salary, the Council may withhold some, or all, of the data under Sections 40 (1) and 40 (2), of the Freedom of information Act, which relates to 'personal data'.

4.7. Pay Reviews

The LA will ensure that each teacher's salary is reviewed annually, with effect from 1 September and no later than 31 October each year and they will be given a written statement setting out their salary and any other financial benefits to which they are entitled. Teachers' annual pay reviews should be conducted by 31 October. 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 where applicable will give

information about the basis on which it was made.

Salary reviews will be undertaken by the Executive Director, or a Senior Manager nominated by them who will receive pay recommendations via a report, based on the annual performance reviews, undertaken in line with the Council's Appraisal Policy for Teachers.

4.8. Equalities Considerations

Where a teacher has a period of specific long-term absence, e.g. is absent on maternity leave, adoption leave, parental leave or long term sick leave, their pay review may be deferred until after their return to work (or carried out before maternity/adoption/parental leave commences), depending on the effect of the timing and length of the absence on the ability to carry out a performance review. Account could also be taken of performance in previous appraisal periods if there is little to go on in the current year. Where a teacher is away because of maternity leave, it is unlawful for the LA to deny that teacher an appraisal and subsequent pay progression decision because of her maternity. When a teacher returns to work from maternity leave, the LA must give her any pay increases that she would have received, following appraisal, had she not been on maternity leave. The LA will take the same approach where teachers return from a long period of paternity or adoption leave.

When a teacher is absent for disability related reasons the LA will consider and consult on whether there are any adjustments that can reasonably be made to enable the teacher to participate in appraisal and access pay progression. When a teacher returns to work following a disability related absence, the LA must not refuse a pay increase that the teacher would have received, following appraisal, had she/he not been absent for a reason related to disability, if the reason for the refusal is the teacher's disability or the refusal cannot be objectively justified.

4.9. Decision Making

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

Salary Assessments and Reviews will be made by the Executive Director or a Senior Manager nominated by them who will receive recommendations on pay progression from heads of service and other teachers filling the role of Appraiser.

Any salary decisions will be communicated in writing to each teacher in accordance with the School Teachers' Pay and Conditions Document.

4.10. Appeals

From time to time teachers may disagree with their salary assessment or annual salary review. As far as practicable these will be resolved informally with the Head of Service and/or representative(s) of the Executive Director. If this is not possible and the disagreement remains unresolved teachers will be able to have their disagreement

resolved through formal procedures. The formal procedure will be fair, equitable, and objective to allow a reasonable and appropriate outcome to be achieved. Outcomes of the formal procedures will always be in accordance with the procedures and requirements of the LA's Pay Policy (i.e. it should be self-regulating).

The order of proceedings will be as follows:

- 4.10.1. The teacher receives written confirmation of the pay determination, and where applicable, the basis on which the decision was made.
- 4.10.2. If the teacher is not satisfied and is unable to resolve the matter informally with the decision maker within 10 working days he/she will set down in writing the grounds for questioning the pay decision [which must relate to the grounds as set out in 4.10.5 below] and send it to the Executive Director, Childrens Services or their nominated representative (copied to the Director Organisation Development and Policy) within 10 working days of the notification of the decision being appealed against, or of the outcome of the discussion referred to above.
- 4.10.3. The Executive Director, or their nominated representative in conjunction with the Director of Organisation Development and Policy should provide a hearing within 10 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.
 - The teacher is entitled to be accompanied by a colleague or Professional Association Representative.
 - The timing and location of the formal meeting will be reasonable and will allow both parties to explain their cases.
 - The teacher and their representative will have access to all relevant documents.
 - The teacher or representative will be able to state their case and ask questions of the Executive Director, or their representative who may be advised by the Head of Service and/or their representative.
 - The Executive Director or their representative will give reasons for his/her original decision and respond to any questions put to him/her by the teacher or representative.
- 4.10.4. The Executive Director or their representative may seek the advice of the Head of Service, or representative. The Executive Director or their representative will decide the outcome of the representations and inform the teacher in writing within 1 working day. If appropriate, the teacher will be informed in writing of their right of appeal.
- 4.10.5. The teacher can appeal against the decision on procedural grounds or that the Executive Director or their representative has failed to implement the LA's Pay Policy. A teacher may appeal against any determination in relation to his/her pay on statutory grounds as follows:

That the Executive Director, Childrens Services or their representative who made the decision:

- a) Incorrectly applied this pay policy.
- b) Incorrectly applied any provision of the School Teachers' Pay and Conditions Document.
- c) Failed to have proper regard for statutory guidance.
- d) Failed to take proper account of relevant evidence.
- e) Took account of irrelevant or inaccurate evidence.
- f) Was biased or
- g) Otherwise unlawfully discriminated against the teacher.

Any appeal will be heard by an Executive Director, or a member of their Senior Management Team, normally from a different Department (Hearing Officer) who were not involved in the original determination and have had no prior involvement of any kind in the matter.

- It will be heard 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 and will have the right to be accompanied by a colleague or Professional Association Representative.
- The employee or representative will be able to state their case.
- Executive Director, Childrens Services or their representative will give reasons for his/her decision.
- The Hearing Officer may ask questions of the employee or representative and the Executive Director, Childrens Services or their representative.
- The Hearing Officer will be supported by an officer from HR and may seek the advice of the Head of Service and/or Executive Director Childrens Services or representative.
- The Hearing Officer will decide the outcome of the appeal and inform the employee in writing within 1 working day. Where the appeal is rejected it will include a note of the evidence considered and the reasons for the decision.
- The pay appeals procedure performs the function of the grievance procedure on pay matters and therefore decisions should not be re-opened under general grievance procedures. Appeal decisions do not affect teachers' statutory employment rights.

5. USE OF DISCRETIONS IN BASIC PAY DETERMINATION

Since 1 September 2014 the relevant body has had the freedom to set its own pay points between the minimum and maximum salary on the leadership pay range for each headteacher group. Derbyshire County Council has adopted the previous 43 scale points, increased in line with uplifts made in national pay awards, as the leadership pay spine for relevant teachers employed by the council and not attached to schools.

5.1. Pay range for Heads of Service

The Authority will review the Individual Salary Range (ISR) of 5 points when it appoints a new Head of Service and will take account of the size and circumstances of the service at the time. The ISR must take into account all relevant considerations and permanent responsibilities of the role, including identified recruitment difficulties, a high degree of complexity and challenge of the role, or additional levels of accountability. The LA will normally place a new Head of Service on the bottom point of the ISR but will consider experience and current salary and in exceptional circumstances may place a new Head of Service on a higher point, up to the third point of the ISR. This leaves at least 2 points for performance related pay progression. The LA should not take account of the salary of the serving Head of Service, if they re-determine the ISR when recruiting a new Head of Service.

In order to determine the Head of Service ISR the LA will:

- I. determine the size of the Service with reference to the number of pupils/families served, their key stages, and ratio of full time equivalent staff to pupils,
- II. identify the salary range for the size of the service,
- III. take into account any challenges specific to the role and other relevant considerations,
- IV. determine an ISR of 5 points, as Heads of Service do not hold the level and scope of responsibilities required of Headteachers and they report to Assistant Directors (or their representatives),
- V. when making a new appointment, consider the requirements of the post and the extent to which the preferred candidate meets those requirements to determine whether it would be appropriate to set a starting salary above the minimum of the range. There must be appropriate scope for performance related progress within the range,
- VI. factors not expected to persist will be reflected through an allowance rather than consolidated into the pay range.

The LA should determine the pay range for Heads of Service when they propose to make a new appointment or at any time if there has been a significant change in the responsibilities of the post. The ISR should be reviewed if a pay range is set for a deputy or Assistant Head of Service, however the pay ranges may overlap.

Where a Head of Service is appointed as Head of more than one service on a permanent basis, the relevant body must determine an ISR with reference to the total number of pupils/families served across both services, the ratio of FTE staff to pupils and the responsibilities and challenge of the post.

Temporary Payments

The LA may determine that additional temporary payments be made to a Head of Service for clearly temporary duties or responsibilities that were not taken into account when the salary range for the post was formulated. The total sum of such payments in any school year must not exceed 25% of the amount that corresponds to the Head of Service's point on the leadership pay spine.

This limit does not apply where residential duties are a requirement of the post or to relocation expenses which relate solely to the personal circumstances of the Headteacher.

The LA may determine that the limit to the total sum of additional payments made to the Head of Service is exceeded in wholly exceptional circumstances. The LA must seek external independent advice before providing such agreement. An audit trail of the advice received will be retained and a record of the decisions made by the LA, with the reasoning behind them

5.2. ISRs for Deputy and Assistant Heads of Service

The LA will determine an ISR of 5 consecutive points for each Deputy and Assistant Head of Service. The ISR will reflect the responsibilities and challenge of the post, the circumstances of the service, and possible recruitment and retention difficulties.

The Pay Range may be determined as of 1 September or at any time of year to reflect any changes in the circumstances or job description/responsibilities that lead to a change in the basis for calculating their pay, or at any time if it is considered necessary to retain a Deputy or Assistant Head of Service.

A new Deputy or Assistant Head of Service may be paid on any one of the bottom 3 points of their pay range and will normally be appointed on the lowest point.

The top point of any deputy Head of Service pay range will normally be set at least 1 point below the lowest point of the Head of Service ISR, unless there are exceptional reasons why this is not the case.

The minimum of a Deputy Head of Service's pay range must not be less than the next leadership point above the minimum of any Assistant Head of Service's pay range.

The minimum of a Deputy Head of Service's or Assistant Head of Service's pay range must not be less than the next leadership point above the salary of the highest paid classroom teacher.

This is defined as the highest paid classroom teacher when calculated on;

- the sum of the cash value of point 1 on the Upper Pay Range,
- plus the cash value of any substantive TLR payments and
- Special Educational Needs Allowances.

These are the only differentials which are required by the School Teachers' Pay and Conditions Document and the Local Authority acknowledges it is possible that the actual salary differential between:

- an inexperienced or new Head of Service and an experienced Deputy or Assistant Head of Service may be relatively small.
- an experienced Head of Service and an inexperienced or new Deputy or Assistant Head of Service may be relatively large.

Also, that similar situations may arise for differentials between Deputy or Assistant Heads of Service and the highest paid class teacher and that

- an experienced Assistant Head of Service may be paid more than an inexperienced or new Deputy Head of Service.
- A teacher who has progressed up the Upper Pay Range and who receives additional substantive allowances may be paid more than a more senior member of staff.
- A teacher on a protected salary may be paid more than a Deputy or Assistant Head of Service, and/or the highest paid class teacher as defined in The School Teachers' Pay and Conditions Document.

These situations are due to specific circumstances which have been anticipated and are acceptable according to the School Teachers' Pay and Conditions of Service Document.

When the Head of Service becomes responsible for more than one service, in all cases, consideration will to be given to the remuneration of Deputy and Assistant Heads who, as a result of the Head of Service's role, are taking on additional responsibilities. An increase in remuneration will only be agreed where the post accrues additional extra responsibilities as a result of the Head of Service's enlarged role, it is not automatic.

5.3. Leading Practitioners

From 1 September 2013 the LA had to determine whether to include in the service's

staffing structure any posts which primarily have the purpose of modelling and leading the improvement of teaching skills. A teacher paid on the Leading Practitioners' pay range must be an exemplar of teaching skills, lead the improvement of teaching skills in their service and carry out the professional responsibilities of a teacher, including those duties delegated by the Head of Service.

Any teacher placed on the pay range for Leading Practitioners will take a leadership role in developing, implementing and evaluating policies and practice in the service which contribute to school improvement.

For any proposed Leading Practitioner post the LA will determine an individual pay range within the overall range for the post. The Head of Service will formulate a job description for approval through the Council's procedures. Different posts within the services may be paid on different individual ranges. The LA will determine where, within the individual range for any particular post, each relevant teacher will be paid.

Teachers on this pay range must be an exemplar of teaching skills, lead the improvement of teaching skills in the schools and carry out the responsibilities of a teacher other than a Headteacher. Their duties may include:

- Coaching, mentoring and induction of teachers, including trainees and Early Career Teachers (ECTs),
- Disseminating materials and advising on practice, research and continuing professional development (CPD) provision,
- Assessment and impact evaluation, including through demonstration lessons and classroom observation,
- Helping teachers who are experiencing difficulties,
- Outreach work in other services/ schools/settings.

The minimum of the pay ranges for Leading Practitioners is £42,402 and the maximum is £64,461. In setting an individual range the LA will have regard to the weight of responsibilities, challenge and demands of the post and internal pay relativities between posts of differing levels of responsibility.

5.4. Other Teachers

Discretionary experience points for classroom teachers, on appointment.

Teachers Appointed from the Maintained Sector

The LA will determine the pay scale for a vacancy prior to advertising. On appointment it will determine the starting salary within that range, to be offered to the successful candidate. In making such a determination the LA may take into account factors including

- The nature of the post,
- The level of qualifications, skills and experience required,
- Market conditions,

- The wider school context.

When placing a classroom teacher on the main pay range, the LA is committed to the principle of pay portability and will take full account of the experience of a newly appointed teacher on the Main Pay Range. The LA will honour a teacher's position on the Upper Pay Range. In both cases this will include any pay progression the teacher would have been awarded as a result of their most recent appraisal review in the post where they were previously employed.

Where the teacher was previously employed on the Main Pay Range or Upper Pay Range, in a school/service which has adopted different salary points to this authority, the teacher will be appointed at the next salary point above the value of their previous salary.

Teachers Appointed from Service other than in the Maintained Sector

Qualified teachers appointed from service as a teacher in an Academy, a city technology college or a college for the arts will be assimilated as detailed above for teachers from the maintained sector, if they were previously employed on a pay scale which utilised the minima and maxima provided in STPCD.

Where the teachers have been paid on salary scales outside of the minima and maxima provided in the STPCD, their level of service will be utilised to determine a pay point on the relevant salary range.

The LA will award a point or points on the Main Pay Range in recognition of previous teaching experience, as detailed below, or for wider areas of relevant experience in the following circumstances:

- Service in an independent school.
- Service as a qualified teacher in an overseas school outside the European Economic Area or Switzerland in the maintained sector of the country concerned.
- Service as a qualified teacher in further education, including Sixth Form Colleges.
- Service teaching in higher education.

The LA will consider awarding one point, in total, on the Main Pay Range on a case by case basis for:

- Relevant experience outside teaching of at **least 3 years** which may include:
 - Industrial or commercial training.
 - Paid work directly related to the care and supervision of children.

- Paid work in an area directly related to the subject being taught and with commensurate responsibility.

5.5. Part-time teachers

Teachers employed on an ongoing basis by the service but who work less than a full working day or week are deemed to be part-time. The LA will give them an agreed written statement detailing their working time obligations and the mechanism used to determine their pay, subject to the provisions of the statutory pay arrangements and working time arrangements and by comparison with the Service's standard timetabled teaching week, for a full time teacher. Part-time teachers are paid an 'appropriate proportion' of 1265 (1258.5 for the school year beginning in 2021) hours, as set out in the School Teachers' Pay & Conditions Document. Part-time teachers must be paid the pro rata percentage of the full-time salary for a teacher in an equivalent post. The same percentage must be applied to any allowances 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 of Service (or in the case where the part-time teacher is a Head of Service, the Executive Director, Childrens Services or their nominated representative), should also be paid at the same rate.

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.

5.6. Short notice/supply teachers

Teachers who work on a day-to-day or other short notice basis have their pay determined in line with the statutory pay arrangements in the same way as other teachers. Teachers paid on a daily basis will have their salary assessed as an annual amount, divided by 195 (194 for the school year beginning in 2021) and multiplied by a number of days worked.

Teachers who work less than a full day will be hourly paid and will also have their salary calculated as an annual amount which will then be divided by 195 (194 for the school year beginning in 2021) then divided again by 6 to arrive at the hourly rate.

5.7. Unqualified Teachers

If a service is unable to recruit appropriately qualified teachers, unqualified teachers may be appointed. The LA will, when determining on which point to place unqualified teachers on the unqualified teachers' pay scale when they are appointed, take account of any relevant qualifications and experience. Unqualified teachers may be appointed above the minimum in the following circumstances:

Qualifications:

- a) 1st or 2nd Class Hons. Degree
- b) A higher degree from a UK university in their subject area

- A recognised overseas teaching qualification, in a directly related subject/area
- A recognised Post–16 teaching qualification
- Other recognised qualification relevant to their subject area

Service:

- A period of at least 2 years of service as an overseas-trained teacher, where the post is directly related to the area now being taught and with commensurate responsibility
- A period of at least 2 years of service teaching in further education, including Sixth Form Colleges
- A period of at least 2 years of service teaching in higher education
- The LA may consider awarding on a case by case basis
- Periods of at least 3 years spent outside teaching but working in a relevant area. This might include industrial or commercial training, time spent working in an occupation relevant to the teacher’s work, and experience with children/young people

5.8. Unqualified teachers’ allowance

The LA will pay an unqualified teachers’ allowance to unqualified teachers when the authority considers their basic salary is not adequate having regard to their responsibilities, qualifications and experience. Where an unqualified teacher is appointed to a post that would carry a Teaching and Learning Responsibility payment (TLR), if filled by a qualified teacher, then the teacher will be paid an allowance of the same value as the relevant TLR as long as the teacher has:-

- (a) taken on a sustained additional responsibility which is –
 - (i) focussed on teaching and learning;
 - (ii) requires the exercise of a teacher’s professional skills and judgment;
- Or
- (b) qualifications or experience which bring added value to the role he/she is undertaking.

6. PAY REVIEWS and PAY PROGRESSION

Since September 2013 there are 4 pay ranges for teachers other than those on the Leadership pay range.

- i) The main pay range for qualified teachers who are not entitled to be paid on any other pay range
- ii) The upper pay range
- iii) The pay range for Leading Practitioners, whose primary purpose is to model and lead teaching improvement, and
- iv) The unqualified teacher range

Any pay increase awarded to a teacher on the main pay range, upper pay range, or unqualified pay range, or any movement between those ranges will be permanent for as long the teacher remains employed **directly** by this LA.

The 2021 makes provision for a consolidated award of £250 to all Teachers whose full-time equivalent basic earnings are less than £24,000 and introduces advisory pay points for teachers on the unqualified teachers' Pay Range from September 2021. The 2021 national pay award will therefore uplift the salary of teachers on the 1st three points of the unqualified teachers range by £250.

The LA has adopted the advisory pay points recommended by the STPCD 2021 for the-unqualified teachers' pay range from 1 September 2021.

6.1. Main Pay Range

The Main Pay Range has a minimum of £25,714 and a maximum of £36,961. The LA has determined that the recommended advisory points will be used as points of progression through the range, where agreed by the LA through the application of this policy.

Point 1	£25,714
Point 2	£27,600
Point 3	£29,664
Point 4	£31,778
Point 5	£34,100
Point 6	£36,961

6.2. Unqualified Teachers' Pay Range

An unqualified teacher will be paid within the minimum of £18,419 and maximum £28,735 of the Unqualified Teachers' Pay Range. The LA has determined the salary reference points shown below will be utilised where it is agreed that an unqualified teacher will progress up the range through performance reviews, in accordance with this policy.

Point 1	£18,419
Point 2	£20,532
Point 3	£22,644
Point 4	£24,507
Point 5	£26,622
Point 6	£28,735

6.3. Upper Pay Range

The Upper Pay Range has a minimum of £38,690 and a maximum of £41,604 The LA has determined that the recommended advisory points will be used as points of progression through the range, where agreed by the LA through the application of this policy.

Point 1	£38,690
Point 2	£40,124
Point 3	£41,604

The LA will pay a teacher on the Upper Pay Range if:

- a) The teacher is employed, or defined as, a post threshold teacher, for as long as the teacher is so employed by the LA without a break in the continuity of their employment.
- b) The teacher applies to be paid on the Upper Pay Range, in accordance with the arrangements set out in paragraph 6.7 of this policy and that application is successful, the teacher is still employed by the LA and there has been no break in the continuity of employment;
- c) The teacher was previously employed in the leadership group, was first appointed as such on or after 1 September 2000 and occupied such a post or posts for an aggregate period of one year or more.
- d) The teacher was employed as an Advanced Skills Teacher/Excellent teacher by the LA under the 2012 Document.

and the teacher specified in (a) to (d) will not be paid on the pay range for Leading Practitioners or on the Leadership scale.

The LA will determine, on a case by case basis, where teachers covered by c) or d) will be placed on the range. For teachers paid on the Upper Pay Range by virtue of a) the LA will recognise previous pay progression on the scale. Teachers to be paid on the Upper Pay Range (UPR) by virtue of the circumstances in b) will be paid on the minimum of the range.

(Please see STPCD paragraph 14.3 for a complete list of those teachers who may be paid on the Upper Pay range).

6.4. Pay Range for Leading Practitioners

From 1 September 2013 the LA will determine whether to include in the Services' Staffing Structures any post(s) which primarily have the purpose of modelling and leading improvement in teaching skills (see 5.3 above)

The Pay Range for Leading Practitioners has a minimum of £42,402 and a maximum of £64,461

The LA will determine an individual post range of 5 points for each Leading Practitioner post and where, within the individual post range, each teacher will be paid. Where a Leading Practitioner Post is adopted by the LA will be determined from the following points:

- | | |
|------------|-------------|
| 1. £42,402 | 10. £52,983 |
| 2. £43,465 | 11. £54,357 |
| 3. £44,550 | 12. £55,610 |
| 4. £45,658 | 13. £57,000 |
| 5. £46,796 | 14. £58,421 |
| 6. £47,969 | 15. £59,875 |
| 7. £49,261 | 16. £61,467 |
| 8. £50,397 | 17. £62,878 |
| 9. £51,656 | 18. £64,461 |

6.5. Leadership Pay Spine

The Council has determined that the leadership pay ranges will utilise the following reference points between the statutory minimum and maximum.

	£		£
Minimum	42,195	23	72,497
2	43,251	24b	74,295
3	44,331	25	76,141
4	45,434	26	78,025
5	46,566	27b	79,958
6	47,735	28	81,942
7	49,019	29	83,971
8	50,151	30	86,061
9	51,402	31b	88,187
10	52,723	32	90,379
11	54,091	33	92,624
12	55,338	34	94,914
13	56,721	35b	97,273
14	58,135	36	99,681
15	59,581	37	102,159
16	61,166	38	104,687
17	62,570	39b	107,239
18b	64,143	40	109,914
19	65,735	41	112,660
20	67,364	42	115,483
21b	69,031	Maximum	117,197
22	70,745		

6.6. Pay Progression

September 2013 was the last time when teachers on the Main Pay Range received annual increments, as all pay decisions made from September 2014 will need to be linked to assessments of performance.

All decisions regarding pay progression will be made with reference to the teachers' appraisal review statements and the pay recommendations they contain. To be fair and transparent, assessments of performance will be properly rooted in evidence. The evidence to be utilised in a performance pay review must be part of the appraisal process. It would not be appropriate for the authority to introduce evidence requirements that are not directly and explicitly related to the formal appraisal process and with the objectives and standards agreed with the teacher. Careful consideration will be given to avoid the inappropriate use of evidence and the need for the adoption of targets and objectives that enable teachers to demonstrate performance rather than simply results.

Detailed advice on setting and appraising appropriate performance targets as agreed by the Teacher Workload Advisory Group is provided in:

[The DfE Teacher Workload Advisory Group Report "making data work" report - 2018](#)

The Report states that:

- *teachers should have goals that are within their control, that are closely tied to actionable behaviours, and that are aspirational and achievable,*
- *the performance of a single exam class should not be used as a principal measure of teaching quality in a performance management system,*
- *pay progression 'should never be dependent upon quantitative assessment metrics, such as test results',*
- *while data based on commercially produced predictions can play a helpful role in informing professional conversations about pupil achievement and the work of teachers, these systems produce ranges of grade estimates and inaccurate grade targets, and should therefore not be treated as accurate targets,*
- *current practice in using pupil attainment data in teacher performance management systems is often poor,*
- *research demonstrates that using quantitative metrics to judge teacher performance is difficult since few of the practices that can be codified and measured straightforwardly are highly correlated with teacher quality,*
- *pupil assessment scores, grades in lesson observations, and scores following book scrutiny are all quite poor proxies for whether or not somebody is teaching well, and*
- *if teachers are held to account for things that are largely outside their own control, such as a pupil's test performance or progress based on flight paths, it is not only unfair, but induces high levels of stress and is likely to lead to burnout and ultimately attrition from the profession.*

In the Support Services fairness will be ensured through the annual monitoring of the application of the pay policy and pay decisions by the LA.

The evidence to be used in the LA as the basis for assessing performance is detailed in the LA's Appraisal Policy. The policy also details how fairness will be ensured through the process of appraisal and performance review.

Teachers' appraisal reports will contain pay recommendations. Final decisions about whether to accept a pay recommendation will be made by the Executive Director, or their nominated representative having regard to the appraisal report and taking into account advice from the Head of Service/Senior Leadership team. If a pay recommendation is not accepted, the Executive Director, or their nominated representative will provide the teacher with the reasons behind the decision and direct the teacher to the appeals procedure.

Where a teacher is away because of maternity leave, it is unlawful for the LA to deny that teacher an appraisal and subsequent pay progression decision because of her maternity. When a teacher returns to work from maternity leave, the LA must give her any pay increase that she would have received, following appraisal, had she not been on maternity leave. When a teacher returns to work following a disability related absence, the LA must not refuse a pay increase that the teacher would have received, following appraisal, had he or she not been absent for a reason related to disability, if the reason for the refusal is the teacher's disability or the refusal cannot be objectively justified.

The LA will take account of potential pay progression in the light of the authority's budget and ensure that appropriate funding is allocated for pay progression at all levels. All teachers can expect to progress to the top of their pay range subject to successful appraisal reviews.

In order for an appraisal/performance review to be deemed 'unsuccessful' significant concerns about standards of performance not meeting expectations/progress towards objectives not being satisfactory, will have been raised during the annual appraisal cycle and recorded in writing. Also, the concerns will not have been sufficiently addressed by the teacher following support and feedback provided by the service by the conclusion of the cycle.

In the LA judgements of performance will be made against the extent to which teachers have met their individual objectives and fulfilled relevant standards as detailed in the LA's Appraisal Policy.

6.7. Early Career Teachers

In the case of Early Career Teachers (ECTs), whose appraisal arrangements are different, pay decisions will be made by means of the statutory induction process. ECTs will not be negatively affected by the extension of the induction period from one to two years. This change does not prevent a school from awarding pay progression to ECTs at the end of the first year.

6.8. Teachers on the Main Pay Range

Teachers will be eligible for pay progression of one point up the scale defined by the LA following each successful appraisal review.

In exceptional circumstances, where a teacher's performance is assessed to be successful in relation to significantly exceeding appropriate objectives, they are assessed as highly competent in fully meeting the relevant standards and significantly improving the progress of pupils, teachers may be awarded an extra point of progression on the Main Pay Range for excellent performance.

6.9. Movement to the Upper Pay Range

New arrangements for gaining access to the UPR came into effect from 1 September 2013. Teachers must have Qualified Teacher Status (QTS).

There are no barriers in STPCD connected with length of service for a teacher to be eligible for movement on to UPR, however teachers will need to demonstrate substantial, highly competent and, particularly, sustained performance

Teachers have the opportunity to make accelerated progress through the main pay range, if awarded movement of 2 points, following annual performance review. Individual teachers must decide whether or not they wish to apply to their Head of Service to be paid on UPR. Any application must be assessed in line with this policy. Applications may be made once a year, to be received by the end of October, to enable inclusion of the previous academic year's appraisal review, with consequent backdating of the transfer to UPR to the 1 September.

If a teacher is simultaneously employed at another LA/school, they may submit separate applications if they wish to apply to be paid on UPR in that LA or school. The LA will not be bound by any pay decision made by another LA or a School.

All applications should include the results of reviews or appraisals under the 2012 regulations, including any recommendation on pay, where these fall within the period of assessment. The LA may assess applications to progress to the UPR using only the most recent appraisal cycle and should consider whether this provides the teacher with sufficient opportunity to show that highly competent performance is substantial and sustained, bearing in mind the expectations of a teacher paid on UPR. As referenced in paragraph 6.6, particular consideration needs to be given to the applications of teachers who have been on maternity leave or absent with long term illness, especially if the absence is related to a disability.

Applications, using the standard format attached to this policy, should be submitted in writing to the Head of Service through their appraiser at the appraisal planning meeting. The application should be appended to their appraisal planning statement.

An application from a qualified teacher will be successful where the LA is satisfied that:

- a) the teacher is highly competent in all elements of the relevant standards and

b) the teacher's achievements and contribution to the school are substantial and sustained.

For the purposes of this pay policy the LA will be satisfied that the teacher has met the expectations for progression to the Upper Pay Range where the Upper Pay Range criteria (see Appendix B) have been satisfied as evidenced in the agreed performance reviews.

The Head of Service will remind, or delegate appraisers to remind, all teachers regardless of their position on the Main Pay Range of their eligibility to apply for assessment.

Teachers should notify their appraiser that they are planning to apply for assessment to move to the UPR, so that objectives are set appropriately, and feedback is given, in relation to the Teachers' Standards and Upper Pay Range Criteria defined in Appendix B. It is the responsibility of the teacher to decide whether or not they wish to apply to be paid on the Upper Pay range. Appraisers should normally expect that teachers approaching the top of the Main Pay Range will apply to transfer to the UPR, if they have not already done so, unless they have stated that they do not wish to apply.

For teachers who have indicated an intention to apply to transfer to the UPR, it is important that where there is concern that a teacher will not fulfil the Upper Pay Range Criteria, the issues are raised with the teacher during the appraisal cycle. Relevant actions and support should be agreed in order for the teacher to address the areas where there is concern.

In order for an appraisal review to be deemed unsuccessful, in relation to meeting and sustaining UPR criteria, this must be raised during the annual appraisal cycle and recorded in writing. Also the issues will not have been sufficiently addressed by the teacher, following support and feedback provided. Furthermore, the teacher should be provided in writing with clear feedback as to whether they are continuing to successfully meet the Teachers' Standards.

The application will be assessed by the Head of Service and a recommendation in relation to a teacher's application to be paid on UPR will be considered by the Executive Director or their nominated representative who must be satisfied that a) and b) above are met. (See Appendix C).

Process and Procedures

The assessment will be made within 15 working days of the deadline for receipt of applications, at the latest. Applicants will all be informed of the outcome and when the Head of Service's assessment will be reported to the Executive Director or their nominated representative for confirmation.

If the applicant is unsuccessful, feedback will be provided by the Head of Service (or other senior leader as determined by the service) Feedback will be provided verbally within 10 working days of the Executive Director or their nominated representative's

determination and be confirmed in writing within a further 10 days. It will be made clear in the feedback, if applicable, where the criteria for moving to the Upper Pay Range were deemed not to be met and details of how to submit an appeal provided, including the timescale for the process.

Any appeal against a decision not to move a teacher to UPR will be determined through the hearing and appeal process detailed in paragraph 4.10 of this policy.

Successful applicants will move to UPR from 1st September (i.e. backdated if the application was received between 1 September and 31 October). For initial applications to be paid on UPR, all successful applicants will be placed at the minimum of the UPR.

6.10. Post Threshold Teachers/Progression on the Upper Pay Range

Teachers will be eligible for pay progression of at least one point up the scale defined by the LA, following each successful appraisal review.

Progression on the UPR depends on the teacher's achievements and contribution to meeting the specified criteria.

The Annual performance review will determine whether the teacher's performance has been 'highly competent, substantial and sustained', as defined in the Upper Pay Range criteria. Appraisal reviews should show that the teacher has further developed their performance.

In order for an appraisal/performance review to be deemed 'unsuccessful' significant concerns about standards of performance not meeting expectations and/or progress towards objectives not being satisfactory, will have been raised during the annual appraisal cycle and recorded in writing.

Also, the concerns will not have been sufficiently addressed by the teacher, following support and feedback provided by the LA.

6.11. Heads of Service

Heads of Service must demonstrate sustained high quality of performance, with particular regard to school leadership, management and pupil progress in the service and will be subject to a review of performance against performance objectives before any performance points will be awarded. When making a determination on pay progression the LA must have regard to the recommendation on pay recorded in the Head of Service's appraisal review.

Annual pay progression within the range for this post is not automatic. Any progression will normally be by one point. The LA may exercise the discretion available to award a further point for exceptional performance. Exceptional performance is defined as that which significantly exceeds the expectations identified in the objectives or, in addition to successfully achieving performance objectives, the service is judged by external assessment to be significantly improved and/or delivering excellent provision.

6.12. Deputy Heads of Service and Assistant Heads of Service

Currently there are no Deputy or Assistant Heads of Service in the LA. Such posts, if established, would be awarded additional scale points as a result of successful performance review in accordance with this pay policy. Appraisal Reviews would take account of performance objectives. Deputy and Assistant Heads of Service must demonstrate sustained high quality of performance in respect of service leadership and management and pupil progress.

When making a determination on pay progression the LA must have regard to the recommendation on pay recorded in the teacher's appraisal review. Any progression will normally be by one point. The LA may exercise the discretion available to award further progression for exceptional performance. Exceptional performance is defined as that which significantly exceeds the expectations, identified in the objectives, in key areas of performance and where impact is validated.

6.13. Leading Practitioners

In order for Leading Practitioners to move up their individual pay range (as determined by the LA) they must achieve a successful appraisal review. This will be determined in relation to meeting their objectives, which will be set in accordance with their job description and responsibilities of the post. Reviews will be deemed successful unless significant concerns about standards of performance and/or progress towards meeting objectives have been raised with the teacher during the appraisal cycle and recorded in writing. Also the concerns will not have been sufficiently addressed by the teacher, following support and feedback provided by the service by the conclusion of the cycle

When making a determination on pay progression the LA must have regard to the recommendation on pay recorded in the teacher's appraisal review. Pay progression will be by one point on the teacher's pay range. The LA has the discretion to consider further progression in the following circumstances of exceptional performance.

Exceptional performance is defined as that which significantly exceeds the expectations set out in their objectives in key areas of performance and impact is validated.

7. DISCRETIONARY ALLOWANCES AND PAYMENTS

7.1. Safeguarded payments and allowances

Safeguarding will apply for three years whenever a teacher faces a reduction in salary, as set out in the School Teachers' Pay & Conditions Document.

7.2. Teaching and Learning Responsibility Payments (TLRs)

TLRs are awarded to the holders of the posts indicated in the attached staffing structure and may only be awarded in the context of the Services' Staffing Structures and this Pay Policy. Teachers will not be required to undertake sustained, additional

responsibilities without payment of an appropriate established TLR1 or TLR2, unless paid on the leadership scale or in a Leading Practitioner post.

The values of the TLRs to be awarded are set out below and will be increased by any national pay awards and cost of living increases.

- **Criterion and factors for award of TLRs**

Criterion

The LA will award a TLR1 or TLR2 to a classroom teacher who is responsible and held accountable for undertaking a 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. 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 it -

- 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 TLR 1, 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 LA may award a third TLR (TLR3) to a classroom teacher on a temporary basis;

- for clearly time-limited school improvement projects,
- or one-off externally driven responsibilities.

Clear criteria for the award of a TLR3 will be set out by the Head of Service.

Teachers may hold more than one TLR3.

Teachers who are employed with a TLR1 or TLR2 payment may also be awarded TLR3(s).

As this would be a temporary addition to the staffing structure, the LA will consult with the professional associations/unions concerning the rationale for the post, the level of payment and duration before the decision to make such a payment is made.

The annual value of a TLR3 must be no less than £571 and no greater than £2,833. The LA will set 3 potential annual values for TLR3 posts of £571, £1,702, £2,833. The duration of the fixed term and payment must be established at the outset and payment should be made on a monthly basis for the duration of the fixed term. Where a TLR3 is awarded to a part-time teacher it will not be paid on a pro-rata basis.

Factors outlined in paragraphs (c) and (e) above do not have to apply to the award of TLR3s.

7.3. Values

The values of TLR1s and TLR2s must fall within the following ranges:

- a) the annual value of a TLR1 is no less than £8,291 and no more than £14,030 pa.
- b) the annual value of a TLR2 is no less than £2,873 and no more than £7,017 pa.
- c) the LA had determined that where TLRs of different values are awarded to 2 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 TLR1 or TLR2, but a TLR3 may be awarded to holders of TLR1 and TLR2 posts. A TLR1 or 2 post could be based on a job description that itemises several different areas of significant responsibility. A TLR1 or 2 post is a payment integrated 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. TLR1 or 2 posts awarded to part-time teachers must be paid pro-rata at the same proportion as the teacher's part-time contract.

The values of TLR payments awarded from 1 September 2021 in the LA are as follows:

TLR 2a	£2,876
TLR 2b	£4,792
TLR 2c	£6,701

TLR 1a	£8,296
TLR 1b	£10,211
TLR 1c	£12,123
TLR 1d	£14,029

7.4. Special Education Needs Allowances

A SEN allowance of no less than £2,270 and no more than £4,479 pa is payable to a classroom teacher: -

- In any SEN post that requires a mandatory SEN qualification.
- In a special school.
- Who teaches pupils in one or more designated classes or units in a school, or in the case of an unattached teacher in a local authority unit or service.
- In any non-designated setting that is analogous to a designated special class or unit, where the post:
 - a) involves a substantial element of working directly with children with SEN.
 - b) requires the exercise of a teacher's professional skills and judgement in the teaching of children with SEN and,
 - c) has a greater level of involvement in the teaching of children with SEN than is the normal requirement for teachers throughout the school or unit or service.

The LA has determined that relevant teachers will be awarded SEN allowances of the following value(s) SEN1 £2,270 pa and SEN2 £4,479 pa, taking into account the structure of the service's provision and: -

- 1) Whether mandatory qualifications are required for the post.
- 2) The qualifications or expertise of the teacher relevant to the post and
- 3) The relative demands of the post.

If teachers have responsibilities that meet the principles for the award of a TLR payment, it is appropriate to award a TLR of a relevant value as opposed to a SEN allowance. If a teacher has both leadership/management responsibilities in relation to the teaching of children with SEN, also undertakes direct teaching of such children and/or holds defined qualifications, then they may receive both TLR and SEN payments.

8. OTHER PAYMENTS

8.1. Continuing professional development

Teachers (including Heads of Service) who are requested to agree to attend voluntary continuing professional development outside of directed hours will be entitled to an additional payment at their substantive salary point or allowed an equivalent period of time off in lieu.

Any payments made for continued professional development will exclude additional allowances and will be made through normal payroll arrangements.

Teachers (including Heads of Service) who undertake initial teacher training activities, by request, which are not seen as part of the ordinary running of the Service, will be given separate contracts of employment to cover areas of work that are not part of their substantive teaching job, additional paid responsibilities or contract of employment. Areas of work that may attract a payment are planning an Initial Teacher Training course, preparing course materials, taking responsibility for the tuition and wellbeing of Initial Teacher Training students. The level of payment will be determined in relation to the specific allocated resource and HR advice on the Job Evaluation of the role.

Payments may not be made to a Head of Service for additional duties in relation to out of school learning, contribution to initial teacher training or for continuing professional development where the relevant body has already taken such services into account when setting the ISR.

8.2. Recruitment and retention incentives and benefits

The LA may decide to exercise the discretion to award Recruitment and Retention Incentives and Benefits. If so, a list of posts and areas of experience/expertise for which the LA is likely to experience recruitment difficulties will be determined annually or when a specific need arises. The Appointments and Conditions of Service Committee will be advised by the Executive Director or their representative and will access wider information on levels of remuneration/recruitment difficulties. Representatives of Professional Associations and Trade Unions will have been consulted about this before any decision is made by the LA and the agreed list will be made available to staff in advance of the annual salary reviews. The LA is mindful that if a recruitment and retention allowance is awarded to one teacher in a post, all other teachers in similar shortage areas should also be awarded the same level of allowance, unless there is good reason not to award the same payment.

The Executive Director or their nominated representative will recommend to the Appointment and Conditions of Service Committee whether recruitment and retention incentives and benefits should be offered to new or existing teachers, if so the nature, value, duration and the circumstances in which they will be paid. Where a teacher is given an incentive or benefit, written notification given at the time will state,

- Whether the award is for recruitment or retention.
- The nature of the award, (cash sums, % up rate of salary, travel, housing costs, childcare, health provision, etc).
- When/how it will be paid.
- Unless it is a one off award the start date and duration of the incentive.
- The basis for any uplifts which will be applied as applicable.

The criteria for which the Appointments and Conditions of Service Committee may consider whether it is necessary to award or continue a recruitment and retention allowance, which one, and for how long it will be paid will be:

- When a post has been widely advertised at least twice and it is not possible to appoint a suitable candidate.
- Post in shortage areas as defined by the LA.
- A vacant post for which the LA is likely to experience recruitment difficulties, based on prior experience.
- A post for which the LA would probably experience recruitment difficulties if the post were to become vacant, based on prior experience and available information.

The Executive Director or their nominated representative will not award a recruitment and retention allowance to a teacher whose performance has not been satisfactory in the last academic year, nor will a recruitment and retention allowance be paid during any period of unsatisfactory service. The Executive Director, or his representative, will advise the Appointment and Conditions of Service Committee on the award and continuation of recruitment allowances.

The LA will review the level of payments/benefits annually.

In the circumstances where it is decided to award any recruitment or retention incentives or benefits the following paragraph will be completed.

The LA will pay recruitment awards to _____ of £ _____ to be reviewed annually in the circumstances described above. The LA will pay retention awards to _____ of £ _____ for _____ years. This may be extended in “exceptional circumstances”. The use of any recruitment or retention payments will be reviewed at least every 3 years to ensure the criteria are still relevant.

After 3 years of the agreement to pay a recruitment and retention the payment may be phased out in equal instalments over a period of time equivalent to the duration of the allowance to a maximum of 3 years.

8.3. Recruitment and Retention Benefits

The consideration of awarding such benefits as travel, housing costs, childcare, health provision, etc. will be undertaken on a post by post basis taking into account:

- Any difficulties in attracting suitable applications for the post.
- Identified shortage areas.
- Specific identified challenges for prospective employees in attending for interview and/or accepting a post.

The extent of any award granted will be confirmed in writing by the LA. Any ongoing benefit(s) will be awarded on a time limited basis, to a maximum of 3 years. Staff members may request the continuation of a benefit at the commencement of the academic year in which it is due to end and the Executive Director, Childrens Services or their nominated representative will consider, in the light of the awarding criteria, whether to renew the benefit for a new fixed term, give notice of cessation or provide for the benefit to be phased out.

No Recruitment or retention benefits will be awarded to a service leader where such reason or circumstance has already been taken into account in determining the ISR. Any award, including a non-monetary benefit (which will be assigned a monetary value) must not cause the overall limit available for discretionary payments to heads of service to be exceeded.

8.4. Residential duties

Teachers working in residential special schools are normally entitled to be paid for residential duties in accordance with national agreements reached by the Joint Negotiating Committee for Teachers in Residential Establishments.

8.5. Honoraria

The LA will not pay any honoraria to any member of teaching staff for carrying out their professional duties as a teacher.

SALARY STATEMENTS

A Salary Statement will be issued to each teacher each year after the performance and statutory Salary Reviews.

A teacher's Salary Statement will show an assessment of basic salary and allowances. It will also include any safeguarding if appropriate.

The Statement will specifically include:

- The teacher's salary scale (Main, Unqualified, Upper Pay Range, Leading Practitioner, Leadership Group).
- Any points awarded for experience/performance on the Main Pay Range and any Threshold Assessment or Performance points on the Upper (post Threshold) Pay Range.
- Any TLR payment.
- Any allowance for teaching children with Special Educational Needs.
- Any Recruitment and Retention allowance and whether it is permanent or to be reviewed, including the date for review.
- Any other appropriate allowances.
- Any appropriate safeguarding.
- The teacher's actual salary

PAY POLICY ANNEXES

[Insert copy of the Services' Staffing Structures.]

APPENDIX B

UPPER PAY RANGE PROGRESSION CRITERIA

1. Professional Attributes

1.1 Contribute significantly, where appropriate, to implementing workplace policies and practice and to promoting collective responsibility for their implementation.

2. Professional knowledge and understanding

2.1 Have an extensive knowledge and understanding of how to use and adapt a range of teaching, learning and behaviour management strategies, including how to personalise learning to provide opportunities for all learners to achieve their potential.

2.2 Have an extensive knowledge and well-informed understanding of the assessment requirements and arrangements for the subjects/curriculum areas they teach, including those related to public examinations and qualifications.

2.3 Have up to date knowledge and understanding of the different types of qualifications and specifications and their suitability for meeting learners' needs.

2.4 Have a more developed knowledge and understanding of their subjects/curriculum areas and related pedagogy, including how learning progresses within them.

2.5 Have sufficient depth of knowledge and experience to be able to give advice on the development and wellbeing of children and young people.

3. Professional skills

3.1 Be flexible, creative and adept at designing learning sequences within lessons and across lessons that are effective and consistently well-matched to learning objectives and the needs of learners and which integrate recent developments, including those relating to subject/curriculum knowledge.

3.2 Have teaching skills which lead to learners achieving well relative to their prior attainment, making progress as good as, or better than, similar learners nationally.

3.3 Promote collaboration and work effectively as a team member.

3.4 Contribute to the professional development of colleagues through Coaching and Mentoring, demonstrating effective practice and providing advice and feedback.

Request for Assessment to be Paid on the Upper Pay Range

This form should be handled in confidence at all times.

Eligibility criteria

- In order to be assessed you will need to:
 - Hold Qualified Teacher Status on the date of your request; and
 - Be statutorily employed under the STPCD.
- All those wishing be paid on the Upper Pay Range will need to meet the criteria specified on the back of this form.
- Please enclose copies of the paperwork that forms the basis of the application to be paid on the Upper Pay Range.
- Print, sign and date the form, keeping a copy and pass it to your Head of Service by **31 October**

UPPER PAY RANGE PROGRESSION CRITERIA

(1) Professional attributes

- 1.1 Contribute significantly, where appropriate, to implementing workplace policies and practice and to promoting collective responsibility for their implementation.

(2) Professional knowledge and understanding

- 2.1 Have an extensive knowledge and understanding of how to use and adapt a range of teaching, learning and behaviour management strategies, including how to personalise learning to provide opportunities for all learners to achieve their potential.
- 2.2 Have an extensive knowledge and well-informed understanding of the assessment requirements and arrangements for the subjects/curriculum areas they teach, including those related to public examinations and qualifications.
- 2.3 Have up-to-date knowledge and understanding of the different types of qualifications and specifications and their suitability for meeting learners' needs.
- 2.4 Have a more developed knowledge and understanding of their subjects/curriculum areas and related pedagogy including how learning progresses within them.
- 2.5 Have sufficient depth of knowledge and experience to be able to give advice on the development and wellbeing of children and young people.

(3) Professional skills

- 3.1 Be flexible, creative and adept at designing learning sequences within lessons and across lessons that are effective and consistently well-matched to learning objectives and the needs of learners and which integrate recent developments, including those relating to subject/curriculum knowledge.
- 3.2 Have teaching skills which lead to learners achieving well relating to their prior attainment, making progress as good as, or better than, similar learners nationally.
- 3.3 Promote collaboration and work effectively as a team member.

- 3.4 Contribute to the professional development of colleagues through coaching and mentoring, demonstrating effective practice, and providing advice and feedback.

Part 1: Teacher details

To be completed by the teacher

Personal details

Surname _____

First name(s) _____

Previous surname (if applicable) _____

DfE number _____

Performance Management/Appraisal Details:

Year(s) covered by Planning/Review Statement(s)

Schools covered by Planning/Review Statement _____

Declaration by the teacher

I confirm that at the date of this request I meet the eligibility criteria and I submit appraisal reports and/or performance management statements covering the relevant period prior to this request for assessment against the Upper Pay Range Criteria.

Signed _____

Date _____

Part 2: Actions for the Head of Service

Check that the teacher is eligible to be assessed, according to the requirements of the School's Pay Policy.

- Before assessing whether the teacher meets the criteria to be paid on UPR the Head of Service must first be satisfied, on the basis of the evidence contained in the appraisal reports and planning review statements, that the teacher meets the Teachers' Standards. If the Teachers' Standards are not met, you must write to the teacher setting out the rationale for the judgement.
- If the Teachers' Standards are met, the Head of Service then goes on to assess whether the teacher meets the criteria for UPR progression set out on Page 2 of this form, having regard to the evidence contained in the appraisal report and/or planning and review statements.
- Make an overall judgement on whether the criteria are met/not met.
- Complete the Head of Service's statement.
- Sign, date and copy the form.
- Promptly report this recommendation to the Executive Director or their nominated representative for their ratification and inform the teacher.
- Inform the teacher in writing of the outcome within 20 working days of reporting to the Executive Director or their nominated representative.
- Provide the teacher with a copy of the written feedback showing clearly where the Upper Pay Range criteria *have been met or not met*.
- It would be good practice to ensure the teacher's appraiser is informed of any recommendations for the teacher's future development.
- Where progress to the UPR is not awarded, provide the teacher with details of the school's procedure for making representations and for appeal.

Application to be paid on Upper Pay Range - Feedback To be completed by the Head of Service

Name _____ of _____ teacher:

LA service:

Please record your overall judgements below:

Teachers' Standards

To be successful, the teacher must meet the Teachers' Standards as well as the criteria for payment on the Upper Pay Range. If these have not been met, you should provide a detailed explanation below.

Criteria to be paid on Upper Pay Range:

If, in your assessment, the criteria have not yet been met, throughout the relevant period, please provide below a detailed explanation of your judgement.

Otherwise, please indicate any areas of particular strength and areas for further professional development for the teacher:

Teachers' Standards/UPR Criteria (please delete as appropriate) met/not met

Signature: _____ Print
Name _____

Service: _____

Date:

NB This page should be passed back to the teacher.



DERBYSHIRE COUNTY COUNCIL

APPOINTMENTS & CONDITIONS OF SERVICE COMMITTEE

3 NOVEMBER 2021

Report of the Director of Organisation Development & Policy

Salary Sacrifice Shared Cost Additional Voluntary Contribution (AVC) Scheme Employer non-mandatory discretion in the Local Government Pension Scheme (LGPS) Regulations

Employer Discretion

Discretion in relation to post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members).

Regulation 17(1) - Decide whether, how much, and in what circumstances to contribute to a shared cost Additional Voluntary Contribution (AVC).

1. Purpose

1.1 For the Appointments & Conditions of Service Committee to note the update to the Council's Local Government Pension Scheme (LGPS) non-mandatory discretions policies to include a shared cost AVC scheme.

2. Information and Analysis

2.1 Derbyshire County Council, as the scheme employer must, under LGPS regulations, formulate, publish and keep under review a statement of policy on all mandatory discretions. There are a number of other discretions, which the Council may exercise under the LGPS Regulations 2013, where a written policy is not required; however, it is appropriate that these are included to ensure clarity on the Council's stance on these matters.

2.2 The change to the non-mandatory discretions policy will include Shared Cost AVC's as outlined in appendix 2. The salary sacrifice element is a pensionable emolument and pension contributions will be made on the basis of the notional (pre salary sacrifice) pay rather than reduced actual pay. Employees will also

receive additional benefit of reduced tax and national insurance contributions that is based on their actual pay (the reduced gross salary amount).

- 2.3 The Council's non-mandatory discretions policy statement is published on the Derbyshire County Council website. As the Council has agreed to implement a shared cost AVC scheme through a salary sacrifice arrangement, the discretions policy has been updated to include this (see Appendix 2).

3. Alternative Options Considered

- 3.1 Not including a salary sacrifice SCAVC scheme as a non-mandatory discretion would impact on scheme uptake and reduce the financial benefits to employees and the Council.

4. Implications

- 4.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

5. Consultation

- 5.1 The trade unions have been consulted on the proposal to implement a SCAVC scheme through the Reward & Resourcing workstream and will be engaged in the implementation of the scheme to support promotion to their members.

6. Background Papers

- 6.1 None

7. Appendices

- 7.1 Appendix 1 – Implications.
7.2 Appendix 2 – Non Mandatory Discretions Policy

8. Recommendation(s)

- 8.1 That the Appointments & Conditions of Service Committee, in its role as the employing authority, notes the update to the Council's non-mandatory discretions policy to include a salary sacrifice shared cost AVC pension arrangement for members of the LGPS.

9. Reasons for Recommendation(s)

- 9.1 Section 17.1 of the LGPS Regulations 2013 allow active members to enter into arrangements to pay additional voluntary contributions (AVCs) or to contribute to shared cost additional voluntary contribution arrangements (SCAVCs) in respect of an employment.

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Appendix 1

Implications

Financial

- 1.1 The Council has agreed to include a salary sacrifice SCAVC scheme in its employer non-mandatory discretion policy to incentivise the SCAVC scheme. There will be no additional cost to the Council's pay bill to include SCAVC in the non-mandatory discretions policy. Greater uptake of the scheme will reduce the employers national insurance contributions and apprenticeship levy.
- 1.2 Employers National Insurance contributions rate is 13.8%, with apprenticeship levy set at 0.5%. Under the incentivised SCAVC, projected number of current AVC member transferring into the new (284) SCAVC would generate approximately £161K reduced costs to the Council pay bill.

Legal

- 2.1 A salary sacrifice scheme involves an employee giving up part of his or her entitlement to salary, which is subject to income tax and National Insurance contributions, in exchanged for a new or non-cash benefit. The new or non-cash benefit benefits from a full or partial exemption from tax and/or National Insurance contributions.

As this a non-mandatory discretion it does not require a contract variation.

Human Resources

- 3.1 The introduction of a SCAVC scheme will be an additional employee benefit further enhancing the total reward package to employees and

prospective employees. Inclusion of a SCAVC scheme in the non-mandatory discretions policy will enhance the attractiveness of the scheme as employees will receive the benefit of reduced tax and national insurance contribution on the sacrificed salary amount, without impacting their normal local government pensionable pay.

- 3.2 There is no requirement to have a written policy in respect of non-mandatory discretions, however, it is recommended for Scheme employers to have a written policy in order that both members and the Pension Fund administering authority can be clear on the Scheme employer's policy on these matters

Information Technology

- 4.1 None

Equalities Impact

- 5.1 The salary sacrifice SCAVC scheme will be open to all employees who are members of the LGPS.

Appendix 2

Derbyshire County Council non-mandatory LGPS employer discretions

Scheme employers may also determine other LGPS discretionary controls.

At the committee meeting on 21 January 2015, Pensions and Investment Committee approved the following non-mandatory employer discretion, applicable from 1 April 2014.

1. Employee's LGPS contribution rate: Regulation 9 (1) & (3)

Where an active member changes employment or there is a material change which affects the member's pensionable pay during the course of a financial year, the scheme employer may determine that a contribution rate from a different band (as set out in Regulation 9 (2) and subsequent adjustments) should be applied.

Derbyshire County Council has decided that it will review the employee's contribution band from the date a permanent change to pay is applied and notify the employee in the revised contract that a review will be or has been undertaken.

Otherwise the band will be reviewed on 1 April each year in accordance with scheme regulations.

What to do if you are not happy with a decision about the assessment of your pension scheme contribution banding.

If you do not believe that the assessment of your pension scheme contribution banding has been correctly determined in line with the Council's policy above, you should contact the Council in the first instance.

However, if you have sought further information or clarification from the Council but you are not satisfied with a decision affecting you made in relation to the Local Government Pension Scheme, you have the right to ask for that decision to be looked at again under a formal complaint procedure.

The formal complaint procedure has two stages. Many complaints are resolved at the first stage. Any complaint you make will be considered thoroughly and fairly by an adjudicator.

You can ask someone to take your complaint forward on your behalf. This could be, for instance, a trade union official, welfare officer, your spouse, your partner, or a friend.

No charge is made at any stage for investigating a complaint. But you will have to meet the cost of your own (and/or your representative's) time, stationery and postage.

First stage

If you need to make a formal complaint, you should make it:

- in writing to the Assistant Director of Legal Services, County Hall, Matlock, Derbyshire, DE4 3AH, and
- normally within 6 months of the day when you were told of the decision you want to complain about.

Your complaint will be considered carefully by the adjudicator who is required to give you a decision in writing within 2 months or tell you when you can expect to receive a decision.

If the adjudicator finds in your favour, the body that made the original decision about which you made the complaint will be required to reconsider their decision.

Second Stage

You can ask the pension scheme administering authority to take a fresh look at your complaint in any of the following circumstances:

- you are not satisfied with the adjudicator's first-stage decision,
- you have not received a decision or an interim letter from the adjudicator, and it is 2 months since you lodged your complaint,

This review would be undertaken by a person not involved in the first stage decision.

You will need to send your complaint in writing to the pension scheme administering authority.

- within 6 months of the date of the adjudicator's decision, or
- within 9 months from the date you submitted your complaint if the adjudicator has not given you a decision within 3 months of the date you originally submitted your complaint, or
- if the adjudicator gives you an interim decision but not a final decision, within 7 months of the date the adjudicator had promised to give you a final decision.

The administering authority will consider your complaint and give you their decision in writing.

If you are still unhappy following the administering authority's second stage decision, you can take your case to the Pensions Ombudsman provided you do so within 3 years from the date of the original decision (or lack of a decision) about which you had complained.

Including a salary sacrifice shared cost AVC scheme within the LGPS non-mandatory discretions policy was agreed by the Cabinet Member for Council Services on 8 October 2020 and formally noted by the Appointments & Conditions of Service Committee on 3 November 2021.

2. Salary Sacrifice Shared Cost Additional Voluntary Contribution (SSSCAVC): Regulation 17 (1)

Discretion in relation to post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members).

Whether, how much and in what circumstances to contribute to a shared cost additional voluntary contribution (SCAVC).

Active members of the Local Government Pension Scheme (LGPS) already have the option to contribute to additional voluntary contributions (AVC's) and receive tax relief on the amount they pay through the payroll.

In accordance with the LGPS rules and regulations, an employer can also contribute to the employee's AVC fund. This is called a shared cost AVC (SCAVC) scheme. Such a scheme can be provided through a salary sacrifice arrangement. Under a salary sacrifice shared cost AVC (SSSCAVC) arrangement the employer agrees to pay the employee's specified contribution amount to their AVC fund, and the employee agrees to reduce their gross salary by an amount equal to their contribution amount. In addition, the employee pays a fixed £1 per month as their individual contribution.

The Council has agreed to implement a shared cost AVC scheme through a salary sacrifice arrangement.

Salary sacrifice schemes allow you to make savings by reducing part of your gross pay (before tax) in return for a non-cash benefit. Reducing your gross salary under salary sacrifice results in a saving in individual income tax and employee and employer national insurance contributions.

Before entering into a salary sacrifice arrangement, you need to be aware of the following:

- the agreement will vary your terms and conditions of employment for the period of the arrangement by the agreed annual sacrificed salary amount
- the salary sacrifice element is a pensionable emolument and pension contributions will be made on the basis of the notional (pre salary sacrifice) pay rather than reduced actual pay
- your basic hourly rate, after salary sacrifice, must be above the National Minimum Wage. If National Minimum Wage requirements are not met, then you will not be eligible to join a scheme
- salary sacrifice can affect entitlement to earnings related benefits such as Maternity Allowance and Additional State Pension, it may also affect contribution based benefits such as Incapacity Benefit
- if there is a change in the law, the Council may need to treat salary sacrifice schemes as a taxable benefit

You should always carefully read the terms and conditions of each individual agreement before signing up and are advised to seek independent legal advice if you are unsure of any aspect of a salary sacrifice agreement. You should not enter into a finance agreement through salary sacrifice if this may cause you financial hardship.

This policy is to allow Local Government Pension Scheme members, subject to the member meeting the conditions for acceptance, to contribute to a Salary Sacrifice Shared Cost Additional Voluntary Contribution (SSSCAVC).

For the purposes of annual pay awards, redundancy pay calculations, and employee leave scheme payments and deductions, the council will recognise employee's notional pay (pre-salary sacrifice salary).

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