

Public Document Pack



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PUBLIC

To: Members of Appointments and Conditions of Service Committee

31 October 2019

Dear Councillor,

Please attend a meeting of the **Appointments and Conditions of Service Committee** to be held at **11.00 am** on **Friday, 8 November 2019** in Committee Room 3, County Hall, Matlock, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Emma Alexander'.

Emma Alexander
Executive Director
Commissioning, Communities and Policy

A G E N D A

PART I - NON-EXEMPT ITEMS

1. Apologies for Absence
To receive apologies for absence (if any)
2. Declarations of Interest

To receive declarations of interest (if any)

3. Minutes (Pages 1 - 4)

To confirm the non-exempt minutes of the meeting of the Appointments and Conditions of Service Committee held on 24 June 2019

4. To consider the report of the Director of Organisational Development and Policy on proposed Trade Union Time Off Agreement (Pages 5 - 18)

5. To consider the joint report of the Executive Director Commissioning, Communities and Policy, Director of Public Health and Director of Organisation Development and Policy on the application for Market Supplement Payment Extensions

6. To consider the report of the Executive Director Children's Services on School Teachers' Pay Award and updated Pay Policy for Centrally Employed Teachers - 1 September 2019 (Pages 19 - 56)

PART II - EXEMPT ITEMS

7. Declarations of Interest

To receive declarations of interest (if any)

8. To consider the exempt report of the Executive Director Adult Social Care and Health on the request to support the dismissal of a Service Director by means of Voluntary Redundancy following the Senior Management Restructure (contains information which is likely to reveal the identity of an individual) (Pages 57 - 60)

PUBLIC

MINUTES of a meeting of the **APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE** held on 24 June 2019 at County Hall, Matlock

PRESENT

Councillor B Lewis (in the Chair)

Councillors R Ashton, A Foster, T Kemp, S Marshall-Clarke, P Smith, S Swann (substitute Member) and A Western

Officers in attendance – E Alexander, E Crapper, L Gregory, P Handford, A Noble, J Parfremment and L Wild

Apologies for absence were received on behalf of Councillor K Buttery

Declarations of Interest

There were no declarations of interest.

1/19 APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE TERMS OF REFERENCE The terms of reference for the Committee were circulated and Liz Wild, Legal Services explained the role and the function of the Committee to the Members.

2/19 APPOINTMENTS PANEL PROCESS FOR OFFICERS OF THE COUNCIL COVERED BY THE COUNCIL'S CONSTITUTION As outlined in the Councils Constitution, the Appointments and Conditions of Service Committee (ACOS) was responsible for the appointments of officers as detailed in Appendix 9 of the Constitution.

A Panel formed from ACOS would appoint the following:

- The Head of Paid Service.
- Statutory chief officers within the meaning of section 2(6) of the 1989 Act (politically restricted posts).
- Non-statutory chief officers within the meaning of section 2(7) of the 1989 Act;
- Deputy chief officers within the meaning of section 2(8) of the 1989 Act.
- Any person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).

This process excluded appointments to the Director of Public Health which was subject to the process set out in the Councils constitution in Appendix 9

The Panel must include at least one member of the Cabinet. The composition of the Panel would be formed in consultation with the Director of Organisation Development and Policy; or by the Head of Paid Service if the appointment was of the Director of Organisation Development and Policy. The appointment panel process was highlighted for Members' information.

RESOLVED to approve the appointment panel process in accordance with the Constitution.

3/19 EXECUTIVE DIRECTOR PERFORMANCE APPRAISAL It was a contractual obligation on both the Executive Director and the employing council to engage in a regular process of appraisal. The focus of this process should be on clarifying what the Executive Director was expected to achieve and deliver in their role, whilst identifying any continuing developmental needs which, if met, would maintain a high level of performance. The process should also consider the application of the collective officer leadership operating model for the Council.

The responsibility for appraising the Executive Director would lie with the Leader of the Council utilising independent external advice. The ACOS committee's role was to ensure that the Leader of the Council was undertaking effective performance monitoring of the Executive Directors. The detailed content of appraisal interviews would be treated as confidential to the participants, unless both parties agreed that it would be helpful for the objectives agreed for the ensuing period to be shared more widely. The appraisal process being adopted was attached at Appendix 1 to the report.

A report would be presented annually by the Director of Organisation Development and Policy to a meeting of the ACOS committee confirming that the appraisal process had been completed. The Director of Organisation Development and Policy would also report that six monthly reviews had taken place.

Executive Directors and the Leader of the Council had been engaged in the development of this process, facilitated by the Director of Organisation Development and Policy.

RESOLVED to note the Executive Director appraisal process as set out in Appendix 1 to the report.

4/19 APPLICATION FOR THE PAYMENT OF A MARKET SUPPLEMENT TO CHILDREN'S SERVICES CHILD PROTECTION SOCIAL WORKERS The Committee were asked to approve the application to pay a Market Supplement to Children's Services Child Protection Social Workers.

In 2018 the Council agreed a 'growth bid' which enabled children's services to increase the number of Child Protection Social Workers in front line children's teams. The aim of this was to strengthen the Council's ability to achieve best outcomes for children by introducing a new social work team structure and reduced caseloads for staff. Since the implementation of the growth bid the actual number of established Social Workers in post had increased but not enough to embed the revised team structure as comprehensively or as consistently as required. As a result agency social workers had been increasingly relied upon to increase case allocation capacity and support the new team structures.

There was a business imperative to recruit and retain social workers due to the statutory duty to protect children and the high level of regulation through OFSTED inspection of children's services; the inspection regime provided a clear rationale to ensure that 'good' outcomes were achieved for children and child protection services were adequately supported to do so by the Council. Leadership and management in the Council was an area OFSTED considered in 'grading' a Local Authority.

Social workers had informed Management that the package of support Derbyshire offered was very good and important to them; but for some social workers the differential in the pay scales to other neighbouring Local Authorities had tipped the balance and they were prepared to take a risk and work elsewhere. It was expected that by improving the reward offering coupled with refining the understanding of the support package that we would attract and retain more social workers in Derbyshire.

The report highlighted the annual turnover rate across the workforce which had increased since 30 April 2017 – 11.5% to 30 April 2019 – 18.6%. Vacancy levels were 89.06fte (including Starting Point) at 30 April 2019, compared to 28.19fte (excluding Starting Point) at 30 April 2018 and 24.92fte (excluding Starting Point) at 30 April 2017, with the increase in 2019 being due to the Growth Bid introduction in September 2018. Agency staff currently filled 65.5fte of the 89.06fte vacancies leaving net unfilled vacancies at 23.56fte. While the numbers of starters had increased from 31.2fte in the 12 month period to 30 April 2017 to 49.3fte in the 12 month period to 30 April 2019, this increase had not been fast enough to meet the increasing turnover demands and fill the additional 70fte vacancies introduced by the Growth bid in 2018. Also contained within the report was a comparison table of salary levels across the region.

A Child Protection Social Worker Workforce Strategy was also being finalised which set additional actions to improve recruitment and retention in the profession. This strategy addressed various priorities and was supported by an Action Plan for 2019 and 2020.

It was proposed that the following market supplements be paid:

1. To pay a Market Supplement to Children's Services Child Protection Social Workers at the following rates:
 - Grade 9 - £4,000pa
 - Grade 10 - £3,000pa
 - Grade 11 – £2,000pa
2. To pay Grade 12 Practice Supervisors a minimum of point 29 (£37,344) of the Grade 12 (points 28 – 31 pay scale) in order to ensure that all Practice Supervisors were paid more than a Grade 11 Social Worker.

If approved by the Committee, the proposals would be actioned with effect from 1 July 2019 for a period of two years, with a further review of market conditions taking place towards the end of the two year period when the new structure has been stabilised.

RESOLVED to approve the payment of the Market Supplement for a period of two years, and that an update be brought back to this Committee in twelve months' time.

DERBYSHIRE COUNTY COUNCIL

APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE

8 November 2019

Report of the Director of Organisation Development and Policy

Proposed Trade Union Time Off Agreement

1. Purpose

To seek approval for implementation of revised Trade Union Time Off Agreement with effect from 1 April 2020.

2. Information and analysis

2.1 Background

The current Trade Union Time Off agreement was implemented in 2009. Since then, the organisation has been through a period of significant change, and it is therefore timely to review the provisions of that agreement, to ensure that it continues to meet the needs of the organisation. In addition, as identified within the Revenue and Budget Report 2019-28 presented to Cabinet on 24th January 2019, a budget saving of £50,000 was proposed as detailed below with regards to trade union facilities time:

The Council is looking to reduce its expenditure on TU Facilities Time by 50% which will reduce annual costs from £274,604 (0.08% of pay bill) to £137,302 (0.04% of pay bill). For comparative purposes this will bring the Council in line with similar county councils who have the lowest percentage of TU Facility Time as a proportion of their pay bill. Not all of these cost reductions can be realised as a saving but it is expected that it will generate a proposed saving of £50,000 per annum from 2020-21 onwards.

When considering the above aligned to the proposed future HR Delivery model and the current strategic priorities within the Council, negotiations have been underway to review the current Trade Union Time Off Agreement. Discussions have centred on the Council's desire for greater parity across Trade Unions and the need to simplify where possible to avoid inaccurate interpretation of the provisions contained within the agreement.

Extensions were agreed within the negotiation process in an attempt to ensure agreement could be reached to enable further discussions, as opposed to the reversion to the ACAS code of practice. Unison have notified the Council of its intended agreement to the proposal, with notification pending from Unite and GMB.

The revised agreement is detailed within Appendix 1.

2.2 Key Changes within the Proposal

- Guiding Principles – key expectations and commitments have been discussed and agreed to outline the spirit and purpose of the revised agreement.
- Trade Union Duties – An allocation of paid ‘block time’ has been incorporated for trade union duties as outlined in the agreement. Defined ratios have been agreed as to the number of FTE that can be allocated based on membership numbers. This is also in conjunction with reasonable levels of paid time off for individual representation.
- Trade Union Activities – Whilst previously provision has been made for paid time off for activities, this is not a requirement within the ACAS code of practice. Time off for trade union activities will be unpaid with the exception of the following:
 - o Each recognised trade union may send representatives to one national conference per annum based on membership numbers.
 - o Each recognised trade union will be permitted paid time off for accredited trade union representatives to attend up to five Stewards meetings per year for a maximum of 2 hours per meeting.
- Reporting Time Off – There are numerous challenges within the current coding structure for reporting of time off. A joint review of codes is currently underway to ensure accurate and unambiguous reporting.
- Review of the revised agreement - A review of the operation of the revised agreement will commence 6 months after its initial implementation to ensure the views of all parties are considered in assessing the effectiveness of the revised agreement.
- Manager guidance is also being developed to support managers who have direct line management responsibility for Trade Union Representatives.

3. Financial Considerations

The total expenditure on salaries for trade union time off, for 2018/19, as reported in July 2019 was £283,357 (0.08% of the total pay bill).

The revised agreement has a projected cost equating to circa £189,000. This consists of estimated costs for the provision of paid block time, paid time off for the activities outlined in this report and paid time off for training and union learning representative duties. Whilst this initially suggests a projected annual saving of circa £94,000, on 2018/19 spend, this does not account for the potential costs of ad hoc requests (relating to paid time off for individual representation). A further factor to consider is the number of changes to staffing structures across the Council, which may necessitate additional trade union time off requests.

On reviewing the costs for ad hoc requests in 2018/19, (approximately £40,000), this potentially reduces the projected annual savings to circa £54,000 per annum. However

on implementation, regular monitoring, aligned to the implementation of the new codes, will be required to monitor this projection.

A final consideration is that the current provision of paid release for CJC roles has not been incorporated into this agreement. This is pending further discussions regarding the overall consultative framework, for which discussions have commenced with Trade Union representatives. A further report will be presented to ACOS in due course, however it is estimated that should current arrangements continue, this could result in a further reduction to the projected annual savings of circa £22,500.

4. Legal Considerations

Trade union representatives have a statutory right to reasonable paid time off to carry out trade union duties, to undergo training, and to accompany a worker to a grievance or disciplinary hearing. Union learning representatives have a right to reasonable paid time off to perform their duties and undergo training. The revised agreement complies with the ACAS Code of Practice.

5. HR Considerations

As contained within the report.

6. Officer Recommendation

That ACOS approves the implementation of the revised Trade Union Time Off Agreement with effect from 1 April 2020.

Emma Crapper
Director of Organisation Development and Policy

Derbyshire County Council

Trade Union Time Off and Facilities Agreement

Version History			
Version	Date	Detail	Author
1.0	23/04/2009	Agreed with Trade Unions	Nigel Hughes
2.0	10/05/2019	Initial draft	Sharon Minshall
3.0	20/05/2019	2 nd draft	Sharon Minshall
4.0	01/07/2019	3 rd draft	Tracey Wall
5.0	15/08/2019	4 th draft	Jen Skila
6.0	11/09/2019	5 th draft	Sharon Minshall
7.0	18/09/2019	6 th draft	Sharon Minshall
8.0	24/10/2019	7 th draft	Tracey Wall

Links and Dependencies	

Trade Union Time Off and Facilities Agreement

1. Scope

This Agreement applies to the following recognised trade unions:
Unison, GMB, Unite, AEP, UCU, Aspect

It sets out the jointly agreed procedures for trade union time off and use of facilities and applies to trade union representatives who are members of those trade unions.

It does not apply to employees who are trade union representatives employed directly by schools as they are subject to a separate agreement.

The Director Organisation Development & Policy should be consulted for any clarification of the operation of the Agreement.

This Agreement does not provide time off to carry out roles in organisations other than Derbyshire County Council unless specifically agreed by the council.

2. Guiding Principles

Derbyshire County Council is committed to:

- Recognising and valuing our unions for their role in managing change and their fundamental right to represent their members.
- Providing a reasonable amount of time off to enable the unions to effectively undertake their role.
- Ensuring that in facilitating trade union time off, the operational needs of the service can continue to be met in the employee's absence.

We expect our unions to:

- Recognise the need for Derbyshire County Council to be a sustainable and successful council that is accountable to our residents, our employees and our partner organisations.
- Be committed to working jointly to ensure decisions are made efficiently and in a timely way.
- Ensure that their representatives are equipped with the skills needed to effectively carry out their role.

Jointly we will endeavour to:

- Work together to deliver the Councils aims and objectives.

- Support the consultative and negotiation framework to ensure change is implemented fairly, at pace and to develop our employment policies and practices.
- Build positive working relationships and promote effective industrial relations.
- Ensure that trade union time off is used effectively and to avoid unnecessary costs in the provision and use of time and facilities.
- Operate within the provisions of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULR(C) A 1992), the Employment Act 2002 and the ACAS Code of Practice on time off for trade unions duties and activities (including Guidance on Time Off for Union Learning Representatives) April 2003 and the Trade Union Act 2016.

3. Definition of Roles

Trade union regional officers

An officer employed by the trade union, based at union regional office

Trade union representatives

An employee of the Council who has been elected or appointed to represent the members of one of the recognised trade unions within Derbyshire County Council

Union learning representative

A trade union representative with specific responsibility to promote and enable training and learning for employees of Derbyshire County Council.

Health and safety representative

A trade union representative with specific responsibility for health and safety issues within Derbyshire County Council.

4. Trade Union Duties

Trade union representatives are permitted reasonable time off with pay to carry out trade union duties. These duties are summarised in the ACAS Code and in relation to Derbyshire County Council include but are not limited to:

- Duties arising from membership of joint consultative committees including CJC, DJC and approved sub-committee.
- Individual representation of employees in employment processes; for example, disciplinary, grievance, performance/attendance capability, individual representation in organisational reviews/restructures.
- Joint consultation on organisational reviews/restructures.
- Health and Safety inspections.
- Participation in job evaluation panels.
- Trade union observation of recruitment panels.

5. Time off Provision

a. Time off for Individual Representation

A reasonable level of paid time off will be granted to trade union representatives to individually represent their members. This time off must be with prior management approval but this will not be unreasonably withheld.

Requests will normally need to be submitted at least 7 days in advance using the request form. It is recognised that there may be occasions when it is not possible to provide that amount of notice. In those circumstances, the trade union representative should contact their manager at the earliest opportunity to ascertain whether the time off may be taken and consideration of the needs of the service must be taken into account.

b. Time off for Joint and Other Representative Duties

An allocation of 'block time' for trade union duties will be granted to each recognised trade union, for duties including but not limited to:

- Corporate and Departmental Consultative framework (framework to be reviewed by December 2019)
- Attendance at job evaluation panels
- Health and Safety Inspections
- Formal Consultation
- Individual Representation

This provision will be allocated on the following basis (1 FTE equates to 1685 working hours per annum):

TU membership numbers	Block time allocation of up to:
Up to 100	1 day release per week
100 - 500	1 FTE
501 - 1000	1.5 FTE
1500 - 1999	2 FTE
2000 - 2499	2.5 FTE
2500 - 2999	3 FTE
3000 - 3499	3.5 FTE
3500 - 3999	4 FTE
4000 - 4499	4.5 FTE
4500 - 4999	5 FTE
5000 - 5499	5.5 FTE
5500 - 5999	6 FTE

The allocation of the above 'block time' will be calculated in respect of employees paying trade union subscriptions via payroll and those paying by other means where these are verified and notified to the Director Organisation Development & Policy. The allocation will only take account of current employees.

The calculation will take place annually on 1 January each year. No adjustments will be made for membership fluctuations within the intervening 12 month periods unless there is a significant reduction/increase in membership, subject to consultation between the Director Organisation Development & Policy and the respective Trade Union Regional Officer.

Each Trade Union will apportion its allocation to one or more of its representatives. The resulting names, roles and time allocations will be notified to the Director Organisation Development & Policy on an annual basis.

The responsibilities to be undertaken in the block time set out above are detailed in Appendix 1.

In order to retain flexibility and to facilitate organisational change, there may be occasions when there is a need for additional 'block time' off, for example, larger organisational reviews which involve in excess of 100 employees. In these circumstances, additional time off may be granted by the Director Organisation Development & Policy.

c. Time off for Trade Union Activities

Examples of these activities are summarised in the ACAS Code and include branch, area or regional meetings of the union at which the business of the union is under discussion, meetings of official policy making bodies such as executive committees or annual conference and meetings with regional officers to discuss issues relevant to the workplace. Time off for trade union activities will be unpaid with the exception of the provisions set out in paragraphs f. and g. below

Requests for unpaid time off should be submitted, using the request form, to the trade union representative's line manager at least fourteen days in advance.

Employees who are members of a trade union recognised by the Council are permitted reasonable time off without pay during working hours to take part in trade union activity subject to the same approval process set out above.

There is no right to time off for trade union activities involving industrial action

d. Time off for Training

Trade union representatives are permitted reasonable paid time off to undertake training relevant to their trade union role subject to the needs of the service, as detailed in Appendix 1.

Applications for paid time off to attend should include the course details and be submitted on the request form to the trade union representative's line manager at least 28 days in advance of the dates requested. The opportunity to shadow more experienced representatives can also form a valuable part of trade union training. Requests for shadowing should be submitted to the line manager as set out in the paragraph above.

Applications for time off to attend training courses not covered by Appendix 1 should be approved by the trade union branch who will, where courses are considered appropriate, submit them to the line manager who should consult with HR before any approval is given. These will be considered on the grounds of course relevance and subject to the needs of the service.

e. Time off for Union Learning Representatives (ULRs)

Provided the trade union has given the employer appropriate notice in writing that the employee is a learning representative of the trade union and the appropriate training has been undertaken, representatives will be granted reasonable paid time off to undertake the duties of a Union Learning Representative; that will not normally exceed one day per month.

The scope of the duties will be as outlined in the ACAS Code of Practice on Time Off and the Council's Lifelong Learning Agreement on ULRs.

ULRs will also be permitted reasonable paid time off during working hours to undertake ongoing training relevant to their function, as outlined in the ACAS Code of Practice. Requests to attend training must be submitted to their line managers at least 28 days in advance of the dates requested.

f. Time off to attend Trade Union Conferences

Each recognised trade union may send representatives to one national conference per annum on the following basis:

0 – 2500 members	2 delegates
2502 – 5000 members	4 delegates
5001 – 7500 members	6 delegates

Approval will be subject to the request for time off being submitted a minimum of 28 days in advance of the date. Only the applicable time off that falls during the representative's normal working hours will be paid up to a maximum of 5 days.

g. Time off to attend Stewards Meetings

Each recognised trade union will be permitted paid time off for accredited trade union representatives to attend up to five Stewards meetings per year for a maximum of 2 hours per meeting.

6. Recording of Trade Union Time Off

All time off taken, paid and unpaid, within this agreement must be recorded via the trade union representative's usual time recording process using the appropriate codes. Codes will be jointly reviewed to ensure accurate and unambiguous reporting and agreed by October 2019.

The Council is required to publish information in relation to trade union time off to comply with the Transparency Code and the Trade Union (Facility Time Publication Requirement) regulations 2017

7. Accreditation and Constituencies

Employees considering becoming a trade union representative are advised to discuss this with their manager at the earliest opportunity. The trade unions should advise the Shared Service Centre (SSC) when a trade union representative has been appointed to enable the approval process to be implemented. This notification should include:

- Name
- Workplace
- Date of appointment
- Constituency by reference to either employee group, establishment or section
- Name of any trade union representative replaced.

The Shared Service Centre (SSC) will consult HR and the line manager for approval. The number of trade union representatives requested and their constituencies should be taken into account.

Following approval from the employing department, the Shared Service Centre (SSC) will issue recognition together with a copy of this Agreement to the representative.

In the event that the employing department does not wish to approve the accreditation, the matter will be referred to HR.

A representative is accredited to represent those employees in the constituency to which he/she was elected.

The Council will only recognise trade union representatives who have been accredited in accordance with this procedure.

No trade union time off should be taken until accreditation has been formally confirmed by the County Council

Accreditation will cease when the appointment is terminated or the employee moves to another post or occupational group outside the agreed constituency.

The trade unions must provide an updated list of trade union representatives and their roles to the Director Organisation Development & Policy on an annual basis. Any changes that occur during the course of the year must also be notified to the Director Organisation Development & Policy.

8. Pay/Pension/Travel

a. Pay

An employee permitted to take time off for trade union duties is entitled to be paid for the time taken off at the appropriate hourly rate.

Trade union duties undertaken outside a representative's normal working hours will be in the representative's own time.

b. Pension

Where time off without pay is authorised, pensionable service may be affected. The representative should contact HR for advice.

c. Travel

Representatives are entitled to claim travel expenses at public transport rate to attend trade union meetings with the Council.

9. Part-Time Employees

Where part-time employees, who are accredited trade union representatives, attend a course of training and the time spent exceeds the normal working hours, the employees will receive payment for the entirety of the course.

10. Trade Union Facilities

The Council recognises that trade union officials require access to certain facilities to carry out their duties efficiently and communicate effectively with their members. These are set out below:-

Facilities for which there is no charge to the trade unions are:

Accommodation for meetings and interviews (except in the case of schools or other buildings where letting fees may apply after 6.00 pm)	Subject to availability
Office accommodation	Subject to availability
Provision of notice boards - multi-union where possible	Subject to availability
Lists of new employees	
Use of telephone – reasonable access in privacy	Council work to take precedence. Executive Directors to keep use under review.
Use of the council's e-mail – where the trade union representative has access as an authorised user and must be on matters of representation and not for canvassing or for promoting or assisting industrial action. Use will be subject to the Council's Policy on the Use of Internet and E-Mail which all representatives should familiarise themselves with.	Council work to take precedence. Executive Directors to keep use under review.

Representatives should note:
<ul style="list-style-type: none">• E-mail is not a secure way of exchanging private, confidential, personal or sensitive information.• Representatives should not encourage persons other than business contacts and associates to send e-mail to their business e-mail address.• Representatives should not forward e-mails to large groups or lists of people indiscriminately.

The Council reserves the right to impose a charge if, in practice and after consultation with the trade unions, it is considered appropriate.

11. Subscriptions

Deduction of trade union subscriptions on behalf of members is subject to the individual employee's consent and to a percentage recharge to the individual trade unions as determined by the Council.

12. Review

A review of the operation of this Agreement will commence 6 months after its initial implementation. This review will be undertaken jointly. Any revisions to the agreement, sought by either side, should be agreed within 3 months of the commencement of the review. If agreement is not reached within this period (unless agreed otherwise by both parties) the Agreement will cease and trade union time off will be determined in accordance with the ACAS code.

If agreement is reached, this Agreement will remain subject to review at the request of either side. If no request for review is made, then the Agreement will be subject to review on a bi-annual basis. Again, any revisions to the Agreement should be agreed within 3 months of the commencement of the review. If agreement is not reached within this period, (unless agreed by both parties) the Agreement will cease and trade union time off will be determined in accordance with the ACAS code.

13. Disputes/Appeals

All efforts should be made to resolve any disputes on the operation of this agreement at an informal level. In cases where this has not been possible then the matter will be referred by the Executive Director to the Director of Organisation Development & Policy who will consult with the relevant trade union, in accordance with the respective trade union scheme of delegations. Any dispute that cannot be resolved at this level will be referred to the council's Appointments Conditions of Service Committee (ACOS).

Appendix 1

Time Off for Trade Union Training

Derbyshire County Council has given specific approval for paid time off for accredited representatives, subject to consideration of the needs of the service.

Unison

Newly accredited representatives

The Organising Steward	–	5 days
Advanced representatives		
Advanced Representation, Campaigning & Negotiating Skills	–	5 days
Reaccreditation (every 5 years)	–	2 days

Health & Safety

Organising for Safety	-	5 days
Advanced Representation, Campaigning & Negotiation Skills	-	5 days

Unite

Newly accredited representatives

Workplace reps Introductory Certificate	–	Module 1A – 5 days
		Module 1B – 5 days

Health & Safety

Health & Safety Health & Safety representatives certificate	–	Module 1A – 5 days
Health & Safety representatives certificate	–	Module 1B – 5 days

GMB

Newly accredited representatives – 10 days

PUBLIC

Agenda Item No.

DERBYSHIRE COUNTY COUNCIL

APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE

8th November 2019

Report of the Executive Director of Children's Services

SCHOOL TEACHERS' PAY AWARD & UPDATED PAY POLICY FOR CENTRALLY EMPLOYED TEACHERS – 1ST SEPTEMBER 2019

1. Purpose of the Report

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) 2019 and the changes made to Derbyshire County Council Constitution.

To inform the Committee Members of the details of the nationally agreed School Teachers' Pay Award payable from 1 September 2019 and associated allowances.

To seek retrospective approval to uplift all points on all pay ranges and all allowances including Teaching and Learning Responsibility Payments (TLR) and Special Educational Needs (SEN) allowances by 2.75%. The changes are to be made to the pay framework for teachers employed by Derbyshire County Council (DCC), and not attached to schools.

To seek approval from Committee Members of the recommendation made to schools that Governing Boards agree to the same increases to the pay ranges and allowances as outlined above.

2. Information and Analysis

Pay Policy (Appendix A)

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. Any changes need to be reflected in the authority's policies for the management of teachers employed in the education support services.

The Support Services are:-

Behaviour Support Service
Out of School Tuition Service
Support Services for Sensory and Physical Impairment
Support Service for children with Special Educational Needs (SSSEN)
Early Years SEN Support Service
Virtual School
Music Partnership

The main changes to the Pay Policy proposed for 2019 are listed below:

- Terminology
- Statutory pay rates and allowance payments
- Procedures for making pay progression decisions based on performance appraisal have been amended to reflect the revised delegations outlined in the new Constitution
- Pay appeal procedures have been updated to reflect the delegations outlined in the new Constitution.

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 not changed.

Pay Award wef 1st September 2019

The Secretary of State for Education announced the Teachers' Pay Award, effective from 1 September 2019, to be a 2.75% uplift to the statutory minimum and maximum of all pay ranges and allowances. These changes are contained in the School Teachers' Pay and Conditions Document 2019 (STPCD). This document governs the pay and conditions of teachers employed by a local authority or by the governing board of a foundation, voluntary aided or foundation special school.

The pay award provides for the salary of teachers paid on the minimum or maximum of their pay range to be uplifted to the new national minimum and maximum, as appropriate. The relevant body must determine whether and how to apply the uplifts to all interim pay points on the pay ranges.

DCC is the relevant body for teachers not attached to schools. A Teachers' Pay Policy was approved by Cabinet on 15 July 2014. It was agreed to replicate the same pay points that were previously set nationally, increased in line with any national pay award, as it was felt that this structure continued to provide a sound and reasonable pay framework. It is recognised by the Department for Education that schools and local authorities (LAs) may wish to adopt this approach.

In line with previous determinations, a 2.75% uplift to all pay points on all pay ranges and all allowances is recommended for teachers employed by DCC and not attached to schools. In recommending this action and in consideration of the potential impact on recruitment and retention, the following factors have been taken into account:

- this nationally determined pay award has been agreed within the context of cost of living increases. It is reasonable that all teachers should benefit.
- it would be inequitable for teachers on the minimum or maximum of a pay range to receive an automatic pay increase, which is not awarded to other teachers. There is no rationale to support awarding a pay uplift to only some teachers, when no performance criteria are to be applied.
- for some teachers employed by DCC not to receive a nationally agreed cost of living public sector pay award would treat them differently from other categories of DCC employees.
- if the relevant pay uplifts are only added to the maxima and minima of pay ranges, this would introduce an imbalance into each pay range.
- not to apply the uplift equally within the pay ranges and allowances would be likely to have a negative impact on employee relations, recruitment and retention.

The recommendation to school Governing Boards is that they adopt the same approach and agree the increases as detailed above, giving consideration to the relevant factors outlined above and the benefits of a consistent approach across the Authority.

3. Financial Considerations

The cost of the Teachers' Pay Award for teachers employed by the Local Authority in a central function at the level of the percentage increases outlined above, is estimated at an annual cost of £206,000 including estimates for associated pensions and national insurance costs. Of this amount, £120,000 is anticipated to arise in the financial year 2020-21 financial year. Central functions employing

teachers are funded from the High Needs Block of the Dedicated Schools Grant. No additional funds have been allocated in respect of the 2019 teachers' pay award and so the increase will need to be met from the existing allocation. The pay award will apply additional pressure to these budgets.

The costs of any performance pay progression will be met by the individual support services existing budgets. Pay Progression must be awarded to eligible teachers, unless their performance has not met the relevant criteria

When the last performance management report on the salary progression of teachers employed by DCC, but not attached to schools was approved, it showed that 26 of the total 231 teachers employed were not already paid on either the maximum or the minimum of their pay range, so this indicates that a significant majority of these teachers will receive the award on a statutory basis.

4. HR Considerations

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 the proposed Pay Policy and the application of the national pay award to all teachers' pay ranges and allowances.

5. Legal Considerations

The statutory requirement for teachers' pay and conditions for maintained schools in England and Wales are set out in the School Teachers' Pay and Conditions Document 2019 and accompanying statutory guidance. The STPCD imposes various duties on relevant bodies in relation to the determination of teachers' pay.

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 2019 by the STPCD relate only to the increases to the maxima and minima of the pay ranges and allowances, as detailed above.

The uplifts 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.

6. Social Value Considerations

This report does not involve the commissioning or procurement of services or goods so it is not possible to reference the consideration of social value in such a context. However the economic and social well-being of the communities served by the teachers who will be affected by the implementation of this pay award, should benefit from the positive effect on recruitment and retention of the Council adopting a fair and equitable approach to the freedoms available in determining teachers' pay.

7. Other Considerations

In preparing this report the relevance of the following factors has been considered – equality and diversity, health, environmental, transport, property and prevention of crime and disorder considerations.

8. Background Papers

Full details of the pay awards in the STPCD and the DfE guidance, 'Implementing your school's approach to pay', are available in the Schools' HR Advisory Service.

9. Strategic Director's Recommendations

To approve the adoption of the Proposed Pay Policy for Teachers Employed by the LA and Not Attached to Schools

That Committee Members agree the award of a 2.75% increase to all points on all pay ranges and all allowances backdated to 1 September 2019, to all teachers employed by Derbyshire County Council, and not attached to schools.

That Committee Members agree the recommendation to Governing Boards of a 2.75% uplift on all pay points and on all pay ranges and allowances backdated to 1 September 2019.

Jane Parfremment
Executive Director of Children's Services

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



November 2019

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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 1998. 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.

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, 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 is absent on maternity leave or long term sick leave, their pay review may be deferred until after their return to work (or carried out before maternity 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.

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 s/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 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 (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, 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, who may be advised by the Head of Service and/or their representative.
 - The Executive Director 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 may seek the advice of the Head of Service, or representative. The Executive Director 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 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 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 will give reasons for his/her decision.

- The Hearing Officer may ask questions of the employee or representative and the Executive Director, Childrens Services.
- 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 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 Newly Qualified Teachers(NQTs),
- 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 £41,267 and the maximum is £62,735. 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 scale, 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 Scale. 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 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), 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 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 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 teachers' professional skills and judgment;

Or

(b) qualifications or experience which bring added value to the role he 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 2019 National Pay Award, contained within the STPCD 2019, determined that there would be a 2.75% uplift to the statutory minima and maxima of all pay ranges and allowances.

The 2019 uplifts to the maxima and minima of pay ranges are statutory but the LA has to determine whether to apply any increase to interim points on the pay ranges.

The LA recognises that teachers' pay progression must be linked to performance. While schools are required to pay teachers paid on the minimum of a pay range the statutory increase, it is for the LA to determine how they translate the uplifts to the national ranges in relation to other teachers.

The LA has determined that all points on the main pay range, unqualified pay ranges, the UPR range, leading practitioner range and the leadership pay range will be increased by 2.75%. Further, all allowances will be increased by 2.75%. All to be paid from 1 September 2019.

6.1. Main Pay Range

The main pay range has a minimum of £24,373 and a maximum of £35,971. The LA has determined that, the following intermediate reference points will be used as points of progression through the range, where agreed by the LA through the application of this policy.

Point 1	£24,373
Point 2	£26,298
Point 3	£28,413
Point 4	£30,599
Point 5	£33,010
Point 6	£35,971

6.2. Unqualified Teachers' Pay Range

An unqualified teacher will be paid within the minimum of £17,682 and maximum £27,965 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	£17,682
Point 2	£19,739
Point 3	£21,794
Point 4	£23,851
Point 5	£25,909
Point 6	£27,965

6.3. Upper Pay Range

The upper pay range has a minimum of £37,654 and a maximum of £40,490. The LA has determined that the following reference points will be used as points of progression through the range, where agreed by the LA through the application of this policy.

Point 1	£37,654
Point 2	£39,050
Point 3	£40,490

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 £41,267 and a maximum of £62,735.

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. £41,267 | 10. £51,564 |
| 2. £42,301 | 11. £52,902 |
| 3. £43,357 | 12. £54,121 |
| 4. £44,436 | 13. £55,474 |
| 5. £45,543 | 14. £56,857 |
| 6. £46,685 | 15. £58,272 |
| 7. £47,942 | 16. £59,821 |
| 8. £49,048 | 17. £61,195 |
| 9. £50,273 | 18. £62,735 |

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	41,065	23	70,556
2	42,093	24b	72,306
3	43,144	25	74,103
4	44,218	26	75,936
5	45,319	27b	77,818
6	46,457	28	79,748
7	47,707	29	81,723
8	48,808	30	83,757
9	50,026	31b	85,826
10	51,311	32	87,960
11	52,643	33	90,145
12	53,856	34	92,373

13	55,202	35b	94,669
14	56,579	36	97,013
15	57,986	37	99,424
16	59,528	38	101,885
17	60,895	39b	104,368
18b	62,426	40	106,972
19	63,975	41	109,644
20	65,561	42	112,392
21b	67,183	Maximum	114,060
22	68,851		

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 in order 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. 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, 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 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. Newly Qualified Teachers

In the case of Newly Qualified Teachers (NQTs), whose appraisal arrangements are different, pay decisions will be made by means of the statutory induction process. It will be possible for a 'no progression' determination to be made without recourse to the Competence Procedure but those successfully completing their induction year will be awarded pay progression.

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 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 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 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 up to a maximum of three years whenever a teacher faces a reduction in salary through no fault of their own, 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 -

- 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 £555 and no greater than £2757. The LA will set 3 potential annual values for TLR3 posts of £555, £1611, £2757. 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 £8,069 and no more than £13,654 pa.
- b) the annual value of a TLR2 is no less than £2,796 and no more than £6,829 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 2019 in the LA are as follows:

TLR 2a	£2,799
TLR 2b	£4,663
TLR 2c	£6,521

TLR 1a	£8,073
TLR 1b	£9,937
TLR 1c	£11,798
TLR 1d	£13,653

7.4. Special Education Needs Allowances

A SEN allowance of no less than £2,209 and no more than £4,359 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 £2,209pa and SEN2 £4,359pa, 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.

Out of School Learning Activities

The LA has determined that they will not exercise their discretion to make additional payment to teachers for out of school learning activities, except where in connection with a

specific, funded, scheme (e.g. One to One Tuition). In such circumstances the payment will be determined by the scheme or paid at 'supply teacher' rate, if no specific provision is made within the scheme. The LA will determine and make clear which is applicable at the time the request/offer is made.

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 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 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 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.]

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 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
- 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.

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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