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PUBLIC

To: Members of Appointments and Conditions of Service Committee

Date Not Specified

Dear Councillor,

Please attend a meeting of the **Appointments and Conditions of Service Committee** to be held at **4.00 pm** on **Tuesday, 10 November 2020**. This meeting will be held virtually. As a member of the public you can view the virtual meeting via the County Council's website. The website will provide details of how to access the meeting, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'S Hobbs', written over a light blue horizontal line.

Simon Hobbs
Director of Legal & Democratic Services

A G E N D A

PART I - NON-EXEMPT ITEMS

1. To receive apologies for absence
2. To receive declarations of interest (if any)
3. To confirm the minutes of the last meeting held on 1 July 2020 (Pages 1 -

4)

4. Review of Policies on the use of Fixed Term Contracts and Secondments (Pages 5 - 24)
5. Local Government Services, Chief Officers and Soulbury 2020-21 Pay Agreement (Pages 25 - 40)
6. Application for the Derbyshire Adult Community Education Service (DACES) Pay Offer 2020-21 to be agreed at 2.75% (Pages 41 - 44)
7. School Teachers' Pay Award and updated Pay Policy for Centrally Employed Teachers - 1 September 2020 (Pages 45 - 82)
8. Exclusion of the Public

To move "That under Regulation 21 (1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph(s)... of Part 1 of Schedule 12A to the Local Government Act 1972"

PART II - EXEMPT ITEMS

9. To receive declarations of interest (if any)
10. To confirm the exempt minutes of the meeting held on 1 July 2020 (Pages 83 - 84)

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Agenda item 3

MINUTES of a meeting of the **APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE** held on 1 July 2020

PRESENT

Councillor B Lewis (in the Chair)

Councillors R Ashton, K Buttery, A Foster, T Kemp, S Marshall-Clarke and P Smith

Officers in attendance – E Alexander, E Crapper, J Skila and L Wild

Apologies for absence were received on behalf of Councillor M Wall

Declarations of Interest

There were no declarations of interest.

11/20 **MINUTES RESOLVED** that the minutes of the meeting held on 7 February 2020 be confirmed as a correct record.

12/20 **COVID WORKFORCE INITIATIVES** On introducing this report, the Chairman wished to place on record his thanks to all the dedicated County Council officers and staff, some of whom had worked nearly 24/7 to pull all this together and maintain the hard work ever since. The skills, resilience and energy that they had shown had been amazing.

Since the end March 2020, interim guidance and dedicated workforce initiatives have been implemented for both managers and employees regarding the utilisation and wellbeing of our workforce in response to the Covid pandemic. During this period we have established additional regular engagement forums with trade unions, implementing a weekly strategic dialogue with regional representatives and branch secretaries and weekly interfaces with departmental representatives supported by Senior HR Business Partners.

Interim changes to workforce policy had been made at pace and in response to the Government announcements on lockdown from 23 March 2020. These changes had aimed to improve workforce flexibility, remaining under continual review, and included the following:

- Interim changes to the flexi-scheme to enable greater workforce flexibility.
- Updated guidance on annual leave and other leave provisions.

- Guidance on recording and payment during self-isolation and Covid-19 related sick absence, with SAP system changes to automate and support more accurate data recording.
- Interim Average Payments Policy for Relief Workers.
- Sent home protocols to provide clarity and guidelines where needed for employees who were unable to work from home.
- Co-ordinated employee testing referrals supporting managers to ensure symptomatic employees were referred for testing in the first 5 days.

Workforce surveys had been undertaken to enable greater understanding of our workforce ability and limitations, with both a health survey and skills and redeployment survey being conducted across all employees. This information had been utilised both within departments and centrally to support our overall workforce response, with particular focus on redeployment of our workforce to support critical roles.

A central internal Resourcing Hub has been implemented to provide a conduit to support resource utilisation and redeployment across all departments and in conjunction with partner organisations to support the wider system resource challenges. The Council had redeployed 379 employees across all departments into priority roles predominantly residing within Adult Social Care and Health.

Employee wellbeing had and continued to be crucial throughout the response to the Covid pandemic. A wellbeing system for employees which consisted of 5 levels of support had been implemented. Level 1 focused on general support through to more specific and specialist individual support at level 5. Details of the support provided at each level were presented.

From the outset of the pandemic, Health and Safety and Public Health colleagues had worked together to produce and amend PPE guidance in line with the national guidance. Alongside this the Council had established a PPE sub-group and a PPE ordering and distribution hub to ensure services were able to obtain the required PPE for employees. Initially emergency supplies of PPE were also provided to the PVI sector and Health partners where supply issues existed. Following initial issues with the availability and quality of some PPE items, the Council had managed these to ensure a continuous supply of PPE was available. The PPE sub-group had continued to liaise with the PPE distribution hub, Health and Safety and Public Health colleagues, issuing additional guidance where required. PPE stock levels were assessed on a daily basis and the quantities that establishments were able to order were adjusted accordingly. The PPE sub-group were also working closely with the Local Resilience Forum supply chain to access stocks where required.

The focus from a workforce perspective now focused on planning for organisational recovery and engagement with Trade Unions would continue

throughout this approach. Details were provided of the initiatives that were currently underway to ensure continual review of workforce initiatives as the pandemic evolved. This included reviewing all lessons learned to date regarding the workforce impacts and initiatives deployed as a result of the pandemic, considering where our people processes and policies could be amended going forward, whilst ensuring that we continued to align to national guidance as this evolved.

RESOLVED to note the progress in deploying the workforce initiatives outlined in the report in response to the Covid pandemic.

13/20 **EXCLUSION OF THE PUBLIC** **RESOLVED** that the public be excluded from the meeting during the Committee's consideration of the remaining items on the agenda to avoid the disclosure of the kind of information detailed in the following summary of proceedings:-

SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC HAD BEEN EXCLUDED FROM THE MEETING

1. To confirm the exempt minutes of the meeting held on 7 February 2020 (contains exempt information)
2. To consider the joint exempt report of the Executive Director Commissioning, Communities & Policy and the Director of Organisation & Development on the Creation of a Temporary Director, Economy, Transport & Environment (contains information relating to any individual)

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APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE

10 November 2020

Report of the Director of Organisation Development and Policy

REVIEW OF POLICIES ON THE USE OF FIXED TERM CONTRACTS AND SECONDMENTS

1. Purpose of the Report

To seek approval for revised policies on the use of Fixed Term contracts (FTCs) (Appendix 1) and Secondments (Appendix 2).

2. Background Information /Introduction

The existing 'Managers' Guidance on Fixed term (FT) employees' was created in January 2013, and last amended in June 2018. Changes in case law and legal advice relating to the equal treatment of FT employees require the policy to be reviewed. The Secondment Procedure has been in place since January 2018 and is closely aligned to the Policy on FTCs as both relate to arrangements for meeting temporary resource requirements within the council.

a) Definitions

A **FT contract** is a contract that comes to an end:

- Upon reaching a specific date
- When a specified task has been completed
- When a specified event does or does not occur.

The end of a FT contract is a dismissal in law. The reason for the dismissal will be either redundancy or 'some other substantial reason', depending on the reason for the FT set out in the employee's contract.

A **secondment** is the temporary movement or 'loan' of an employee to another part of the organisation (or to/from an external organisation) for the benefit of the employee and the organisation, mutually agreed in advance between the employee substantive manager and secondment manager. The employee's substantive job remains available for them to return to at the end of the secondment.

b) Equal Treatment

The council must ensure that employees on FT contracts are not treated less favourably than comparable employees on a permanent contract, under the Fixed term Employees (Prevention of Less Favourable Treatment) Regulations 2002. There is no qualification period for claims of less favourable treatment.

c) Aims of the review:

To ensure alignment between the policies, both have been reviewed to ensure that:

- The risk of legal challenge is minimised, and current case law is reflected as outlined above.
- FT contracts and secondments are used appropriately across the council to support workforce planning and business effectiveness.
- FT employees are treated consistently within organisational reviews.
- Both policies are aligned and support succession planning, talent management and career development.

d) Consultation

The Trade Unions and Employee Network groups have been consulted in the revision of these policies. The changes have been informed by Legal advice, case law, and current experiences of managing FT contracts and secondments from a manager, employee and HR perspective.

3. Finance Considerations

Implementation of the revised policies will reduce the risk of the council incurring costs as a result of employee claims of unequal treatment or unfair dismissal, and support the more efficient and effective use of fixed term contracts and secondments within the workforce.

4. Legal Considerations

The review of the fixed term contract policy has been driven by changes in case law and legal advice relating to the equal treatment of FT employees and will ensure that employees on FT contracts are not treated less favourably than comparable employees on a permanent contract, under the Fixed term Employees (Prevention of Less Favourable Treatment) Regulations 2002.

5. HR Considerations

The revised policies support the appropriate and consistent use of fixed term contracts across the workforce and the people priorities within the draft People Strategy.

6. Recommendation

That the committee approve the revised Fixed Term Contract and Secondment Policies.

Emma Crapper
Director of Organisation Development and Policy

FIXED TERM CONTRACT POLICY

September 2020

Version History			
Version	Date	Detail	Author
1.0	August 2020	Policy developed to replace existing Manager Guidance on Fixed Term Contracts	Tanya Causebrook

Links and Dependencies
Related Resourcing Policies including Redundancy and Redeployment Policy, Recruitment and Selection Policy and Secondment Policy.

Fixed Term Contract Policy

1. Purpose

The council needs a skilled and confident workforce able to deliver excellent services to improve life for local people. Fixed term contracts can be an effective tool for matching workforce capacity with service/business needs. This policy outlines how fixed term contracts should be used within the council appropriately, effectively, and in line with relevant employment legislation.

2. Scope

This policy applies to all employees of Derbyshire County Council except those employed in schools where the Governing Body is the employer, who are covered by the relevant policies for schools.

All employees should have equal access to the policy.

3. Equal Treatment

The Council is committed to ensuring that employees on fixed term contracts are not treated less favourably than comparable employees on a permanent/open ended contract, as provided for in the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002.

Legislation requires that fixed term employees:

- are employed on the same terms and conditions and be subject to the same policies and procedures as comparable permanent employees.
- have the same access to the Redundancy and Redeployment Policy and redeployment provisions as permanent employees. This means that fixed term employees whose contract is ending, and who are at risk of redundancy, will have the same access to redeployment opportunities as permanent employees, including to both permanent and fixed term posts.
- will be able to apply for internal vacancies from the first day of their employment.
- must be given the same opportunities for training and development as a comparable permanent employee (different treatment may be justified if the costs are disproportionate to the benefit received).

The regulations do not apply to:

- apprentices
- employees on certain government training schemes
- students on operational placements of one year as part of a higher educational programme

- agency workers.

4. Key principles

a. Definition of a Fixed Term Contract

Fixed term contracts are contracts that come to an end:

- Upon reaching a specific date
- When a specified task has been completed
- When a specified event does or does not occur

b. Alternatives to fixed term contracts

Alternatives to using a fixed term contract should always be considered, with the following list not being exhaustive;

i) Meeting the gap within the team

Where the gap in resources is unplanned, and will last less than 3 months, cover through existing resources should be considered in the first instance e.g. reallocating essential duties to other members of the team where appropriate, part time employees increasing hours, or short term secondment arrangements enabling team members to temporarily undertake all or some of a more senior role ('acting up'). Managers should ensure that workloads across the team remain reasonable.

ii) Resources@Derbyshire

Where the gap cannot be met within the team, short term Business Services support for up to 8 weeks can be provided by Resources@ Derbyshire if this is appropriate for the cover required.

iii) Internal secondments

For longer term cover requirements internal secondments should be encouraged for individual career development (see [Secondment Policy](#)). Secondments enable existing permanent employees to undertake temporary/fixed term assignments in a different work area and should not be for longer than 2 years. Management approval for a secondment is required, as the employee is entitled to return to their substantive post at the end of it.

Where a manager is not able to agree a secondment, and an existing employee chooses to move from a permanent to a fixed term contract to undertake the work, the employee must be made aware of the implications of their contractual status changing from permanent to fixed term, including that they will not have any entitlement to return to their substantive post at the end of the fixed term contract.

c. Using fixed term contracts

Where there is a specific, business related reason, a fixed term contract may be more appropriate than a permanent contract.

Fixed term contracts should only be used in the following circumstances:

- To cover periods of absence of longer than four weeks, e.g. maternity, parental or adoption leave, long term sickness or cover an absence due to another employee being on secondment.
- Where there is short term funding for a post or project, which is unlikely to be extended.
- To complete a task/project within a stated time period, which cannot be resourced from within the existing permanent workforce.
- To provide specialist expertise or experience in the short term, to support a specific project or piece of work.

Fixed term contracts will not be used to assess an employee's capability to perform effectively.

Every fixed term employment contract must include either:

- a date on which it is due to expire, and the reason for this, or
- an event which will cause it to end (for example someone returning to work after an absence which is being covered by the fixed term appointment).

As the reason or event set out in the contract determines the process to be followed, at the end of its fixed term, it is critical that this is accurate.

Fixed term employees will be kept informed, within relevant timescales, of the likelihood of their contract being renewed or ended, and reasons for this, with the aim of minimising uncertainty wherever possible.

d. Length of fixed term contracts

Fixed term contracts within the council should not normally exceed 2 years. An exception would be when a post is funded through specific external funding for over 2 years, but is not expected to continue long term.

Fixed term employees with more than 2 years' service with the council (or an associated employer under the Redundancy Payments (Continuity of Service in Local Government) (Modification) Order 1999) will be entitled to a redundancy payment if the reason for the contract ending is redundancy (see Redundancy Policy).

Fixed term employees with less than 2 years' service, or those where the reason for the fixed term contract ending is not redundancy, but 'some other substantial reason' will not be entitled to a redundancy payment (see g. below).

After 4 years of successive contracts, legislation determines that a fixed term contract may become permanent unless the continued use of a fixed term contract can be objectively justified. In cases where an employee has been employed for four years or more on successive fixed-term contracts the employees' contractual status will be reviewed in consultation with HR, to determine whether transfer to a permanent contract is appropriate. The factors considered will include the nature and grade of the fixed term roles, location and context.

A continuation of a series of fixed term contracts beyond four years would only be justified in exceptional circumstances.

e. Recruiting to fixed term posts

Fixed term posts should be advertised and appointed to following the appropriate council resourcing policies and processes, to ensure robust decisions and high quality appointments.

The reason for and length of the fixed term post should be clear throughout the recruitment process and in correspondence with the successful candidate.

f. Renewing or extending a fixed term contract

Extension/renewal of a fixed term contract must be justifiable. It must be clear whether the original reason for the fixed term contract still applies, or whether circumstances mean it has changed.

The reason for the extension/renewal of the fixed term must be clear in the employee's contract. This will determine the reason for and process to follow when ending the contract.

The employee currently employed under the contract should be offered the extension or renewal.

The successive renewal of fixed term contracts should be avoided. If an employee's fixed term contract is extended beyond four years, it is likely that the contract will need to be converted to permanent (see d. above)

g. Ending a fixed term contract

Not renewing a fixed term contract when it comes to an end is a dismissal in law.

The reason for fixed term set out in the employee's contract will determine the reason for the dismissal which will be either:

i) Redundancy – where the requirement for the work to be undertaken has diminished or ceased e.g. a specific task has been completed, or project work dependent on external funding ends, once the funding ceases.

Where a fixed term contract ends due to redundancy, the Redundancy and Redeployment Policy should be followed in the same way as it would for a permanent employee individually at risk of redundancy.

ii) Some other substantial reason (SOSR) e.g. the substantive post holder has returned to work following a period of leave, or a permanent employee is recruited.

A fair dismissal process must be followed.

Poor performance is not acceptable grounds for not renewing a fixed term contract. Any concerns should be dealt with in the same way as for permanent employees.

h. When a fixed term post becomes permanent

The options are:

- i)** to re-advertise the post as permanent through the Council's recruitment and selection process or,
- ii)** to slot/offer the employee currently in the post the permanent role, as long as:
 - The employee was offered the fixed term contract through a competitive process after recruitment through the council's normal recruitment and selection process (as a minimum the fixed term post should have been advertised internally)
 - The duties of the job they were recruited to have not changed and the grade is the same
 - The person in the role is not an agency worker, on a relief contract or any other contract that classifies them as a 'worker' rather than 'employee'.
 - There are no employees 'at risk' with priority status who should be considered for the role.

5. Fixed term employees and organisational reviews

Fixed term employees:

- whose contract is due to end **before** the date an organisational review is implemented will not be included within the pool for redundancy and any 'selection out' process as their contract already has an end date. However, if there is an appointment in process as part of the review, employees on fixed term contracts will be considered alongside other colleagues.
- whose contract is due to end **after** the implementation date of an organisational review will be included in the review process, pool for redundancy and any 'selection out' or 'appointment in' process.

Employees on fixed term contracts should normally be included in the consultation process for organisational reviews.

Fixed term employees must not be selected for redundancy purely on the basis of being fixed term, unless it is considered that the selection can be objectively justified and is appropriate, following HR advice.

6. Roles and responsibilities

a. Managers must:

- Ensure there is a justifiable reason for appointing a post on a fixed term basis.
- Clearly explain the fixed term nature and length of the contract during the recruitment process, and in related correspondence.

- Ensure that all fixed term employees understand the nature of their contracts and keep them informed of the likelihood of extension/renewal and the reasons for this.
- Follow the process for ending or not renewing a fixed term contract within timescales – starting at least 3 months before the contract is due to end (see further manager guidance).
- Seek advice from HR before extending fixed term contracts, particularly when fixed term employees reach 4 years in a single or successive fixed term contracts with the council.
- Ensure that fixed term contracts are used and managed effectively, in line with this policy, within their area of responsibility.

b. HR will:

- Work with managers to implement effective resourcing solutions to support service delivery.
- Provide guidance to managers on implementing this policy in specific situations including determining whether the use of a fixed term contract is appropriate, termination of a fixed term contract, and redundancy liability.
- Notify managers of an employee's fixed term end date to allow appropriate notice to be given and processes followed.
- Monitor the use of fixed term contracts across the council to assess risk and compliance with policy.
- Review this policy to ensure accurate and timely advice to managers.

c. Employees should:

- Have a clear understanding of the fixed term nature of their employment and reasons for it.
- Raise any issues relating to their fixed term employment with their manager at the earliest opportunity.
- Not have any expectation that their employment will be extended unless they have received formal confirmation of this.
- Have the right to representation/support.

SECONDMENT POLICY

September 2020

Version History			
Version	Date	Detail	Author
1.0	January 2018	Finalised new Secondment Procedure	Jeanette Moore
2.0	August 2020	Revised to align with Fixed Term Contract Policy and retitled 'Secondment Policy'.	Tanya Causebrook

Links and Dependencies
Related Resourcing policies including Fixed Term Contract Policy, Redundancy and Redeployment Policy, Recruitment and Selection Policy.

DERBYSHIRE COUNTY COUNCIL

SECONDMENT POLICY

1. Purpose

The secondment policy supports managers in adopting a consistent, fair and effective process when considering and managing secondments.

This policy should be read in conjunction with other related employment policies.

2. Scope

This Policy applies to all employees of Derbyshire County Council except those employed in schools where the Governing Body is the employer, who are covered by the relevant policies for schools.

All employees should have equal access to the policy.

3. Introduction

A secondment is the temporary movement or 'loan' of an employee to another part of the organisation (or to/from an external organisation) for the mutual benefit of the employee and the organisation. The employee's substantive job remains available for them to return to at the end of the secondment.

A secondment agreement is not a fixed term contract. Separate guidance on using fixed term contracts can be found [here](#).

Short term secondment/fixed term opportunities for longer than three months should be filled in accordance with the relevant Council resourcing policies and processes. Employees are encouraged to apply for these opportunities on a secondment basis, returning to their substantive job at the end of the secondment.

Secondments must be mutually agreed in advance between the employee, substantive manager, and secondment manager. There is no automatic right to be released to undertake a secondment, however managers are encouraged to support requests.

a. Benefits

Managers are encouraged to release employees for secondments, as this benefits both the employee and the organisation by:

- Providing a short-term resource such as for specific projects, fluctuating service needs, maternity leave cover, staff shortages, etc.
- Enabling employees to gain enhanced skills, knowledge and confidence to support career development and succession planning.
- Making the best of our resources and tapping into the talent and creativity of our employees.
- Strengthening a culture of flexibility and supporting employees to embrace change.
- Supporting service improvement and 'one council' working across all departments.
- Fully utilising expertise and sharing skills and knowledge across the organisation and wider community.
- Supporting partnership working.
- Helping to attract employees who are flexible and keen to develop by actively promoting learning and development.

Where a manager is not able to agree a secondment, and an existing employee chooses to move from a permanent to a fixed term contract, the employee must be made aware of the implications of changing their contractual status from permanent to fixed term, and that they will not have any entitlement to return to their substantive post at the end of the fixed term contract.

b. Types of secondment

Secondments will be either:

i) Internal - within or between sections/departments within the council:

a. On a short term basis for less than three months where an employee is seconded into a temporary promotion within the same team, undertaking all or some of a more senior role, ('acting up') to cover a short term absence, or pending recruitment. Short term secondment opportunities are not always advertised unless there is likely to be interest from a number of people in a team. If the duration is anticipated to be over three months, it should normally be advertised as a temporary/fixed term post.

If all the duties of the more senior role are being covered then the full increased pay rate will be paid. If only some of the duties are being covered then seek HR advice as this will need to be evaluated. A variation to contract relating to the temporary promotion will be issued to the employee by HR Services and arrangements for pay agreed in accordance with the appropriate terms and conditions.

b. Or, on a longer term basis for up to two years.

ii) External - from the Council to an external organisation* where the Council will remain the employer and the secondee will continue to be subject to the Council's policies and procedures.

iii) Inward - from an external organisation to the Council* where the Council is the Host, not the employer.

*For a secondment into/out of the Council, see section 7. below, and seek HR advice.

A secondment can be either full time, for the whole working time of the secondee, or part time, where part of the secondee's working time is spent in his/her substantive job, and part in the seconded job.

A secondment arrangement would **not** apply in the following circumstances:

- Short term placements, such as work shadowing, which are arranged informally between teams.
- Work tasters.

4. Duration

a. Length of secondment

A secondment will typically be for a period of up to one year but may be for up to two years. Secondments will only be extended beyond two years in exceptional circumstances. All parties will need to agree any extension to the original secondment which should be confirmed through the relevant resourcing approval process. Services should monitor and manage secondments effectively to ensure they do not continue indefinitely.

Managers should seek Resourcing Manager advice prior to offering secondment opportunities which are for more than two years, or extending a secondment beyond two years. Consideration must be given as to whether the job should continue as a secondment or be appointed to on a permanent basis through the process below.

At the end of the secondment the employee and their manager should reflect on and capture the learning, skills and experience the employee has gained, and the benefits to both them and the service.

b. If the secondment opportunity becomes permanent

A seconded employee does not have an automatic entitlement to be 'slotted' into the post they are seconded into if it becomes permanent. However, the manager should consider which of the following options most effectively meets service needs:

- i) Advertise the post as permanent through the appropriate Council resourcing process (if the secondee is unsuccessful then they return to their substantive post) or,
- ii) slot/offer the employee currently seconded into the post the opportunity on a permanent basis, as long as:
 - The employee was offered the secondment originally through the appropriate resourcing process (as a minimum the opportunity must have been advertised internally).
 - The duties of the job they were recruited to have not changed and the grade is the same.
 - The person in the role is not an agency worker, on a relief contract or any other contract that classifies them as a 'worker' rather than 'employee' (if required, seek further clarification from Resourcing Managers on the definitions of 'employee' and 'worker').
 - There are no employees 'at risk' with priority status who should be considered for redeployment into the role.

5. Roles and Responsibilities

a. Secondment Manager

- Advertises/fills the opportunity through the appropriate resourcing process giving suitable employees equal opportunity to apply.
- Meets the salary costs of the secondee, including any contractual/statutory sick pay, maternity/paternity pay.
- Identifies any contractual changes for the duration of the secondment, discusses these with the employee, and seeks legal advice if required.
- Ensures that HR Services are notified and any required pre-employment checks, e.g. DBS check/medical, are carried out before the secondment starts.
- Ensures any reasonable adjustments are put in place prior to the commencement of the secondment.
- Provides an induction, in line with the relevant induction policy and process, and any training and development that may reasonably be required to carry out the job.
- Agrees objectives relating to the seconded job, which should be reflected in the secondee's 1:1, review or supervision meetings.
- Assumes day to day management responsibility, including for leave, absence.

- Reports to the substantive manager any performance, health and safety, grievance or disciplinary matter that relates to the seconded employee which arises out of, or is in any way connected with, the secondment.
- Has responsibility for reviewing the secondment, and contacts the substantive manager and the seconded employee at least three months prior to the seconded employee's proposed return date to their substantive job.
- Reflects with the seconded employee on the learning, skills and experience gained, and benefits to the individual and service, to evaluate the success of the secondment and make recommendations for further development, where appropriate.
- If the secondment arrangement is with an external organisation, liaises with Finance and the external organisation to ensure that appropriate cross charging arrangements are in place.

b. Substantive Manager

- Makes the decision whether to 'release' the employee from their substantive job, for the period of the secondment, supporting requests for release whenever possible.
- In making the decision considers the temporary backfill arrangements, impact on the team, additional training required and whether to cover the absence on a fixed term contract basis (see Policy on the Use of Fixed Term Contracts.)
- If refusing a secondment request, has clear business reasons for the decision and explains these to the employee.
- Makes arrangements to ensure the seconded employee is kept in touch regularly with general developments affecting their substantive job.
- Includes the seconded employee fully in any consultation process which affects their substantive job.
- Monitors relevant statutory requirements for maintenance of professional registrations in consultation with the seconded employee
- Meets with the seconded employee prior to their return date
- Ensures that the seconded employee understands that if the post they are seconded to is at a higher grade that they will on return to their substantive role, go back to their substantive grade.
- On return, discusses the value of the secondment, in terms of the learning, skills and experience gained, where appropriate, and benefits to the individual and service, and resets their role and development objectives.

c. Employee

- Discusses any secondment opportunities with their substantive manager and gains approval for release prior to applying.
- If a release on secondment, or extension to a secondment, is not agreed, and the employee wishes to be considered for the job on a fixed term contract basis, discusses with their substantive manager the implications of doing so on their employment contract, with advice from HR if required.

- At the end of the secondment reflects on and captures the learning, skills and experience they have gained, where appropriate, and discuss this, and how it can benefit the service, with their manager
- Maintain professional registration/s
- Undertake any training required when returning to their substantive post to ensure they are up to date.

6. Contractual arrangements

- A secondment agreement for secondments over 3 months will be formally issued by HR Services (HRS). Short term secondments of 3 months or less will receive a letter confirming the arrangements of the short term secondment.
- The salary, grade and terms and conditions of employment of the seconded employee will be those applicable to the secondment post. These may be more generous than those applying to the seconded employee's substantive post.
- The employee should be made aware of any contractual changes for the duration of the secondment.
- The secondment agreement must include a break clause.
- If there is no agreement from the substantive manager to release the employee from their substantive job, or to extend an existing secondment agreement, the employee may decide to accept an offer of a fixed term contract instead and resign from their substantive job. There will be no right of return to their substantive job and a fixed term contract will be issued.
- If a secondment is to be extended (see section 4), the secondment manager must obtain agreement from the substantive manager, employee, and through the relevant resourcing approval process, prior to contacting HR Services and completing a 'Generic Employee Variation' form on SAP Workplace. HR Services will then issue a Secondment Extension.
- If the secondment is required to end early for any reason, instigated by any party e.g., there is a change to service requirements, the secondment will end with the agreement of the secondment manager and substantive manager, subject to a minimum notice period to be agreed between all parties, usually one month. If the employee resigns from Derbyshire County Council (DCC) employment, the normal contractual notice period will apply.
- Employees seconded to external organisations retain full continuity of employment with DCC and will remain an employee of the Council throughout.

Organisational reviews

a. Substantive post affected by a review

If the employee's substantive job is included in a restructure during the secondment period, the employee will automatically be fully included in any consultation or process which affects the job, including the redeployment process where this applies.

If the substantive job is deleted from the structure, the term "secondment" will no longer apply as there is no substantive job to return to. The secondee may continue in the secondment role until their last day of notice, provided that this was agreed with all parties and the notice provisions of the secondment were adhered to. Following this, if the employee continued in the temporary job, this would have to be on a fixed term contractual basis (which would also include a statutory four-week trial period). At the end of the fixed term contract period, employment would be terminated unless an alternative job could be secured. HR advice should be sought and the employee made fully aware, in writing, of the implications of the changed contractual status, prior to them being asked to make a decision as regards to their continuation, or otherwise, in their substantive job.

b. Secondment affected by a review

Normally, employees seconded into an area which is subsequently restructured or reviewed, should return to their substantive post, and not be included in the ring fence.

7. External secondments

a. To an external organisation

A "template" Agreement should be used (drawn up by Legal Services and issued by HR) in cases where an employee is seconded to an external organisation. The general principles in the previous sections of this procedure will still apply to external secondments (both into and out of DCC), where appropriate. HR and legal advice should always be sought in relation to any external secondment to ensure that the "agreement template" is appropriate to the circumstances and takes into account any changes in the law. Advice should also be taken where the external secondment is to be to an organisation with whom DCC has an arrangement such as an honorary contract or a s.113 agreement (e.g. NHS).

b. From an external organisation

The contractual agreement for a secondment into DCC should be considered in collaboration with the employing organisation who will be

aware of the employee's current contractual terms and conditions. HR and legal advice should be taken on each occasion and it may be possible for DCC (Legal Services and HR) to provide the agreement in particular circumstances. Advice should also be taken where the external secondment is to be from an organisation with whom DCC has an arrangement such as an honorary contract or a s.113 agreement (e.g. NHS).

c. Costs

For both external and inward secondments, specific consideration must be given in relation to cross charging e.g. the reimbursement of salary/contractual and statutory sick, maternity or paternity pay.

APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE

10 November 2020

Report of the Director of Organisation Development & Policy

LOCAL GOVERNMENT SERVICES, CHIEF OFFICER AND SOULBURY 2020/21 PAY AGREEMENT

1. Purpose of the Report

To note the implementation of the national pay agreements for Local Government Services Grades 1/2 to 16 (effective 1 April 2020), the Joint Negotiating Committee (JNC) for chief officers Grades 17 and above (effective 1 April 2020) and Soulbury Committee (effective 1 September 2020).

2.1 National Pay Agreement

a. Local Government Service and Chief Officer payscales

The national pay agreement for Local Government Service employees is attached at Appendix 1, the main points of the pay agreement are:

- A one year pay deal effective from 1 April 2020
- 2.75% pay award uplift on all NJC and JNC pay points (grade 1/2 to 16)
- Increase in the minimum annual leave days for NJC workers from 21 to 22 (*this does not impact employees within the Council who are on Derbyshire Terms and Conditions and receive a minimum of 25 days annual leave*).

The national pay agreement for Chief Officers is attached at Appendix 2, the main points of the pay agreement are:

- A one year pay deal effective from 1 April 2020
- 2.75% pay award uplift on all pay points for chief officers (grade 17 and above)

b. Derbyshire Pay and Grading Structure

It was agreed as part of Single Status implementation in 2010 that the Derbyshire pay and grading structure would be adjusted by any 'cost of living' increase agreed nationally by the relevant National Joint Committee. The recognised Trade Unions have been consulted with to outline the revised Derbyshire Pay Scales for 2020/21 reflecting the 2.75% national pay agreement to all pay points for grade 1/2 to 20 (Appendix 4).

The increase in the basic rate of pay will be applied to all pay related allowances including standby, sleep-in, and tool allowances for Craft employees.

In line with National Pay agreements, pay is backdated to the 1 April 2020 for employees on Derbyshire Pay Scales. This includes backdated payments on additional hours, overtime and allowances as specified within Appendix 5. Top-up payments associated with the Councils Interim Average Pay Policy following the Covid-19 Pandemic will not be subject to pay uplift.

2.2 Soulbury Pay Scales

The Soulbury pay agreement is reflective of that for Local Government Service employees. The agreement is a 1 year pay deal to uplift all Soulbury pay points by 2.75% effective from 1 September 2020. A copy of the national pay agreement is attached in Appendix 3. The Council has around 80 employees affected by the Soulbury pay agreement.

3. Legal Considerations

None by exception.

4. Financial Considerations

The figure included in the FYFP for 2020-21 for pay increases is £5.4m which is based on a 2% 'bottom loaded' assumption. The cost of the pay agreement, which is a 2.75% flat uplift, is estimated to be £6.4m. Therefore, £5.4m will be met from the budget set aside in the Revenue Budget 2020-21; the additional £1m of costs above the assumption will have to be found from within existing departmental budgets

5. HR Considerations

The Council consulted with the recognised local trade unions prior to implementation of the 2020/21 pay agreements. Employees have been notified of the national pay agreement through Our Derbyshire and payments have successfully been backdated to 1 April 2020 for Employees on Derbyshire Pay scales along with their normal salary on 25 September 2020. Employees on Soulbury Pay Scales received their pay award within their normal salary also on 25 September 2020.

7. Recommendation

That the Committee note the implementation of the National Pay Agreements for employee on Derbyshire and Soulbury pay scales as outlined within the report.

Emma Crapper
Director of Organisation Development and Policy

National Joint Council for local government services

Employers' Secretary
Naomi Cooke

Trade Union Secretaries
Rehana Azam, GMB
Jim Kennedy, Unite
Jon Richards, UNISON

Address for correspondence
Local Government Association
18 Smith Square
London SW1P 3HZ
Tel: 020 7664 3000
info@local.gov.uk

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UNISON Centre
130 Euston Road
London NW1 2AY
Tel: 0845 3550845
localgovernment@unison.co.uk

**To: Chief Executives in England, Wales and N Ireland
(copies for HR and Finance Directors)
Members of the National Joint Council**

24 August 2020

Dear Chief Executive,

LOCAL GOVERNMENT SERVICES' PAY AGREEMENT 2020-21

Pay

Agreement has been reached between the National Employers and the NJC Trade Union Side on rates of pay applicable from **1 April 2020**.

UNISON and GMB both voted to accept whilst Unite voted to reject. However, in line with the Constitution of the NJC, Unite accepts the collective majority decision of the other unions that the pay award will now be implemented.

The new pay rates are attached at **Annex 1**. The new rates for allowances, up-rated by 2.75 per cent, are set out at **Annex 2**.

The NJC has also agreed to enter into discussions on examining all options for ensuring the sector – and the NJC pay spine - can meet the challenge of the Government's target for the National Living Wage in the coming years.

Annual Leave

The NJC has also agreed that from **1 April 2020**, minimum annual leave will increase from 21 to 22 days for employees with less than five years' service.

The National Agreement Part 2 Para 7.2 will therefore, with effect from **1 April 2020**, be amended to read as follows:

7.2 Annual Leave

The minimum paid annual leave entitlement is twenty-two days with a further three days after five years of continuous service. The entitlement as expressed applies to five day working patterns. For alternative working patterns an equivalent leave entitlement should be calculated.

Stress and Mental Health

The NJC has further agreed that the Joint Secretaries will begin discussions on “a *comprehensive joint national review of the workplace causes of stress and mental health*”

Yours sincerely,

Naomi
Cooke

Naomi Cooke



Rehana Azam



Jim Kennedy



Jon Richards

SCP	01-Apr-19		01-Apr-20	
	per annum	per hour	per annum	per hour
1	£17,364	£9.00	£17,842	£9.25
2	£17,711	£9.18	£18,198	£9.43
3	£18,065	£9.36	£18,562	£9.62
4	£18,426	£9.55	£18,933	£9.81
5	£18,795	£9.74	£19,312	£10.01
6	£19,171	£9.94	£19,698	£10.21
7	£19,554	£10.14	£20,092	£10.41
8	£19,945	£10.34	£20,493	£10.62
9	£20,344	£10.54	£20,903	£10.83
10	£20,751	£10.76	£21,322	£11.05
11	£21,166	£10.97	£21,748	£11.27
12	£21,589	£11.19	£22,183	£11.50
13	£22,021	£11.41	£22,627	£11.73
14	£22,462	£11.64	£23,080	£11.96
15	£22,911	£11.88	£23,541	£12.20
16	£23,369	£12.11	£24,012	£12.45
17	£23,836	£12.35	£24,491	£12.69
18	£24,313	£12.60	£24,982	£12.95
19	£24,799	£12.85	£25,481	£13.21
20	£25,295	£13.11	£25,991	£13.47
21	£25,801	£13.37	£26,511	£13.74
22	£26,317	£13.64	£27,041	£14.02
23	£26,999	£13.99	£27,741	£14.38
24	£27,905	£14.46	£28,672	£14.86
25	£28,785	£14.92	£29,577	£15.33
26	£29,636	£15.36	£30,451	£15.78
27	£30,507	£15.81	£31,346	£16.25
28	£31,371	£16.26	£32,234	£16.71
29	£32,029	£16.60	£32,910	£17.06
30	£32,878	£17.04	£33,782	£17.51
31	£33,799	£17.52	£34,728	£18.00
32	£34,788	£18.03	£35,745	£18.53
33	£35,934	£18.63	£36,922	£19.14
34	£36,876	£19.11	£37,890	£19.64
35	£37,849	£19.62	£38,890	£20.16
36	£38,813	£20.12	£39,880	£20.67
37	£39,782	£20.62	£40,876	£21.19
38	£40,760	£21.13	£41,881	£21.71
39	£41,675	£21.60	£42,821	£22.20
40	£42,683	£22.12	£43,857	£22.73
41	£43,662	£22.63	£44,863	£23.25
42	£44,632	£23.13	£45,859	£23.77
43	£45,591	£23.63	£46,845	£24.28

*hourly rate calculated by dividing annual salary by 52.143 weeks (which is 365 days divided by 7) and then divided by 37 hours (the standard working week)

Part 3 Paragraph 2.6(e) Sleeping-in Duty Payment:

1 April 2020
£37.07

**RATES OF PROTECTED ALLOWANCES AT 1 APRIL 2020
(FORMER APT&C AGREEMENT (PURPLE BOOK))**

Paragraph 28(3) Nursery Staffs in Educational Establishments - Special Educational Needs Allowance

1 April 2020
£1,324

Paragraph 28(14) Laboratory / Workshop Technicians

City and Guilds Science Laboratory Technician's Certificate Allowance:

1 April 2020
£215

City and Guilds Laboratory Technician's Advanced Certificate Allowance:

1 April 2020
£156

Paragraph 32 London Weighting and Fringe Area Allowances £ Per Annum

Inner Fringe Area:

1 April 2020
£898

Outer Fringe Area:

1 April 2020
£626

Paragraph 35 Standby Duty Allowance - Social Workers (1)(a)(i) Allowance - Per Session

1 April 2020
£29.83

FORMER MANUAL WORKER AGREEMENT (WHITE BOOK)

Section 1 Paragraph 3 London and Fringe Area Allowances £ Per Annum

Inner Fringe Area:

1 April 2020

£898

Outer Fringe Area:

1 April 2020

£626

Joint Negotiating Committee for Chief Officers of Local Authorities

To: Chief Executives in England and Wales (N Ireland for information)
(copies for the Finance Director and HR Director)
Regional Directors
Members of the Joint Negotiating Committee

24 August 2020

Dear Chief Executive,

CHIEF OFFICERS' PAY AGREEMENT 2020-21

Agreement has now been reached on the pay award applicable from **1 April 2020**.

The individual basic salaries¹ of all officers within scope of the JNC for Chief Officers of Local Authorities should be increased by 2.75 per cent with effect from 1 April 2020 (NB: the percentage increases apply to individual salaries as well as pay points, if applicable).

The JNC has also agreed to conduct a joint survey of all local authorities in order to establish the extent of the gender pay gap among Chief Officers, after which they will agree a joint approach on how to remove any such gender pay gap.

The JNC has further agreed to enter into discussions to agree a new package to improve Chief Officers' work-life balance.

This pay agreement covers the period 1 April 2020 to 31 March 2021.

Yours faithfully,

Naomi Cooke

Karen Leonard

Joint Secretaries

cc Mike Short, UNISON

¹ Basic salary should exclude other separately identified payments such as Returning Officer fees etc.

Employers' Secretary: Naomi Cooke Local Government Association 18 Smith Square London SW1P 3HZ info@local.gov.uk	Officers' Secretary: Karen Leonard GMB Mary Turner House 22 Stephenson Way London NW1 2HD info@gmb.org.uk
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The Soulbury Committee
Inspectors Organisers and Advisory Officers of Local Authorities

24 August 2020

To: Chief Executives of County Councils and Metropolitan Districts and Unitary Authorities in England;
Chief Executives of London Boroughs;
Chief Executives of County Councils and County Borough Councils in Wales;
Directors of Children's Services/Directors of Education of County Councils Metropolitan Districts and Unitary Authorities in England;
Directors of Children's Services/Directors of Education of London Boroughs;
Directors of Children's Services/Directors of Education of County Councils and County Borough Councils in Wales;
Members of the Soulbury Committee
Subscribers

Dear Sir/Madam

JOINT EDUCATION SERVICES CIRCULAR NO 218

SOULBURY PAY AGREEMENT: 2020

Following negotiations, we can confirm that the Soulbury Committee has reached an agreement on a pay award for 2020 which is as follows:

- an increase of 2.75% on all pay points on the Educational Improvement Professionals' pay spine, Young People's/Community Service Managers' pay spine and Educational Psychologists' pay spines on 1 September 2020;
- an increase of 2.75% on all London and Fringe area allowances on 1 September 2020.

The Soulbury Committee has also agreed to discussions on a without prejudice basis to review the current Soulbury pay structure.

A revised salary scale is attached for your information (Appendix I).

Yours sincerely



David Algie
Employers Side Secretariat



David Powell
Officers' Side Secretary

Employers' Side Secretary: *Sarah Ward*
Local Government House Smith Square LONDON SW1P 3HZ
Tel 020 7664 3188 Fax 020 7664 3030

Officers' Side Secretary: *David Powell*
Hamilton House Mabledon Place London WC1 9BD
Tel: 020 7388 6191 Fax 020 7387 8458

Educational Improvement Professionals

SCP	Current	01.09.20
1	35444	36419
2	36713	37723
3	37912	38955
4	39127	40203
5	40334	41443
6	41542	42684
7	42811	43988
8	44032*	45243*
9	45455	46705
10	46724	48009
11	47976	49295
12	49188	50541
13	50561**	51951**
14	51785	53209
15	53137	54598
16	54359	55854
17	55585	57114
18	56788	58350
19	58029	59625
20	58670***	60283***
21	59902	61549
22	60976	62653
23	62158	63867
24	63218	64956
25	64351	66121
26	65457	67257
27	66588	68419
28	67734	69597
29	68883	70777
30	70030	71956
31	71167	73124
32	72322	74311
33	73477	75498
34	74661	76714
35	75841	77927
36	77055	79174
37	78250	80402
38	79457	81642
39	80648	82866
40	81838	84089
41	83035	85318

42	84230	86546
43	85424	87773
44	86624	89006
45	87821	90236
46	89020	91468
47	90224	92705
48	91416****	93930***
49	92613****	95160***
50	93812****	96392***

Notes to Educational Improvement Professionals above

Salary scales to consist of not more than four consecutive points based on the duties and responsibilities attaching to posts and the need to recruit and motivate staff.

**normal minimum point for EIP undertaking the full range of duties at this level.*

***normal minimum point for senior EIP undertaking the full range of duties at this level.*

****normal minimum point for leading EIP undertaking the full range of duties at this level.*

*****extension to range to accommodate structured professional assessments.*

Young People's / Community Service Manager

SCP	Current	01.09.20
1	36761	37772
2	37964	39008
3	39166	40243
4	40394*	41505*
5	41641	42786
6	42857	44036
7	44101**	45314**
8	45515	46767
9	46295	47568
10	47500	48806
11	48697	50036
12	49897	51269
13	51088	52493
14	52291	53729
15	53495	54966
16	54703	56207
17	55917	57455
18	57124	58695
19	58323	59927
20	59548***	61186***
21	60797***	62469***
22	62075***	63782***

23	63377***	65120***
24	64707***	66486***

Notes to Young People's / Community Service Manager above

The minimum Youth and Community Service Officers' scale is 4 points.

Other salary scales to consist of not more than four consecutive points based on duties and responsibilities attaching to posts and the need to recruit retain and motivate staff.

**normal minimum point for senior youth and community service officers undertaking the full range of duties at this level (see paragraph 5.6 of the Soulbury Report).*

***normal minimum point for principal youth and community service officer undertaking the full range of duties at this level (see paragraph 5.8 of the Soulbury Report).*

****extension to range to accommodate discretionary scale points and structured professional assessments.*

Trainee Educational Psychologists

SCP	Current	01.09.20
1	23884	24541
2	25632	26337
3	27378	28131
4	29128	29929
5	30875	31724
6	32623	33520

Assistant Educational Psychologists

SCP	Current	01.09.20
1	29359	30166
2	30559	31399
3	31757	32630
4	32950	33856

Educational Psychologists - Scale A

SCP	Current	01.09.20
1	37175	38197
2	39062	40136
3	40949	42075
4	42834	44012
5	44721	45951
6	46607	47889
7	48383	49714
8	50159	51538
9	51822*	53247*

10	53488*	54959*
11	55040*	56554*

Notes to Educational Psychologists - Scale A above

Salary scales to consist of six consecutive points based on the duties and responsibilities attaching to posts and the need to recruit retain and motivate staff.

**Extension to scale to accommodate structured professional assessment points.*

Senior and Principal Educational Psychologists

SCP	Current	01.09.20
1	46607	47889
2	48383	49714
3	50,159*	51538*
4	51822	53247
5	53488	54959
6	55040	56554
7	55678	57209
8	56869	58433
9	58050	59646
10	59251	60880
11	60428	62090
12	61628	63323
13	62849	64577
14	64029**	65790**
15	65266**	67061**
16	66490**	68318**
17	67723**	69585**
18	68954**	70850**

Notes to Senior and Principal Educational Psychologists above

Salary scales to consist of not more than four consecutive points based on the duties and responsibilities attaching to posts and the need to recruit retain and motivate staff.

**Normal minimum point for the principal educational psychologist undertaking the full range of duties at this level.*

***Extension to range to accommodate discretionary scale points and structured professional assessments*

LONDON AREA PAYMENTS

With effect from 1 September 2020 staff in the London area shall receive the following:

- (a) at the rate of £3182 (2019) and £3270 (2020) per annum to officers serving in the **Inner** area.
- (b) at the £2099 (2019) and £2157 (2020) per annum to officers serving in the **Outer** area.
- (c) at the rate of £811 (2019) and £833 (2020) per annum to officers serving in the **Fringe** area.
- (d) officers normally serving in the London area but temporarily employed elsewhere shall continue to receive London area payments at the rate appropriate to their normal area of employment.
- (e) in the case of an officer required to serve in different parts of the London areas or partly outside that area the officer shall be deemed to be serving in the area in which he is required to spend more than one half of his time.
- (f) for the purpose of this paragraph –

The “Inner Area” means the area of the London Boroughs of:

Camden, City of London, Greenwich, Hackney, Hammersmith & Fulham, Islington, Kensington & Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth, Westminster (the former Inner London Education Authority), and the London Boroughs of Barking and Dagenham, Brent, Ealing, Haringey, Merton and Newham.

The “Outer Area” means Greater London excluding the Inner area.

The “Fringe Area” means:

Berkshire: the districts of Bracknell Slough Windsor and Maidenhead.

Buckinghamshire: the districts of Beaconsfield and Chiltern.

Essex: the districts of Basildon Brentwood Epping Forest Harlow and Thurrock.

Hertfordshire: the districts of Broxbourne Dacorum East Hertfordshire Hertsmere St. Albans Three Rivers Watford and Welwyn Hatfield.

Kent: the districts of Dartford and Sevenoaks.

Surrey: the whole County.

West Sussex: the district of Crawley.

The “London Area” comprises the Inner area the Outer area and the Fringe area

Appendix 4 - Derbyshire Pay Scales 2019/20 to 2020/21

Grade	Pay Point	2019-20	2020-21
		Salary	Salary
1/2	1	£17,363	£17,840
3	2	£17,710	£18,197
4	3	£18,064	£18,561
5	4	£18,426	£18,933
	5	£18,794	£19,311
6	6	£19,169	£19,697
	7	£19,606	£20,145
7	8	£20,190	£20,745
	9	£20,801	£21,373
	10	£21,410	£21,999
8	11	£22,019	£22,625
	12	£22,628	£23,250
	13	£23,237	£23,876
	14	£23,847	£24,503
9	15	£24,455	£25,128
	16	£25,064	£25,753
	17	£25,673	£26,379
	18	£26,282	£27,005
10	19	£26,890	£27,629
	20	£27,914	£28,682
	21	£28,935	£29,731
	22	£29,957	£30,781
11	23	£30,980	£31,832
	24	£32,032	£32,913
	25	£33,084	£33,994
	26	£34,135	£35,074
12	27	£35,187	£36,155
	28	£36,266	£37,263
	29	£37,344	£38,371
	30	£38,424	£39,481
13	31	£39,503	£40,589
	32	£40,664	£41,782
	33	£41,825	£42,975
	34	£42,986	£44,168
	35	£44,148	£45,362

Grade	Pay Point	2019-20	2020-21
		Salary	Salary
14	36	£45,918	£47,181
	37	£47,688	£48,999
	38	£49,459	£50,819
	39	£51,231	£52,640
15	40	£52,999	£54,456
	41	£54,770	£56,276
	42	£56,541	£58,096
	43	£58,310	£59,914
16	44	£60,137	£61,791
	45	£61,964	£63,668
	46	£63,789	£65,543
	47	£65,615	£67,419
17	48	£78,487	£80,645
	49	£80,449	£82,661
	50	£82,412	£84,678
	51	£84,374	£86,694
18	52	£86,337	£88,711
	53	£89,929	£92,402
	54	£92,178	£94,713
	55	£94,428	£97,025
19	56	£96,675	£99,334
	57	£98,924	£101,644
	58	£94,942	£97,553
	59	£97,315	£99,991
20	60	£99,689	£102,430
	61	£102,063	£104,870
	62	£104,437	£107,309
	63	£114,714	£117,869
	64	£117,582	£120,816
	65	£120,449	£123,761
	66	£123,318	£126,709
	67	£126,185	£129,655

Appendix 5 - Allowances 2019/20 to 2020/21

Allowance	2019-20		2020-21
	Monthly		Monthly
Standby (each)	£26.30		£27.02
Sleep in (each)	£26.30		£27.02
Return to work (each)	£26.30		£27.02
First Aid (each month)	£13.70		£14.08

Tool Allowances	2019-20		2020-21	
	Monthly	Weekly	Monthly	Weekly
Engineers and Electricians	£32.72	£7.53	£33.62	£7.74
Carpenters	£30.28	£6.97	£31.11	£7.16
Bank Masons	£23.77	£5.47	£24.42	£5.62
Mason Fixers	£15.38	£3.54	£15.80	£3.64
Plasterers	£15.38	£3.54	£15.80	£3.64
Bricklayers	£15.38	£3.54	£15.80	£3.64
Painters (overall allowance)	£15.38	£3.54	£15.80	£3.64
Wall and Floor Tilers	£15.38	£3.54	£15.80	£3.64
Street Masons and Paviours	£15.38	£3.54	£15.80	£3.64
Plumbers	£34.85	£8.02	£35.81	£8.24
Carpenters and Joiner Apprentices	£30.28	£6.97	£31.11	£7.16
Mason (banker of fixer) Apprentices	£15.38	£3.54	£15.80	£3.64
Painter Apprentices (overall allowances)	£15.38	£3.54	£15.80	£3.64
Plasterer Apprentices	£15.38	£3.54	£15.80	£3.64
Bricklayer Apprentices	£15.38	£3.54	£15.80	£3.64
Plumber Apprentices	£34.85	£8.02	£35.81	£8.24

APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE

10 November 2020

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

APPLICATION FOR THE DERBYSHIRE ADULT COMMUNITY EDUCATION SERVICE (DACES) PAY OFFER 2020-21 TO BE AGREED AT 2.75%

1. Purpose of the Report

To seek approval for a one year pay agreement at 2.75% for Derbyshire Adult Community Education Service employees for 2020-21.

2. Background Information

Derbyshire Adult Community Education Service employees are the only group of employees not covered by national pay bargaining arrangements.

The local trade unions have accepted the Council's one year pay offer of 2.75% per year with effect from 1 September 2020. The one year offer relates to the period 1 September 2020 to 31 August 2021. This is similar to the recently agreed Local Government Services and Chief Officer pay agreements which were also for 2.75% (from 1 April 2020 to 31 March 2021). The revised pay scales are attached at Appendix 1.

Around 320 employees on Derbyshire Adult Community Education Service terms and conditions are included in the local pay offer. Apart from pay, officers affected are employed on Derbyshire Package terms and conditions.

3. Summary of proposals

In line with the pay agreement for single status staff, it is proposed that the DACES staff on different pay terms are given a pay agreement of 2.75% from 1 September 2020 – 31 August 2021 for payment in November 2020 pay.

4. Financial Considerations

The pay offer is estimated to cost around £34,254 including on costs for the full year. The costs will be met from the grant provided by the Education and Skills Funding Agency to the Authority for the provision of Adult Education Services.

CONTROLLED

5. Legal Considerations

None by exception.

6. Recommendation

That the Committee approve a one year pay agreement at 2.75% for Derbyshire Adult Community Education Service employees for 2020-21.

Jane Parfremment
Executive Director for Children's Services

Emma Crapper
Director of Organisation Development and Policy

Appendix 1 - Derbyshire Adult Education Service 2020-21

Post	Salary Points	Full Actual Salary	Monthly Pay	Teaching Hourly Rate	Hourly Rate	
					< 5 Years	> 5 Years
Adult Community Education Tutor	3	£20,112	£1,676.00	£25.14	£12.47	£12.76
Adult Community Education Tutor	4	£20,768	£1,730.67	£25.96	£12.88	£13.18
Adult Community Education Tutor (on receipt of Certificate in Education and Training (CET) Level 4 or equivalent)	5	£22,074	£1,839.50	£27.59	£13.69	£14.01

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DERBYSHIRE COUNTY COUNCIL**APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE****10 November 2020****Report of the Executive Director of Children's Services****SCHOOL TEACHERS' PAY AWARD & UPDATED PAY POLICY FOR
CENTRALLY EMPLOYED TEACHERS – 1 SEPTEMBER 2020****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) 2020.

To inform the Committee Members of the details of the nationally agreed School Teachers' Pay Award payable from 1 September 2020 and associated allowances.

To seek retrospective approval to adopt the advisory pay points for teachers on the main and upper pay ranges as outlined in the STPCD 2020 and implement a 5.5% uplift on the minimum of the main pay range and a 2.75% uplift to all previously agreed pay points and pay ranges and all allowances including Teaching and Learning Responsibility Payments (TLR) and Special Educational Needs (SEN) allowances. 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 proposals and increases to the pay ranges and allowances as outlined above.

2. Background Information / IntroductionPay 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 main changes to the Pay Policy proposed for 2020 are listed below:

- Uplifted statutory pay rates and allowance payments.
- Removal of a paragraph that determined that the discretion to make additional payments to teachers for out of school learning activities can only be made in connection with a specific, funded, scheme (e.g. One to One Tuition). This will make the policy consistent with the pay policy adopted for schools which gives discretion for payment of additional payments where teachers undertake out of school learning activities to support catch-up strategies as a result of the disruption caused by the closure of schools in the summer term 2020.

The policy contains all the other continuing provisions for the determination of individual salary ranges (ISR) for teachers paid on the leadership spine, payment of responsibility and special educational needs allowances, and part time teachers' pay calculation. These elements are unchanged.

Pay Award from 1 September 2020

The nationally agreed Teachers' Pay Award effective from 1 September 2020 is 5.5% on the minimum and 2.75% on the maximum of the main pay range and 2.75% to the statutory minimum and maximum of all other pay ranges and allowances

The re-introduction of the advisory points on the main pay range and upper pay range and the application of the national pay award to all teachers' pay ranges and allowances is recommended to take into consideration the potential impact on recruitment and retention, and 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 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 £222,000 including estimates for associated pensions and national insurance costs. Of this amount, £129,000 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. Whilst there's not any additional funding for the central DSG budgets, these were set with an assumption of a 2% pay rise. £60,000 of this (£35,000 part year) is unfunded and will need to be met from existing budgets.

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, the re-introduction of the advisory points on the main pay range and upper pay range and the application of the national pay award to all teachers' pay ranges and allowances.

5. Legal Considerations

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 2020 by the STPCD relate only to the increases to the maxima and minima of the pay ranges and allowances, as detailed above. To support a transparent and coherent career pathway and to assist with recruitment and retention, advisory pay points for the main and upper pay ranges have been set out and the Department for Education encourages schools to use them. The advisory points on the main pay range and the

upper pay range are not mandatory but are recommended.

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.

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.

9. Recommendations

To adopt the Proposed Pay Policy for teachers employed by the LA and not attached to schools which includes the advisory pay points and uplifts detailed in the background information.

That Committee Members agree the recommendation to Governing Boards to adopt the revised pay policy which includes the re-introduction of the advisory points on the main pay range and upper pay range and the application of the national pay award to all teachers' pay ranges and allowances backdated to 1 September 2020.

Jane Parfremment
Executive Director of Children's Services

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



November 2020

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

4.8. Equalities Considerations

Where a teacher 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 or a Senior Manager nominated by them who will receive recommendations on pay progression from heads of service and other teachers filling the role of Appraiser.

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

4.10. Appeals

From time to time teachers may disagree with their salary assessment or annual salary review. As far as practicable these will be resolved informally with the Head of Service and/or representative(s) of the Executive Director. If this is not possible and the disagreement remains unresolved teachers will be able to have their disagreement resolved through formal procedures. The formal procedure will be fair, equitable, and objective to allow a reasonable and appropriate outcome to be achieved. Outcomes of the formal procedures will always be in accordance with the procedures and requirements of the LA's Pay Policy (i.e. it should be self-regulating).

The order of proceedings will be as follows:

- 4.10.1. The teacher receives written confirmation of the pay determination, and where applicable, the basis on which the decision was made.
- 4.10.2. If the teacher is not satisfied and is unable to resolve the matter informally with the decision maker within 10 working days he/she will set down in writing the grounds for questioning the pay decision [which must relate to the grounds as set out in 4.10.5 below] and send it to the Executive Director, Childrens Services or their nominated representative (copied to the Director Organisation Development and Policy) within 10 working days of the notification of the decision being appealed against, or of the outcome of the discussion referred to above.
- 4.10.3. The Executive Director, or their nominated representative in conjunction with the Director of Organisation Development and Policy should provide a hearing within 10 working days of receipt of the written grounds for questioning the pay decision to consider this and give the teacher an opportunity to make representations in person.

- The teacher is entitled to be accompanied by a colleague or Professional Association Representative.
 - The timing and location of the formal meeting will be reasonable and will allow both parties to explain their cases.
 - The teacher and their representative will have access to all relevant documents.
 - The teacher or representative will be able to state their case and ask questions of the Executive Director, or their representative who may be advised by the Head of Service and/or their representative.
 - The Executive Director or their representative will give reasons for his/her original decision and respond to any questions put to him/her by the teacher or representative.
- 4.10.4. The Executive Director or their representative may seek the advice of the Head of Service, or representative. The Executive Director or their representative will decide the outcome of the representations and inform the teacher in writing within 1 working day. If appropriate, the teacher will be informed in writing of their right of appeal.
- 4.10.5. The teacher can appeal against the decision on procedural grounds or that the Executive Director or their representative has failed to implement the LA's Pay Policy. A teacher may appeal against any determination in relation to his/her pay on statutory grounds as follows:

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

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

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

- It will be heard normally within 20 working days of the receipt of the written appeal notification.
- The teacher will be given the opportunity to make representations in person and will have the right to be accompanied by a colleague or Professional Association Representative.
- The employee or representative will be able to state their case.
- Executive Director, Childrens Services or their representative will give reasons for his/her decision.

- The Hearing Officer may ask questions of the employee or representative and the Executive Director, Childrens Services or their representative.
- The Hearing Officer will be supported by an officer from HR and may seek the advice of the Head of Service and /or Executive Director Childrens Services or representative.

The Hearing Officer will decide the outcome of the appeal and inform the employee in writing within 1 working day. Where the appeal is rejected it will include a note of the evidence considered and the reasons for the decision.

- The pay appeals procedure performs the function of the grievance procedure on pay matters and therefore decisions should not be re-opened under general grievance procedures. Appeal decisions do not affect teachers' statutory employment rights.

5. USE OF DISCRETIONS IN BASIC PAY DETERMINATION

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

5.1. Pay range for Heads of Service

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

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

- I. determine the size of the Service with reference to the number of pupils/families served, their key stages, and ratio of full time equivalent staff to pupils.
- II. identify the salary range for the size of the service,
- III. take into account any challenges specific to the role and other relevant considerations,
- IV. determine an ISR of 5 points, as heads of service do not hold the level and scope of responsibilities required of Headteachers and they report to Assistant Directors (or their representatives),

- V. when making a new appointment, consider the requirements of the post and the extent to which the preferred candidate meets those requirements to determine whether it would be appropriate to set a starting salary above the minimum of the range. There must be appropriate scope for performance related progress within the range.
- VI. factors not expected to persist will be reflected through an allowance rather than consolidated into the pay range.

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

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

Temporary Payments

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

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

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

5.2. ISRs for Deputy and Assistant Heads of Service

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

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

A new deputy or assistant head of service may be paid on any one of the bottom 3 points of their pay range and will normally be appointed on the lowest point.

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

The minimum of a deputy head of service's pay range must not be less than the next leadership point above the minimum of any assistant head of service's pay range.

The minimum of a deputy head of service's or assistant head of service's pay range must not be less than the next leadership point above the salary of the highest paid classroom teacher.

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

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

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

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

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

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

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

When the Head of Service becomes responsible for more than one service, in all cases, consideration will 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 £42,402 and the maximum is £64,461. In setting an individual range the LA will have regard to the weight of responsibilities, challenge and demands of the post and internal pay relativities between posts of differing levels of responsibility.

5.4. Other Teachers

Discretionary experience points for classroom teachers, on appointment.

Teachers Appointed from the Maintained Sector

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

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

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

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

Teachers Appointed from Service other than in the Maintained Sector

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

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

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

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

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

- Relevant experience outside teaching of at **least 3 years** which may include:
 - Industrial or commercial training
 - Paid work directly related to the care and supervision of children
 - Paid work in an area directly related to the subject being taught and with commensurate responsibility

5.5. Part-time teachers

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

Any additional hours such a teacher may agree to work from time to time at the request of the Head of Service (or in the case where the part-time teacher is a Head of Service, the

Executive Director, Childrens Services or their nominated representative), should also be paid at the same rate.

The LA is responsible for ensuring that part-time teachers have a clear statement of the sessions and hours they will be required to work.

5.6. Short notice/supply teachers

Teachers who work on a day-to-day or other short notice basis have their pay determined in line with the statutory pay arrangements in the same way as other teachers. Teachers paid on a daily basis will have their salary assessed as an annual amount, divided by 195 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 2020 National Pay Award, contained within the STPCD 2020, introduced advisory pay points for teachers on the main and upper pay ranges. The 2020 STPCD national pay award uplifted the minimum of the main pay range by 5.5%; the maximum of the main pay range and the minima and maxima of all other pay and allowance ranges for teachers and school leaders and allowances by 2.75%. The 2020 uplifts to the maxima and minima of the pay ranges are statutory but the LA has to determine whether to apply the advisory pay points within the main pay range and upper pay range and any increase to interim points on the other 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 adopted the advisory pay points recommended by the STPCD 2020 for the Main Pay Range and the Upper Pay Range and determined that all points on the unqualified pay 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 2020.

6.1. Main Pay Range

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

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

6.2. Unqualified Teachers' Pay Range

An unqualified teacher will be paid within the minimum of £18,169 and maximum £28,735 of the Unqualified Teachers' Pay Range. The LA has determined the salary reference points shown below will be utilised where it is agreed that an unqualified teacher will progress up the range through performance reviews, in accordance with this policy.

Point 1	£18,169
Point 2	£20,282
Point 3	£22,394
Point 4	£24,507
Point 5	£26,622
Point 6	£28,735

6.3. Upper Pay Range

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

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

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

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

- d) The teacher was employed as an Advanced Skills Teacher/Excellent teacher by the LA under the 2012 Document;

and the teacher specified in (a) to (d) will not be paid on the pay range for leading practitioners or on the leadership scale.

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

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

6.4. Pay Range for Leading Practitioners

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

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

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

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

6.5. Leadership Pay Spine

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

	£		£
Minimum	42,195	23	72,497
2	43,251	24b	74,295
3	44,331	25	76,141
4	45,434	26	78,025
5	46,566	27b	79,958
6	47,735	28	81,942
7	49,019	29	83,971
8	50,151	30	86,061
9	51,402	31b	88,187

10	52,723	32	90,379
11	54,091	33	92,624
12	55,338	34	94,914
13	56,721	35b	97,273
14	58,135	36	99,681
15	59,581	37	102,159
16	61,166	38	104,687
17	62,570	39b	107,239
18b	64,143	40	109,914
19	65,735	41	112,660
20	67,364	42	115,483
21b	69,031	Maximum	117,197
22	70,745		

6.6. Pay Progression

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

All decisions regarding pay progression will be made with reference to the teachers' appraisal review statements and the pay recommendations they contain. To be fair and transparent, assessments of performance will be properly rooted in evidence. The evidence to be utilised in a performance pay review must be part of the appraisal process. It would not be appropriate for the authority to introduce evidence requirements that are not directly and explicitly related to the formal appraisal process and with the objectives and standards agreed with the teacher. Careful consideration will be given 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, or their nominated representative having regard to the appraisal report and taking into account advice from the Head of Service/senior leadership team. If a pay recommendation is not accepted, the Executive Director, or their nominated representative will provide the teacher with the reasons behind the decision and direct the teacher to the appeals procedure.

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

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

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

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

6.7. 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 or

their nominated representative who must be satisfied that a) and b) above are met. (See Appendix C)

Process and Procedures

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

If the applicant is unsuccessful, feedback will be provided by the Head of Service (or other senior leader as determined by the service) Feedback will be provided verbally within 10 working days of the Executive Director or their nominated representative's determination and be confirmed in writing within a further 10 days. It will be made clear in the feedback, if applicable, where the criteria for moving to the Upper Pay Range were deemed not to be met and details of how to submit an appeal provided, including the timescale for the process.

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

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

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

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

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

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

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

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

6.11. Heads of Service

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

have regard to the recommendation on pay recorded in the Head of Service's appraisal review.

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

6.12. Deputy Heads of Service and Assistant Heads of Service

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

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

6.13. Leading Practitioners

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

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

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

7. DISCRETIONARY ALLOWANCES AND PAYMENTS

7.1. Safeguarded payments and allowances

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

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

7.3. Values

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

- a) the annual value of a TLR1 is no less than £8,291 and no more than £14,030 pa.
- b) the annual value of a TLR2 is no less than £2,873 and no more than £7,017 pa.
- c) the LA had determined that where TLRs of different values are awarded to 2 or more teachers, the minimum difference in value between each award of a TLR1 is £1,500; and between each award of a TLR2 is £1,500.

A teacher may not hold more than one TLR1 or TLR2, but a TLR3 may be awarded to holders of TLR1 and TLR2 posts. A TLR1 or 2 post could be based on a job description that itemises several different areas of significant responsibility. A TLR1 or 2 post is a payment integrated to a post in the Service's Staffing Structure and therefore may only be held by two or more people, when job sharing that post. TLR1 or 2 posts awarded to part-time teachers must be paid pro-rata at the same proportion as the teacher's part-time contract.

The values of TLR payments awarded from 1 September 2020 in the LA are as follows:

TLR 2a	£2,876
TLR 2b	£4,792
TLR 2c	£6,701
TLR 1a	£8,296
TLR 1b	£10,211
TLR 1c	£12,123
TLR 1d	£14,029

7.4. Special Education Needs Allowances

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

- In any SEN post that requires a mandatory SEN qualification.
- In a special school.
- Who teaches pupils in one or more designated classes or units in a school, or in the case of an unattached teacher in a local authority unit or service.

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

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

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

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

8. OTHER PAYMENTS

8.1. Continuing professional development

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

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

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

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

8.2. Recruitment and retention incentives and benefits

The LA may decide to exercise the discretion to award Recruitment and Retention Incentives and Benefits. If so, a list of posts and areas of experience/expertise for which

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

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

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

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

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

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

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

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

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

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

8.3. Recruitment and Retention Benefits

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

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

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

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

8.4. Residential duties

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

8.5. Honoraria

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

SALARY STATEMENTS

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

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

The Statement will specifically include:

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

PAY POLICY ANNEXES

[Insert copy of the Services' Staffing Structures.]

UPPER PAY RANGE PROGRESSION CRITERIA**1. Professional Attributes**

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

2. Professional knowledge and understanding

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

3. Professional skills

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

Request for Assessment to be Paid on the Upper Pay Range

This form should be handled in confidence at all times

Eligibility criteria

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

UPPER PAY RANGE PROGRESSION CRITERIA

(1) Professional attributes

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

(2) Professional knowledge and understanding

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

(3) Professional skills

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

Part 1: Teacher details

To be completed by the teacher

Personal details

Surname _____

First name(s) _____

Previous surname (if applicable) _____

DfE number _____

Performance Management/Appraisal Details:

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

Schools covered by Planning/Review Statement _____

Declaration by the teacher

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

Signed _____

Date _____

Part 2: Actions for the Head of Service

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

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

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

Name of teacher: _____

LA service: _____

Please record your overall judgements below

Teachers' Standards

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

Criteria to be paid on Upper Pay Range:

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

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

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

Signature: _____ Print Name _____

Service: _____

Date: _____

NB This page should be passed back to the teacher.

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

Document is Restricted

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