Guidance on School Teachers’ Pay and Conditions Document 2010 (General)
SECTION 3: GUIDANCE ON SCHOOL TEACHERS’ PAY AND CONDITIONS (GENERAL)

1. The guidance in this section, which relates to general pay matters, and the guidance on the National Agreement (Section 4) should be read in conjunction with any related paragraphs of the School Teachers’ Pay and Conditions Document 2010 (‘the Document’), and overall in relation to paragraph 1.9 of the Document which explains the basis on which local authorities (‘LAs’), governing bodies and others (advanced skills teacher and excellent teacher assessors) must have regard to the guidance. Under section 127 of the 2002 Education Act, LAs and governing bodies must have regard to guidance issued by the Secretary of State about the procedure to be followed in applying the provisions of the Document. A court or tribunal may take any failure of an employer to do so into account in any proceedings.

2. Paragraph references in this guidance relate, except where otherwise stated, to paragraph numbers in the Document. The term ‘relevant body’ denotes the body (either governing body or LA) which is responsible for pay decisions.

General principles

3. The Document contains provisions relating to the pay and conditions of teachers not support staff, whose pay and conditions are determined locally. No payments or conditions of employment other than those provided for in the Document may be applied to teachers, except those conditions which are always determined locally and which do not conflict with the Document, unless the Secretary of State has granted exemptions under other legislation. The Document does not provide for the payment of bonuses or so-called ‘honoraria’ in any circumstances.

4. A teacher’s working week does not include Saturdays, Sundays or Public Holidays, unless his or her contract expressly provides for this (such as in the case of teachers at residential establishments). This is specified in paragraph 63.1.

Pay policy and grievance procedures (paragraph 3)

Pay policy

5. All relevant bodies – both governing bodies and LAs where they are the relevant body, including for all unattached teachers – must have a pay
policy. This should be linked to the performance management\(^{(1)}\) system. It should be reviewed annually and be kept up to date to take into account any legal changes or changes in the staffing structure which have an impact on discretionary pay decisions. Teachers and representatives of recognised unions should always be consulted on formulating the policy and on any changes to it. Teachers should always have ready access to copies of the relevant body’s pay policy. Relevant bodies should be aware of the model pay policy which will be made available through the Department’s website at [http://www.education.gov.uk](http://www.education.gov.uk).

6. The Education (School Teacher Performance Management) (England) Regulations 2006 came into force on 1\(^{st}\) September 2007. The revised performance management arrangements introduced by those Regulations inform pay decisions implemented annually, including in England assessment against the post-threshold standards from 1\(^{st}\) September 2009. Relevant bodies should, therefore, ensure that their pay policy continues to reflect these revised arrangements. The revised performance management arrangements do not apply to Wales.

7. The School Teachers’ Appraisal Regulations 2002 ("the 2002 Regulations") apply to teachers in Wales. The Regulations provide for the appraisal of the performance of school teachers (including unqualified teachers) at maintained schools in Wales. For teachers in Wales who are not covered by the 2002 Regulations, relevant bodies should ensure that they review the performance of teachers on an annual basis where applicable for pay progression purposes.

8. The Freedom of Information Act 2000 requires all public authorities to make information available proactively through their publication scheme. LAs and governing bodies should consider whether pay policies should be included in their publication schemes, having regard to the public interest in allowing public access to information, as required by the Act. They must, under the Act, make copies available on demand.

9. Procedures for determining pay must comply with all the requirements of discrimination legislation. The pay policy should therefore, make clear the relevant body’s compliance with the following legislation, as amended: the Employment Relations Act 1999, the Equality Act 2010\(^{(2)}\), the Part-Time Worker (Prevention of Less Favourable Treatment) Regulations 2000, the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002. Procedures for determining pay should also be consistent with the principles of public life

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\(^{(2)}\) Which comes into effect on 1 October 2010.
10. The pay policy should set out how all pay decisions are made, either as part of a regular review or in other circumstances, with sufficient detail for an individual to appreciate what evidence and other factors will be taken into consideration when a pay decision is made. In particular, the pay policy should describe the information to be included on pay statements given to teachers as part of the regular review process, or when other pay decisions are taken, and how additional information may be obtained by teachers. Relevant bodies should be aware of the model pay statements which are available at www.teachernet.gov.uk/pay.

11. Where decisions relate to pay reviews, the policy must also specify the date by which such decisions must be made (see also paragraph 18 below). The policy should also take account of special circumstances such as absence on maternity or long-term sick leave, and the relevant body’s approach to covering such situations in respect of the timing of pay reviews.

12. The pay policy should set out the principles by which the relevant body will exercise its discretion in pay matters. The relevant body should ensure that the effects of the application of those principles are reasonable in each case.

13. Relevant bodies should keep their staffing structure under review. The pay policy should be revised in accordance with decisions taken from time to time, following consultation, in relation to the staffing structure, and a copy of the structure should be attached to the published copy of the pay policy. The pay policy should set out the value of any discretionary payments or allowances attached to posts included in the staffing structure.

Pay hearings and appeals

14. The pay policy must also set out the procedures that apply when any teacher seeks a review of any decision made by the head teacher or relevant body that affects his or her pay. A hearing and appeals procedure is included in the model pay policy which will be made available on the Department’s website. Hearings and appeals against pay decisions must meet the dispute resolution requirements of employment law, in accordance with Part 3 of the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended) and sections 1 to 7 to the Employment Act 2008. In basic terms, these provide that employers and employees must follow the ACAS Code of Practice No. 1 – “Disciplinary and Grievance Procedures”. In relation to certain claims that statutory grievance procedures under Part 3 of the Employment Act 2002 must still be followed, where, for example, a dispute started prior to 6th April 2009 (further information is available at www.acas.org.uk/index.aspx?articleid=2174).
15. Any teacher seeking a reconsideration of a pay decision should first seek to resolve the matter informally through discussion with the decision-maker within 10 working days of notification of the decision. Where this is not possible, or the matter is still unresolved, the teacher may follow the formal grievance process by setting out their concerns in writing to the decision-maker within 10 working days of the notification of the decision or the outcome of the informal discussion.

16. The committee or person who made the decision should provide a hearing within 10 working days to consider the teacher’s concerns. The teacher should be informed in writing of the decision and the right to appeal. Any appeal against the decision of the hearing should be heard by a panel of three governors who were not involved in the original determination, normally within 20 working days of the written appeal notification. The teacher should be given the opportunity to make representations in person at both the hearing and the appeal and to be accompanied by a friend or union representative. The decision of the appeal panel should be given in writing, and where the appeal is rejected include a note of the evidence considered and the reasons for the decision.

17. The pay hearings and appeals procedure performs the function of the grievance procedure on pay matters and therefore decisions should not be reopened under general grievance procedures. Appeal decisions do not affect teachers’ statutory employment rights.

**Timing of salary determination and notification (paragraph 4)**

18. Relevant bodies should conduct teachers’ annual pay reviews without undue delay. The pay policy should set out the date by which decisions (effective from 1st September each year) will be made (see paragraph 11 above), which should be by 31st October at latest, except in the case of head teachers for whom the deadline is 31st December. However, where decisions are actually made earlier than the date set, these should be notified to the teacher at the earliest opportunity.

19. Where a review of the staffing structure has had, or is likely to have, an impact on the pay of any teacher, a revised pay statement should be issued as soon as possible (and in any event within one month of the relevant body’s determination). Relevant bodies should take particular care to notify teachers of likely changes to their pay at the earliest opportunity because teachers must be informed of any pay safeguarding implications resulting from the revisions. Relevant bodies should ensure that teachers are given full information about the safeguarding rules with the revised pay statement, to enable teachers to calculate the likely longer-term position in relation to their own pay. (A guidance note on the rules is at www.teachernet.gov.uk/pay).
Teachers paid a safeguarded sum (paragraph 5)

20. The relevant body must review the duties of any teachers who are entitled to safeguarded sums that in total exceed £500 (excluding generally safeguarded recruitment and retention payments) and allocate appropriate additional responsibilities, commensurate with the safeguarded sum, for the period of safeguarding (see paragraph 5.1). The relevant body should ensure that appropriate notice is given of any new duties which are being given to the teacher as work commensurate with their safeguarded sum or sums. All such additional responsibilities allocated should be kept under review, including taking such action as may be required when the safeguarding period ends. Head teachers will want to consider whether the additional duty is still required; if it should now attract an additional payment (such as a Teaching and Learning Responsibility (TLR) payment); and, if so, the most appropriate person to undertake the duty.

21. The relevant body should ensure that all teachers who are, or will be, in receipt of safeguarded sums are aware that if they unreasonably refuse to carry out such additional duties, payment of the safeguarded sums will cease. The teacher must be given written notice of any determination to withdraw a safeguarded sum at least one month before it is implemented and should be given notice of such a determination at the earliest opportunity. Any such determination is subject to appeal in the usual way.

22. Relevant bodies should be aware of the general principle set out in paragraph 5.2.1. This requires the relevant body to consider whether a teacher’s new pay point or new allowance has caused the teacher’s pay to increase by as much as or more than the value of their previous point and any safeguarded sum they were receiving. (Changes in the value of allowances or of pay points which result from the provisions of the Document are excluded(3).) If a range of safeguarded elements is being paid, ‘safeguarded sum’ does not mean the total of all safeguarded elements, but any safeguarded element within the total. The safeguarding guidance at www.teachernet.gov.uk/pay gives further information.

23. Where any such increase is larger than any safeguarded sum, the relevant body must cease to pay any sum or sums equal to or less than the increase. If there is a decision needed as to which sum or sums to cease paying, the relevant body should always cease paying the smaller or smallest sum first, followed by the next smallest, at any time when necessary to ensure that the principle is correctly applied.

24. Relevant bodies should note that paragraph 5.3 sets out the provisions for determining the latest end date for safeguarding of TLRs, the unqualified teachers’ allowance and for members of the leadership

(3) Generally this means increases resulting from pay awards following recommendations of the School Teachers’ Review Body.
group, ASTs and excellent teachers who are subject to safeguarding under paragraph 44. In such cases, safeguarding ends on the third anniversary of one of three set dates, in accordance with when the relevant body make their determination (see safeguarding guidance at www.teachernet/gov.uk/pay for more information).

**Leadership Group Pay (paragraphs 6-16)**

*Individual school range*

25. Relevant bodies should assign a school to a head teacher group and determine the individual school range (ISR) whenever they propose to appoint a new head teacher. They should also re-determine the ISR if they change the head teacher group in any other circumstances or if they set a deputy or assistant head teacher pay range which overlaps with the ISR. They may determine the ISR as of 1st September 2010 or at any time if they consider it necessary to retain a head teacher.

26. When determining the ISR, within the permitted parameters set out in paragraph 12, the relevant body should take account of any difficulties there may be in recruiting and retaining a head teacher and whether there has been a significant change in the responsibilities of the head teacher. The relevant body should not take account of the salary of the serving head teacher if they re-determine the ISR.

27. When determining the actual salary of a new head teacher, relevant bodies should take account of the responsibilities of the post, the background of the pupils at the school and whether the post is difficult to fill. *Where the scale maxima are exceeded the relevant body must still construct a seven point ISR.*

*Head teachers responsible and accountable for more than one school (paragraph 12.2.7 to 12.2.9)*

28. There may be a number of circumstances in which it is appropriate for a head teacher to be appointed to be responsible and accountable for more than one school, although this has to be viewed in the context of the requirement that they must be capable of fulfilling their professional duties and complying with their contract of employment, without unreasonable additions to their working time.

29. In all cases, consideration needs to be given to the remuneration of other teachers who as a result of the head teacher’s role are taking on additional responsibilities. This will be based on any additional responsibilities attached to the post (not the teacher), which should be recorded. An increase in remuneration should only be agreed where the post accrues extra responsibilities as a result of the head teacher’s enlarged role, it is not automatic.

30. This could be a permanent arrangement where the schools are
part of a hard federation with a single governing body. The remuneration in these cases should be based on the calculation of the total number of pupil units across all schools, which will give a group size for the federation. The relevant body should then determine the head teacher’s seven point ISR and appropriate starting point in that range according to paragraphs 7-11 of the Document.

Head teachers temporarily accountable for more than one school

31. Occasionally, in a school where it is not possible to appoint a deputy head or another member of the teaching staff to take on the position of acting head where there is a vacancy in the post of head teacher, a head teacher of another school may be appointed to be responsible and accountable in addition to their continuing role as the head teacher of their own school.

32. This role should be regarded as an acting headship on a temporary basis for as long as arrangements are being made for a permanent head teacher to be recruited for each school without a head teacher or to make alternative permanent arrangements, such as amalgamating the schools or creating a hard federation. There is an expectation that these temporary arrangements should be time-limited and subject to regular review and the maximum duration should be no longer than two years.

33. Any workload issues for the head teacher and additional responsibilities for other staff as a consequence of this temporary arrangement should be addressed as part of the overall considerations by the relevant body in agreeing to the head teacher undertaking the temporary additional role.

34. The remuneration of a head teacher who temporarily takes on the running of one or more other schools should be based on either the calculation of the total number of pupil units across all schools, to determine the temporary head teacher group, or the head teacher group of any of the constituent schools uplifted by up to two groups, whichever gives the higher temporary salary.

35. Where one of the constituent schools is in group 7 or 8, and it is not possible to apply the up to two groups higher discretion, the relevant body must base the head teacher’s seven point ISR either on the new temporary group size (based on the total number of pupil units across all schools), or on the group size of the largest school with the discretion to determine an ISR which exceeds the maximum of the head teacher group range by between 5 – 20%. Increases approaching the maximum of 20% (which is broadly equivalent to two groups higher) should only be given in exceptional circumstances, and where this is appropriate and proportionate in relation to the additional responsibility and accountability to be undertaken.
36. In order to support a head teacher who temporarily takes on the responsibility and accountability for more than one school the governing bodies of the schools concerned need to establish clarity around both how these arrangements will work in practice and how the arrangements will be brought to an end. Schools contemplating this arrangement should note the caveat at paragraph 32 above that it is only ever intended to be temporary.

37. In such temporary arrangements the head teacher is appointed in all schools in the arrangement. Accordingly, a fixed term variation of contract must be issued by the contracting employer. This will specify that the head, in addition to their substantive post, is for a fixed period employed additionally as head of the additional school(s). At the end of the fixed term variation the head teacher will revert to their substantive post.

38. Under the Collaboration Regulations\(^{(4)}\) the governing bodies may arrange for a joint committee made up of governors from all the schools involved to be established to oversee the fixed term arrangements. This joint committee should have delegated power to deal with the pay and performance management of the head and other relevant staffing issues. This joint committee should also have delegated power regarding the financial arrangements which will apply during the collaboration period. For example, the joint committee should determine any payment on the basis of temporary additional responsibility for teachers, other than the head, in each school, and the arrangements for reviewing and ending those payments.

39. The joint committee should also take account of the circumstances of each school and the workload implications including the extent to which the head is likely to be absent from the individual schools. They should consider the appropriate use of acting allowances and other temporary payments. Where there is a deputy head in the school, it may be more appropriate to temporarily increase their pay range to take account of the increased responsibilities in the absence of the head. Additionally a teacher may be temporarily appointed, in the absence of the substantive post holder, to a post in the staffing structure which attracts a TLR payment; and in the case of a classroom teacher where none of those are appropriate, the joint committee may consider the use of additional payments at paragraph 49.1(d). The joint committee should ensure that any payment for additional responsibilities is in line with the provisions of the Document and the school’s pay policy.

40. Where the arrangement for the head teacher is temporary, any adjustment to their pay and that of other teachers is also temporary, and safeguarding provisions will not apply when the arrangements cease.

Extended services

41. Local authorities are responsible for drawing up their local area plans. As part of these plans, they may choose to approach a school to see if the head and governing body would be willing to take responsibility for the provision of a range of extended services on their site for children and young people from the area. If the head and governing body agree to take on significant additional responsibility, for which the head is directly accountable to the Local Authority or the Children’s Trust, the relevant body has the discretion to take this into account when setting the head’s ISR. Any salary uplift should be proportionate to the level of responsibility and accountability being undertaken. In all cases, consideration needs to be given to the remuneration of other teachers who as a result of the head teacher’s role are taking on additional responsibilities. This will be based on any additional responsibilities attached to the post (not the teacher), which should be recorded. An increase in remuneration should only be agreed where the post accrues extra responsibilities as a result of the head teacher’s enlarged role, it is not automatic.

42. This would particularly apply where the LA or Children’s Trust delegates a budget for the provision and/or the commissioning of provision of a range of services to the head beyond the Standards Fund or the Area-Based Grant elements for extended services, and the head is held accountable for the delivery of these services to the target group in the local area. There is an expectation that local authority plans are rigorous and have taken into account the workload implications for the school’s staff.

43. However, where a head has an ‘interest in’ the quality of a service that is co-located on the school’s site, for example, a speech therapy centre that helps the development of young people within the school or across a number of schools, but is not responsible or accountable for that service, this is part of a head teacher’s core responsibilities, and would therefore not attract a salary uplift as in paragraph 41 above.

Pay of Deputy/Assistant Heads

44. The relevant body should determine the pay range for deputies and assistant heads when they propose to make new appointments or where there is a significant change in the responsibilities of serving deputy or assistant heads. They should take account of the responsibilities of the post, the background of the pupils at the school and whether the post is difficult to fill. They may determine the pay range as of 1st September 2010 or at any time if they consider it necessary to retain a deputy or assistant head teacher.

Progression

45. Relevant bodies should ensure that they review the performance of members of the leadership group, where they are not subject to the 2002
Regulations or the 2006 Regulations\(^{(5)}\), in accordance with paragraphs 7, 13 or 15 of the Document as applicable. For all teachers, relevant bodies should take full account of the clarification of the application of the criteria for leadership group progression set out in the following box, in the light of any considerations set out in the relevant body’s own pay policy as referred to in paragraphs 10-12 above. For heads, deputy or assistant heads in England who are subject to the 2006 Regulations, relevant bodies must have regard to any recommendation on pay progression recorded in the teacher’s most recent planning and review statement.

**Application of Leadership Group Pay Progression Criteria – Clarification**

Those on the leadership spine play a critical role in the life of the school. They inspire confidence in those around them and work with others to create a shared strategic vision which motivates pupils and staff. They take the lead in enhancing standards of teaching and learning and value enthusiasm and innovation in others. They have the confidence and ability to make management and organisational decisions and ensure equity, access and entitlement to learning.

To achieve progression, the School Teachers’ Pay and Conditions Document (STPCD) requires individuals on the leadership spine to have demonstrated sustained high quality performance. To be fair and transparent, judgements must be properly rooted in evidence and there must have been a successful review of overall performance.

A successful performance review, as prescribed by the Regulations\(^{(6)}\), will involve a performance management process of:

- performance objectives;
- classroom observation (where relevant);
- other evidence.

To ensure that there has been high quality performance, the performance review will need to assess that the teacher has grown professionally by developing their leadership and (where relevant) teaching expertise.

**Pay scale for classroom teachers (paragraphs 17 and 18)**

46. The relevant body may award an additional point to any main scale teacher whose performance in the previous school year was excellent, with particular regard to classroom teaching. The discretion to award an additional point to teachers whose performance has been excellent must be set out in the relevant body’s pay policy. Where the teacher is subject

\(^{(5)}\) This means any teachers who are not subject to performance management.

to the 2002 Regulations (in Wales) or the 2006 Regulations (in England), this decision will follow the most recent appraisal or review(7). For teachers in England who are subject to the 2006 Regulations, relevant bodies must have regard to any recommendation on pay progression recorded in the teacher’s most recent planning and review statement. The provisions for main scale progression under paragraph 18.1.1(b) remain unchanged – the relevant body must award a point for each year of employment unless notification has been given that the teacher’s service has been unsatisfactory.

**Review of the salary of post-threshold teachers (paragraph 19)**

47. For those teachers not subject to the 2002 Regulations or the 2006 Regulations(8), relevant bodies should ensure that they review the performance of post-threshold teachers who are eligible for consideration for movement up the upper pay scale in accordance with the criteria in paragraph 19. For those teachers subject to the 2002 Regulations or the 2006 Regulations, when considering whether the teacher meets the criteria in paragraph 19 the relevant body must have regard to the results of the two most recent appraisals or reviews carried out in accordance with the 2001 Regulations, the 2002 Regulations or the 2006 Regulations. For teachers in England who are subject to the 2006 Regulations, relevant bodies must have regard to any recommendation on pay progression recorded in the teacher’s most recent planning and review statement.

48. For all teachers, relevant bodies should take full account of the criteria for upper pay scale progression set out in the box following paragraph 49 below, in the light of any considerations set out in the relevant body’s own pay policy as referred to in paragraphs 10-12 above. Where teachers have moved school in the assessment period, the head teacher should consult with the head of the teacher’s previous school to seek evidence as to the teacher’s suitability for progression.

49. Relevant bodies have discretion under paragraph 19.4.7 to determine the point on the upper pay scale to which certain categories of post-threshold teachers may be appointed. When doing so, relevant bodies should consider any pay progression which such teachers made in their previous employment which was based on an assessment of standards and contribution comparable to the requirements for progression on the upper pay scale; and should not unreasonably withhold appointment at the equivalent point on the upper pay scale.

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(7) See footnote 6.
(8) This means any teachers who are not subject to performance management.
Upper Pay Scale Progression Criteria – Clarification

The following paragraphs refer to all teachers seeking to progress on the Upper Pay Scale.

To achieve progression, the School Teachers’ Pay and Conditions Document (STPCD) requires that the achievements of post-threshold teachers and their contribution to school(s) should have been substantial and sustained. To be fair and transparent, judgements must be properly rooted in evidence and there must have been a successful review of overall performance.

Progression on UPS should be based on two successful consecutive performance management reviews, other than under exceptional circumstances.

A successful performance review as prescribed by the Regulations(9) involves a performance management process of

- performance objectives;
- classroom observation;
- other evidence.

To ensure that the achievements and contribution have been substantial and sustained, that performance review will need to assess that the teacher has:

- continued to meet post-threshold standards; and
- grown professionally by developing their teaching expertise post-threshold.

U3 teachers play a critical role in the life of the school. They provide a role model for teaching and learning, make a distinctive contribution to the raising of pupil standards and contribute effectively to the work of the wider team. They take advantage of appropriate opportunities for professional development and use the outcomes effectively to improve pupils’ learning.

Assessment against the post-threshold teacher standards Rounds 10 and 11 (paragraph 20)

Eligibility

50. In order to be eligible to be assessed against the post-threshold standards, teachers must:

- be statutorily employed under the Document; and

(9) See footnote 6.
• be paid on point M6 of the pay scale for qualified classroom teachers; and
• have Qualified Teacher Status.

Only one request for assessment may be made in any round.

Non-statutory guidance for Threshold Round 11

51. The Department is reviewing its non-statutory guidance so the Round 11 guidance will not be available early in September as in previous rounds. But the Department’s Round 10 guidance contains most of the key material that will be relevant for Round 11 applicants. The Round 10 guidance is available through the Department’s website at http://www.education.gov.uk.

Teachers subject to the Education (School Teacher Performance Management) (England) Regulations 2006

52. Eligible teachers subject to the Education (School Teacher Performance Management) (England) Regulations 2006, who apply in Round 11 and were first placed on M6 in the school year 2010/11 or any previous school year, can make an application in the period 1st September 2010 to 31st October 2011 as long as they are on M6 at the date of their application. If successful, they will be paid with effect from 1st September 2010 or 1st September 2011 as provided for in this Document as the case may be. A recommended model document of application will be available in due course through the Department’s website at http://www.education.gov.uk.

Teachers in Wales and teachers not subject to the Education (School Teacher Performance Management) (England) Regulations 2006

53. Eligible teachers not subject to the Education (School Teacher Performance Management) (England) Regulations 2006, and eligible teachers in Wales, who apply in Round 11 and were first placed on M6 in the school year 2010/11 or any previous year, can make an application in the period 1st September 2010 to 31st August 2011 as long as they are on M6 at the date of their application. If successful, they will be paid with effect from 1st September 2010 or 1st September 2011 as provided for in this Document as the case may be. A recommended model application form will be available in due course through the Department’s website at http://www.education.gov.uk.
Round 10\(^{(10)}\) and Round 11\(^{(11)}\) applicants in England who are subject to the 2006 PM Regulations and applying between 1 September 2010 and 31 October 2010

54. As a result of the change in evidence base for threshold assessment from citing evidence to using performance management reviews, teachers in England subject to the 2006 PM Regulations who apply in Round 10 have an extended deadline to 31 October 2010 for submitting their applications which consequently spans two school years and two rounds of threshold.

55. The reason for the longer window is because some teachers may wish to use evidence from the 2009/10 performance management cycle in support of their Round 10 application, and performance management reviews do not have to be completed until 31 October. The longer window also occurs in Round 11 of threshold for teachers in England subject to the 2006 PM Regulations.

56. This will mean that all applicants will have to be careful to ensure that where they submit an application between the extended period of 1 September 2010 to 31 October 2010 that spans Round 10 and Round 11, that they use the relevant form for the correct round they are applying in so that their movement to the upper pay spine can be made with effect from the appropriate date.

57. The extended deadline does not apply to teachers in England not subject to the 2006 PM Regulations or to teachers in Wales who apply as in previous rounds of threshold within the school year of the round they are applying in.

Outstanding applications from earlier rounds of threshold

58. An outstanding application from an eligible teacher in an earlier round of threshold that was passed to a head teacher within the deadline on which they had to submit their application, but where assessment did not take place until a subsequent round must be dealt with under the provisions for the round in which it had originally been submitted. Where such an outstanding application is subsequently assessed as meeting the standards, the successful teacher will have their pay backdated in accordance with the relevant round of threshold in which they

\(^{(10)}\) A Round 10 applicant is a teacher who was first placed on M6 in the school year 2009/2010 or an earlier school year and who applies to cross the threshold on or before 31 October 2010 in the appropriate way, having not already made an application in the 2009/10 school year.

\(^{(11)}\) A Round 11 applicant is a teacher who is first placed on M6 in the school year 2010/2011 and who applies to cross the threshold on or before 31 October 2011 in the appropriate way. Also a teacher who has been unsuccessful in applying for threshold in an earlier threshold round, e.g. Round 10, but who meets the criteria, including being on M6, for seeking assessment in Round 11.
originally submitted their application, and they will therefore move to U1 with effect from 1st September at the start of the school year in which it was submitted or with effect from 1st September of the following school year, depending on the relevant provisions for payment that were applicable for that round. A round for the purposes of threshold means the period of time in which teachers must submit their applications; these deadlines have varied from year to year so it is important to refer to the Document that was in force in relation to the round in which the teacher originally applied.

Role of the relevant body in assessment against the post-threshold standards

59. The relevant body has legal responsibility for the threshold process. However, it is required to delegate the receipt and assessment of applications to the head teacher (or person with management responsibility in the case of unattached teachers). That person should handle all practical aspects of the process, including the giving of feedback to applicants.

60. The head teacher (or person with management responsibility in the case of unattached teachers) should promptly notify the relevant body of his or her decision on the application when it has been assessed. The relevant body, on receiving notification of a successful threshold application, is under a duty to move the teacher concerned to U1 in accordance with paragraph 19 of the Document.

Professional standards for teachers in England

61. The standards for post-threshold teachers are set out in Annex 1 to the Document. In England, these standards are part of a framework of professional standards which is intended to help teachers as they plan their careers and discuss their future development with their line managers. The standards provide a backdrop to discussions about how a teacher’s performance should be viewed in relation to their current career stage and the career stage they are approaching.

62. Within the framework, the standards are designed to be cumulative and progressive. The core standards underpin all the subsequent standards and continue to apply at all subsequent career stages. Each set of standards builds on the previous set, so that a teacher being assessed against the post-threshold standards must also meet the core standards. Where teachers are subject to performance management, assessment that a teacher meets the core standards is carried out through the performance management process. In Wales the equivalent to “core standards” are the “end of induction standards”(12).

http://wales.gov.uk/topics/educationandskills/learningproviders/trainingdevelopment/iepd/guidancircular;/jsessionid=9XC9KNGCvM4nzysvlyZ15g0hNVpH717WVtrQJ8GHNdKMRt6QyP2L1-692465818?lang=en
Professional standards for teachers in Wales

63. The standards framework as a whole, as set out in Annex 1, applies in England only. The standards for post-threshold teachers, Excellent Teachers and ASTs set out in Annex 1 are pay standards and apply in England and Wales. Responsibility for setting non-pay standards rests with the Welsh Assembly Government.

Applications, evidence period and absence

England and Wales

64. Assessment is a voluntary process and entirely a matter of choice for individuals. Teachers are responsible for applying for assessment and they must apply to the head teacher of the school or setting at which they are employed to teach (or head of service if applicable).

Teachers in England subject to the Education (School Teacher Performance Management) (England) Regulations 2006

65. In England – for those subject to the Education (School Teacher Performance Management) (England) Regulations 2006 – it is the teacher’s responsibility to submit performance management reviews that cover the two year relevant period in support of their application. These should be as recent as possible and clearly demonstrate that the teacher has worked at the level indicated by the post-threshold standards for a sustained period covering the relevant period before the application is submitted.

Teachers in England not subject to the Education (School Teacher Performance Management) (England) Regulations 2006 and teachers in Wales

66. For other teachers it is their responsibility to cite summarised evidence – in the form of concrete examples from their day-to-day work – in support of an application. This evidence should be as recent as possible and clearly demonstrate that the teacher has worked at the level indicated by the post-threshold standards for a sustained period immediately before the application is submitted. Normally, the evidence should cover the two years leading up to and ending at the date of their application.

England and Wales – all teachers

67. The evidence cited of teaching or outcomes of performance management reviews – as the case may be – should reflect all educational settings where the applicant has taught children of school age (up to 19 years of age). A year for the purposes of evidence for post-threshold standards is defined in paragraph 1.8 of the Document and it permits
certain periods of absence to be counted towards the period of a year.

68. In certain circumstances, teachers in England and Wales can cite evidence or performance reviews covering the relevant period as defined in the Document, but over a period of up to five years based on the exceptions described in paragraph 69 (below).

69. Teachers who have not been teaching children up to 19 years of age in the two years immediately preceding their application and who are not covered by the specific absences defined in paragraph 1.8 of the Document, or where the relevant body does not exercise its discretion to recognise the absence, but who have worked for an aggregate period of at least two years in the five years preceding their application, should cite evidence/provide the outcomes of performance management reviews from the most recent two year period (or an aggregate) ending at the point when they last taught children up to 19 years of age. They should not cite evidence more than five years old.

70. The absences not covered by paragraph 1.8 of the Document could be as a result of the teacher being an individual who had taught entirely outside the maintained or school sector, as a result of secondment, study leave, or because they took a career break for reasons other than those specifically covered by paragraph 1.8 and regardless of whether the break was in-service or not.

Feedback

All teachers - returning the application form and oral feedback

71. Before the head teacher assesses whether the teacher meets the post-threshold standards as set out in Annex 1 of the Document, they must first be satisfied, through the outcomes of performance reviews (in England) / appraisals (in Wales), that the teacher meets the core standards set out in Annex 1. In Wales the equivalent to “core standards” are the “end of induction standards”\(^{(13)}\).

72. If the head teacher is satisfied, through the outcomes of performance reviews/appraisals, that the teacher meets the core standards, they must go on to assess whether the teacher meets the post-threshold standards.

73. If the head teacher is not satisfied, through the outcomes of performance reviews, that the teacher meets the core standards they must reject the application and provide the teacher with a written explanation for the rejection. He or she should do this within 20 working days of informing the relevant body of the decision. In such cases, no assessment will be carried out against the post-threshold standards.

\(^{(13)}\) See footnote 12.
74. Having carried out an assessment against the post-threshold standards, the head teacher must notify the teacher of the outcome of that assessment and should do this within 20 working days of informing the relevant body of the decision. The head teacher should also return the teacher's administrative document or application form to them, showing any findings/comments they may have recorded on that form.

75. The head teacher should provide oral feedback on each of the 10 post-threshold standards and the reasons for the outcome of the application.

76. Feedback should be sensitive, informative and developmental. Feedback should link effectively to the school's performance management arrangements and should enable the teacher and his or her manager to identify clear priorities for future professional development.

**Unsuccessful applicants**

77. In the case of unsuccessful applicants, head teachers should give written feedback on the reasons for the outcome of the application, in relation to each of the 10 post-threshold standards, including those where the standards have been met, within 20 working days of informing the relevant body of their decision. Head teachers should also give written feedback where an applicant has not yet met the core standards within 20 working days of informing the relevant body of their decision.

78. Heads should record their reasons for determining that the standard(s) have not yet been met. A concise record of the reasons for which standard has/has not been met and why, should provide sufficient written feedback, although the head may supplement this. In all cases, the aim should be to give clear advice in oral feedback about how the teacher needs to develop in order to reach the standards. If, in discussion with the teacher it has been necessary to amplify the comments, then the key additional points made should be confirmed in writing.

**Appeals against not meeting the post-threshold standards**

79. Paragraphs 14 - 17 above, which cover hearings and appeals in connection with pay determinations, also apply to decisions with regard to post-threshold standards.

**Teachers who have worked in two or more schools during the evidence period**

80. Teachers who cite evidence/provide performance management reviews from more than one school (e.g. short notice teachers who have had specific individual contracts with schools and therefore were attached to those schools, or teachers who have changed jobs) should submit their application to the relevant body of the school they are contracted to work in on the date of submission of their application.
81. That head teacher should consult with the heads of the other schools in assessing the application and those heads should co-operate in the assessment.

*Teachers who work in two or more schools simultaneously*

82. In exceptional circumstances, where a post-threshold applicant is simultaneously employed to teach at two or more schools (e.g. part-time teachers simultaneously employed in two or more schools, or short notice teachers simultaneously employed in two or more schools and attached to those schools) the teacher should submit their application to the head teacher of the school at which they spend most time and the head of that school should normally assess the application, with appropriate input from the heads of the other school or schools. Where the teacher spends equal time in every school, they should submit their application to the head teacher of the school at which they have been employed the longest and the head of that school should normally be responsible for making the assessment. The assessing head should consult with the other head teachers in assessing the application and they should participate in the assessment. Where all the relevant heads agree, it is also possible for any one of them to assess the application if appropriate.

83. Teachers may make only one application, however many schools they work in. Regardless of the number of heads who contribute to the assessment, only one head should decide whether each of the standards has been met.

*Teaching and Learning Responsibility (TLR) payments (paragraphs 21 - 24)*

84. TLRs may be awarded for undertaking a sustained responsibility in the context of the school’s staffing structure that is needed to ensure continued delivery of high-quality teaching and learning. Posts to which TLRs are attached must meet the criterion and factors which are set out in paragraph 21 of the Document and summarised in the box below. The monetary values of TLRs must also be determined within the parameters in paragraph 21 and set out below.

85. The relevant body must keep under review how many leadership group posts, advanced skills teacher, excellent teacher and other posts are needed in its staffing structure and whether TLRs are an appropriate part of the structure needed to ensure the continued delivery of high-quality teaching and learning\(^{14}\). If TLRs are an appropriate part of that structure, the relevant body must decide how many posts should have TLRs and the appropriate cash values (uprated in accordance with paragraphs 22 and 23), in the light of the criterion and factors for the leadership group to carry out some or all of the associated responsibilities.

\(^{14}\) If a post meets the criterion and all of the factors, this does not mean automatically that the post will be graded as a TLR1. In addition, in some schools, the structure may provide for the leadership group to carry out some or all of the associated responsibilities.
award of TLR2 and TLR1 and the parameters within which the cash values may be set. The responsibility or package of responsibilities for which a TLR is awarded should be clearly set out in the job description of the post holder. Equal pay legislation must be respected in the award of TLRs to individual teachers and relevant bodies should be aware that any decisions which are not made on objective criteria may lead to claims being made to employment tribunals.

86. Teachers are expected to contribute, both orally and in writing as appropriate, to curriculum development by sharing their professional expertise with colleagues and advising on effective practice. This does not mean that they can be expected to take on the responsibility of, and accountability for, a subject area or to manage other teachers without appropriate additional payment. Responsibilities of this nature should be part of a post that is in the leadership group or linked to a post which attracts a TLR on the basis set out in paragraph 21.

**CRITERION AND FACTORS FOR THE AWARD OF TEACHING AND LEARNING RESPONSIBILITY PAYMENTS, AND VALUES**

**Criterion**

A Teaching and Learning Responsibility payment (“TLR”) may be awarded to a classroom teacher for undertaking a sustained additional responsibility in the context of the relevant body’s staffing structure for the purpose of ensuring the continued delivery of high-quality teaching and learning and for which they are made accountable. 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 relevant body must be satisfied that the teacher’s duties include a significant responsibility that is not required of all classroom teachers, and that -

- is focused on teaching and learning;
- requires the exercise of a teacher’s professional skills and judgement;
- requires the teacher to lead, manage and develop a subject or curriculum area; or to lead and manage pupil development across the curriculum;
- has an impact on the educational progress of pupils other than the teacher’s assigned classes or groups of pupils; and
- involves leading, developing and enhancing the teaching practice of other staff.

Before awarding a TLR1, the relevant body 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.

Values

Having decided to award a TLR, the relevant body must determine whether to award a TLR1 or a TLR2 and its value, in accordance with its pay policy, provided that-

- the annual value of a TLR1 must be no less than £7,323 and no greater than £12,393;
- the annual value of a TLR2 must be no less than £2,535 and no greater than £6,197; and
- if the relevant body awards TLRs of different values to two 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.

87. Relevant bodies should determine the value of a TLR appropriate for the post, within the parameters laid down and in accordance with job weight. Posts of equal weight should be allocated equal value. Decisions to make payments above the applicable minimum level should be justifiable in relation to the level of responsibilities attached to the post. Relevant bodies should not take into account recruitment or retention issues, payments for which should only be awarded under the provisions of paragraph 50 and in accordance with the relevant body’s pay policy. Changes in the value of TLRs, once set by the relevant body, should only occur for two reasons: (a) the STRB recommends, and the Secretary of State accepts and brings in a general change in the TLR values\(^\text{(15)}\); or (b) the relevant body reviews its staffing structure and determines that the responsibilities of the post have changed materially.

88. TLRs should only be awarded to teachers placed in the specified posts in the staffing structure and to the cash value set out in the pay policy, uprated in accordance with paragraphs 22 and 23 of the Document. TLRs awarded to part-time teachers must be paid pro rata at the same proportion as the teacher’s part-time contract.

89. TLRs are permanent while the postholder remains in the same post in the staffing structure. A teacher may not be awarded more than one TLR. The overarching criterion for the award of TLRs includes provisions that the responsibility for which the TLR is awarded must be ‘sustained’ and that the TLR must be awarded ‘in the context of the relevant body’s staffing structure’. TLRs may only be awarded on a temporary basis where the teacher is temporarily occupying a different post in the staffing structure.

\(^{(15)}\) From 1 September 2010 all TLRs in payment must be uprated by 2.3%, and those not yet in payment but set out in the staffing structure must be similarly uprated.
structure to which a TLR payment is attached (such as in cases of cover for secondments, maternity or sick leave or vacancies pending permanent appointment) and for the duration of that responsibility. TLRs may not be awarded in any other circumstances, for example where the responsibility is short-term or fixed-term, because such circumstances would not meet the overarching criterion, as outlined above, for the award of TLRs. The date on which the temporary award will end, or the circumstances in which it will end, must be included in the teacher’s notice of a revised pay determination, as specified in paragraph 4.4(c)(iii) of the Document. A teacher who holds a TLR awarded on a temporary basis or who is on a fixed-term contract does not receive a safeguarded sum when the TLR comes to an end, unless the TLR is ended earlier than specified and their contract extends beyond the date when that TLR ends.

90. If a teacher is given a new post or revised responsibilities, then the relevant body must determine whether a different TLR (or no TLR) applies to the post, and whether the teacher is entitled to any safeguarded sum if no TLR, or a lower one, applies to the new post/revised responsibilities.

91. If a teacher in receipt of TLR safeguarding is awarded a TLR in the temporary absence of the postholder, or serves as a member of the leadership group, as an advanced skills teacher or as an excellent teacher in the temporary absence of the postholder, TLR safeguarding is reduced or discontinued (as applicable) during this period but is restored at the end of the temporary period unless it would otherwise have ceased under the provisions of paragraph 24.

Special educational needs (SEN) allowance (paragraph 25)

General principles

92. SEN allowances may be held at the same time as TLRs. However, relevant bodies should, when keeping their staffing structures under review:

(a) ensure that, in the light of remodelling and the move of administrative tasks from teachers to support staff, holders of SEN allowances are not carrying out tasks that would be more appropriately undertaken by support staff;

(b) consider whether, if teachers have responsibilities that meet all the criteria for the award of TLR payments it would not be more appropriate to award a TLR payment instead of a SEN allowance of a lower value;

(c) not continue to award new SEN payments solely for the purposes of recruitment and retention; and

(d) ensure that any SEN responsibilities are clearly specified in individual teacher’s job descriptions.
93. Where the criteria for the payment of a SEN allowance are met, the relevant body must award an allowance and the teacher’s written notification given at the time of the award should specify the amount, and the reason for the award.

New arrangements for SEN allowances

94. The previous system of two separate and defined SEN allowances has been replaced from 1 September 2010 with a spot value allowance that falls within a specified SEN range of between £2,001 and £3,954. The relevant body must determine the award of an SEN allowance in accordance with the criteria in paragraphs 25.2 and 25.3 of the Document.

Assessment of appropriate allowance values

95. The pay policy for the school or local authority should set out the basis for rational, transparent and fair decisions on levels of payment for SEN allowances. This will reflect the school’s organisation of or provision for SEN or, for unattached teachers employed in the local authority’s central services, the organisation of provision in the particular service.

96. The value of allowances should be based on whether any mandatory qualifications\(^{(16)}\) are required, other qualifications and expertise relevant for the post and the relative demands of the post. This will require schools (and local authorities) to make a judgement about the nature and challenge of a teacher’s work with pupils with SEN compared and related to that of other teachers in the school or service.

97. In establishing appropriate values for their SEN allowances, schools should ensure that they have considered the full range of payments available and that the values chosen are properly positioned between the minimum and maximum established in the national framework. For example, a teacher who is teaching a special class for which a mandatory qualification is required and who has considerable relevant experience (and who is therefore seen as one of the school’s leading professionals in this area) would be more likely to be paid towards the top end of the national range. Differential values relating to SEN roles in the school should be established to properly reflect significant differences in the nature and challenge of the work entailed so that the different payment levels can be objectively justified.

98. Similarly, local authorities will want to ensure that there is an objective assessment of the nature and challenge of the work entailed for teachers in their central SEN services to establish appropriate relative levels for allowances between the national minimum and maximum values provided for in the national framework.

\(^{(16)}\) The Education (School Teachers’ Qualifications) (England) Regulations 2003 and The Education (Teachers’ Qualifications and Health Standards) (Wales) Regulations 1999
99. Schools should take account of the way in which SEN provision is organised and delivered locally and may want to consult their local authority for advice on establishing appropriate payments.

Transition from the previous system of SEN allowances and safeguarding provisions

100. The relevant body should determine a teacher’s eligibility for an SEN allowance against the new criteria in paragraphs 25.2 and 25.3 of the Document and determine a spot value on the range in accordance with paragraphs 92 to 99 above and its pay policy. In cases where the implementation of the new criteria results in the award of a spot value allowance of a lower value than the SEN allowance that is currently in payment to that teacher, the safeguarding provisions in paragraphs 25.6 to 25.10 of the Document will apply for a maximum of three years with effect from 1 September 2010.

Subsequent changes in SEN provision (following transition) and safeguarding provisions

101. Where the relevant body makes a change in the way its SEN provision is organised or to its pay policy such that the criteria and factors cease to be met or now merit the payment of a lower allowance, this could result in the value of the allowance being reduced or withdrawn. In these cases, the general safeguarding rules under paragraph 43 (and subject to paragraph 5) of the Document will apply.

Advanced Skills Teachers (paragraph 27)

Setting pay range

102. When setting the pay range for an AST post (paragraph 27), in addition to the provisions in paragraph 27.3, relevant bodies should also consider the following:

(a) the status of the grade as an alternative to posts paid on the leadership spine;

(b) the need for an appropriately substantial pay increase in relation to the appointee's previous post;

(c) whether the post would or may otherwise have attracted an allowance (for example, for SEN);

(d) any recruitment or retention considerations; and

(e) whether the appointee is a teacher of a shortage subject or a subject where there is a particular need to raise the quality of teaching and learning.
103. The relevant body should determine the pay range for ASTs when they propose to make new appointments or where there is significant change in the responsibilities of existing ASTs, for example, higher-level responsibilities such as leading a large whole school or LA project to improve an aspect of teaching and learning; or where there are changes in the school's situation which lead to a wider review of salaries.

Reviewing performance

104. Where the teacher is not subject to the 2002 Regulations or the 2006 Regulations\(^{(17)}\), relevant bodies should ensure that they review the performance of ASTs who are eligible for consideration for movement up their pay range in accordance with paragraph 27. For those teachers subject to the 2002 Regulations or the 2006 Regulations the relevant body must have regard to the most recent appraisal or review when considering this. For those teachers subject to the 2006 Regulations, relevant bodies must have regard to any recommendation on pay progression recorded in the teacher’s planning and review statement. For all teachers relevant bodies should take full account of the following notes on the clarification of the application of the criteria for advanced skills teacher pay progression, in the light of any considerations set out in the relevant body's own pay policy as referred to in paragraphs 10 – 12 above.

Application of Advanced Skills Teacher Pay Progression Criteria – Clarification

105. Advanced Skills Teachers play a critical role in the life of the school. Through their own excellent teaching and their work with other teachers or on whole school projects they play a leading role in enhancing the quality of teaching and learning throughout the school. Their outreach work opens the school to wider relationships which can enrich the experiences and raise the performance of both colleagues and pupils. Their outreach work also benefits and is of great value to the wider teaching community.

106. To achieve progression, the Document requires individuals on the advanced skills teacher spine to have demonstrated sustained high quality performance. To be fair and transparent, judgements must be properly rooted in evidence and there must have been a successful review of overall performance.

107. Such a performance management review must take place each year and a successful review can result in a movement of one or two points up the teacher’s pay spine.

108. A successful performance review as prescribed by the Regulations\(^{(18)}\) will involve a performance management process of:

\(^{(17)}\) That is, teachers in England and Wales not subject to performance management.

\(^{(18)}\) See footnote 6.
(a) performance objectives;

(b) classroom observation; and

(c) other evidence.

109. To ensure that there has been high quality performance the performance review will need to assess that the teacher has grown professionally by developing their teaching expertise and their application and delivery of AST professional duties.

110. In order to take outreach work into account in determining whether there should be any movement up the AST pay spine (paragraph 27), relevant bodies should ensure that good systems are in place to monitor and evaluate this, particularly if it is organised and managed by someone outside the school, such as an LA AST co-ordinator.

Assessment against the AST or Excellent Teacher standards (paragraphs 30 and 31)

Revised professional standards for teachers in England

111. The standards for excellent teachers and ASTs are set out in Annex 1. For teachers in England these standards are part of a framework of professional standards which also contains standards for the award of qualified teacher status (QTS), standards for teachers on the main pay scale who have successfully completed their induction (the core standards)(19) and standards for post-threshold teachers. Within the framework the standards are designed to be cumulative and progressive. As a result there are some standards which are only defined at one career stage but which continue to apply at all subsequent career stages. Teachers wishing to progress to a different career stage must also fulfil any relevant eligibility criteria, as well as meet the appropriate standards.

Professional standards for teachers in Wales

112. The standards for excellent teachers and ASTs are set out in Annex 1. The framework as a whole, as set out in section 1, applies in England only. The standards for excellent teachers and ASTs are pay standards and apply in England and Wales.

Applications

113. The head teacher must first be satisfied that the teacher meets the standards which apply to their current level before they can be assessed against the AST and/or excellent teacher standards, as the case may be.

114. A teacher who does not already hold a certificate indicating that

(19) See footnote 10.
they meet the AST or excellent teacher standards should submit a written application for such a certificate to the head teacher of the school at which they are currently employed when they apply for an AST or excellent teacher post. In the case of excellent teacher posts, a teacher is only eligible to apply for a post in a school other than the one in which they are currently working if they have already been assessed as meeting the excellent teacher standards.

115. If a teacher is simultaneously employed at more than one school the head teachers of the schools concerned should agree which one of them is to act as the designated head teacher to carry out the head teacher's duties under paragraph 56.17. If they cannot agree, then the designated head teacher should be either the head teacher of the school at which the teacher is employed for the greatest number of hours or, if there is no difference, the head teacher of the school at which the teacher has been employed for longest.

116. An unattached teacher should give their application to their line manager.

117. The head teacher should first be satisfied, by taking account of performance management reviews, that the teacher meets those standards set out in Annex 1 of the Document which apply to their current career stage.

118. Where the application is for an excellent teacher post, the standards which apply to their current career stage are the core and post-threshold standards.

119. Where the application is for an AST post, the standards which apply to their current career stage are:

   (a) in the case of an applicant who is an excellent teacher, the core, post-threshold and excellent teacher standards;

   (b) in the case of an applicant who is currently paid on the upper pay spine, the core and post-threshold standards; and

   (c) in the case of an applicant who is currently paid on the main scale, the core standards.

120. If the head teacher is not satisfied that the teacher meets the standards which apply to their current career stage they must reject the application and provide the teacher with a written explanation for the rejection. The head teacher should do this within 20 working days of receiving the application. In such cases no external assessment will be carried out.

121. If the head teacher is satisfied that the teacher meets the standards which apply to their current career stage set out in Annex 1 they should
complete the application within 20 working days of receiving it, adding their evaluation of the extent to which the teacher meets those standards set out in Annex 1 which are to be externally assessed as set out in the table below. The head teacher should give the teacher a copy of the completed application promptly.

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<tr>
<th>Career Stage</th>
<th>Application for</th>
<th>External assessment against</th>
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<tr>
<td>Post-Threshold Teacher</td>
<td>Excellent Teacher</td>
<td>Excellent Teacher Standards</td>
</tr>
<tr>
<td>Main scale Teacher</td>
<td>Advanced Skills Teacher</td>
<td>Post-threshold, Excellent Teacher and Advanced Skills Teacher standards</td>
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<tr>
<td>Post-Threshold Teacher</td>
<td>Advanced Skills Teacher</td>
<td>Excellent Teacher and Advanced Skills Teacher standards</td>
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<tr>
<td>Excellent Teacher</td>
<td>Advanced Skills Teacher</td>
<td>Advanced Skills Teacher standards</td>
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</table>

122. Where the teacher is employed at more than one school, the designated head teacher should consult the head teachers of the other schools at which the teacher is employed before completing the application.

123. Where a teacher applies for an excellent teacher post at the school at which they are employed as a teacher, the head teacher should submit the completed application to an assessor.

124. Where an unattached teacher applies for an excellent teacher post at the LA at which they are employed, the relevant Chief Education Officer’s nominee should submit the completed application to an assessor.

125. Where a teacher applies for an AST post at the school at which they are employed as a teacher, the head teacher should submit the completed application to an assessor if the teacher:

   (a) is selected for interview for the post; or

   (b) is selected, or recommended by the governing body, for appointment to the post without interview.

126. Where a teacher applies for an AST post at another school, the person who completed their application should give it to the head teacher of the school at which the post is situated. That head teacher should submit the completed application to an assessor in the above
circumstances.

127. Where a teacher applies for an AST post which is not attached to a particular school, the person who completed his or her application should give it to the relevant Chief Education Officer’s nominee. The nominee should submit the completed application to an assessor in the above circumstances.

Advanced Skills Teacher and Excellent Teacher Assessment

128. When making an assessment against the AST and excellent teacher standards an assessor should:

(a) consider the completed application;

(b) consider any additional evidence supplied by the applicant in support of their application;

(c) consider any additional evidence in relation to the application supplied by the head teacher or the applicant’s line manager;

(d) observe the teacher teaching;

(e) interview the applicant; and

(f) interview the head teacher or the applicant’s line manager,

and the assessor may seek such additional evidence as they see fit to demonstrate those standards.

129. When an applicant is absent from work in the exercise of their statutory rights to maternity, paternity, adoption or parental leave, the assessor is not required to observe the teacher teaching.

Review of AST and Excellent Teacher assessment (paragraph 32)

130. An application for a review should be made in writing and submitted to the review co-ordinator appointed by the Secretary of State within 40 working days of receipt of the decision. It should contain or refer to evidence relating to the grounds upon which review is sought.

AST Outreach

131. Paragraph 59.3 of the Document says that ASTs may in certain specified circumstances use their outreach time for their own school. The specified circumstances are: ASTs working in schools in challenging circumstances, in special measures, requiring significant improvement or funded via the New Opportunities Scheme may use their outreach time to carry out AST professional duties in their own school.
132. In the following exceptional circumstances ASTs may vary the normal 20% of their time spent on outreach to a minimum of 10% and a maximum of 40% of their time on outreach work:

(a) where it is not possible to perform AST professional duties in relation to their own school at a time when the AST would normally be working in the school – for example because other staff are not available;

(b) where it is necessary to undertake AST professional developmental activities during time normally set aside for outreach work – for example because of the timing of external events and activities;

(c) when additional outreach work is undertaken in connection with a specific Departmental or National Assembly for Wales initiative; or

(d) where the AST is new and inexperienced.

Excellent Teachers (paragraph 33)

Determination of salary

133. The salary of any teacher appointed to an excellent teacher post on or after 1st September 2009 is a spot salary and must be determined in accordance with sub-paragraphs 4 and 5.

134. The salary range for excellent teachers in inner London is £48,600 to £60,993, in outer London £43,668 to £56,061, in the fringe area £40,819 to £53,212 and in England and Wales excluding the London area and the fringe £39,697 to £52,090.

135. When determining the spot salary on the range for an excellent teacher, the relevant body must have regard only to the following:

(a) the nature of the work to be undertaken; and

(b) the degree of challenge to the role.

Review of salary

136. Excellent teachers are not subject to an annual review of salary. The relevant body may only re-determine the salary of an excellent teacher when there are any significant changes in:

(a) the nature of the work to be undertaken; or

(b) the degree of challenge of the role.
Safeguarding

137. Safeguarding arrangements now apply to excellent teachers’ salary, should their salary be reduced as a result of the 1st September 2009 redetermination, or subsequent redetermination as a result of changes in the nature of the work, or the degree of challenge in the role. See paragraphs 20 - 24 above and www.teachernet.gov.uk/pay for further information.

Unqualified teachers (paragraph 35)

138. Schools should be aware that there are only three types of ‘unqualified teacher’ allowed by the law: trainees working towards QTS, overseas trained teachers who have not exceeded the four years they are allowed without having QTS, and instructors who are people with a particular skill who can be used for so long as a qualified teacher is not available. There is no other form of unqualified teacher permitted to teach in schools covered by the Document in England and Wales. Paragraph 2.2 (a) provides for a graduate teacher, a registered teacher or those on employment-based training schemes to be paid and be eligible for allowances either as a qualified teacher on the main scale or as an unqualified teacher on the unqualified teachers’ pay scale.

139. From 1st September 2008, the unqualified teachers’ scale reduced from 10 points to six. Unqualified teachers who had previously worked as such were assimilated from the previous 10-point to the six-point scale in accordance with the provisions of paragraphs 35.2-35.3. Unqualified teachers receive points on the previous pay scale before assimilation to the new pay scale in accordance with the assimilation table in paragraph 35.3. Such teachers receive a mandatory point for years of satisfactory employment since 1st September 2005, when points became permanent, and any discretionary points which may have been awarded. All unqualified teachers may receive points for other experience or excellence, and those working as unqualified teachers prior to 1st September 2005 and who have not worked as such since may receive a discretionary point for each year of employment as an unqualified teacher.

140. Those beginning work as unqualified teachers with effect from or after 1st September 2010 are placed on point 1 of the new pay scale, unless the relevant body determines that they have other relevant experience, in which case a discretionary point or points may be awarded.

Unqualified teachers’ allowance (paragraph 36)

141. The arrangements for paying an allowance to unqualified teachers were modified with effect from 1st September 2008. Relevant bodies may pay an additional allowance to an unqualified teacher, in the context of their staffing structure and pay policy, if they consider that the unqualified teacher has
(a) a sustained additional responsibility which is focused on teaching and learning, and requires the exercise of a teacher’s professional skills and judgement; or

(b) qualifications or experience which bring added value to the role they are undertaking.

142. The relevant body’s pay policy should set out the way in which decisions are taken on allowances for unqualified teachers, so that there is transparency.

143. Where an unqualified teacher was in receipt of an unqualified teachers’ allowance prior to 1st September 2008, the relevant body must consider whether the allowance is in line with the above criteria, and if necessary, redetermine the allowance. If, in this instance, the new allowance awarded is lower, the difference will be safeguarded for up to three years.

144. Safeguarding arrangements also apply to the unqualified teachers’ allowance where reductions in the value of the allowance are made from 1st September 2008 onwards. See paragraphs 20 – 24 above and the safeguarding guidance at www.teachernet.gov.uk/pay for more information.

145. Unqualified teachers may not hold TLRs or SEN allowances.

146. Any scale points awarded to unqualified teachers are permanent, whether the teacher remains in the same post or takes up a new one.

147. Where an unqualified teacher becomes qualified the relevant body must redetermine salary and allowances in accordance with paragraph 37.1 of the Document.

**Unattached teachers (paragraph 41)**

148. LAs must take account of their pay policy and staffing structure when determining the remuneration of unattached teachers. LAs should therefore ensure that the pay policy and staffing structure are kept up to date in respect of their unattached teachers.

**General safeguarding applicable to teachers taking up post on or before 31st December 2005 (paragraph 42)**

149. Paragraph 42 applies to teachers who are subject to general safeguarding and started work in a new post before 1st January 2006. In addition to the longstanding provisions on the cessation of general safeguarding in paragraph 42.7 (including if the teacher refuses to accept an alternative post within the same authority), teachers’ general safeguarding ceases if they move post voluntarily.
General safeguarding applicable to teachers taking up post on or after 1st January 2006 (paragraph 43)

150. Separate safeguarding arrangements apply to teachers (including unattached teachers) whose general safeguarding started on or after 1st January 2006. Teachers in such cases receive as a cash sum the difference between their former salary and their new salary, safeguarded for up to three years. See paragraphs 20-24 above and www.teachernet.gov.uk/pay for further guidance.

Safeguarding for members of the leadership group, advanced skills teachers and excellent teachers (paragraph 44 and 45)

151. Relevant bodies should ensure that the mandatory safeguarding arrangements are applied to members of the leadership group, ASTs or excellent teachers who are subject to loss of salary as a result of changes to the pay policy or staffing structure (20) (paragraph 45) (see www.teachernet.gov.uk/pay for further guidance).

152. If a teacher in receipt of safeguarding under paragraph 44 serves as a member of the leadership group, as an advanced skills teacher or as an excellent teacher in the temporary absence of the post holder, the safeguarding is discontinued during this period but is restored at the end of the temporary period, unless it would otherwise have ceased under the provisions of paragraph 44.

153. Relevant bodies should also note the need to redetermine the safeguarded pay of heads who were subject to loss of salary before 1st September 2005 (paragraph 45).

Part-time teachers’ remuneration (paragraph 46)


155. Part-time teachers must be paid the percentage of the appropriate full-time equivalent salary as calculated in paragraph 158 below. The same percentage must be applied to any allowances awarded to a part-time teacher.

156. Part-time teachers cannot be required to work or attend non-pupil days, or parts of days, on days they do not normally work, but it should be open to the teacher to attend by mutual agreement with the head teacher (see paragraph 191 of this guidance) and the pay calculation in paragraph

(20) For example, the relevant body should redetermine the pay range for an AST post where there is a significant change in the responsibilities of that AST, for example, if in-school subject leadership responsibilities are removed.

(21) Which comes into effect on 1 October 2010.
158 (below) applied to any resultant additional hours worked:

157. The timetabled teaching week refers to school session hours that are timetabled for teaching, including PPA time and other non-contact time but excluding break times, registration and assemblies. The school’s timetabled teaching week of a full-time classroom teacher is to be used as the basis for calculating the pro rata percentage of the school’s timetabled teaching week for which a part-time teacher is employed at the same school. This percentage is used to determine the pro rata remuneration of a full-time equivalent teacher’s remuneration to which a part-time teacher is entitled. The percentage remains the same whether the school operates a weekly, fortnightly or any other timetable cycle.

158. This calculation is specifically for establishing the proportion of remuneration (paragraph 46) and working time (paragraph 62) for part-time teachers and is to be used as the benchmark to determine a part-time teacher’s pay and working time against the remuneration and working time of the teacher if they were employed in the same post on a full-time basis within the same establishment.

For example, if the school day, excluding registration and assembly, runs from 9.00am to 12.15pm and again from 1.15pm to 3.30pm with one 15 minute break in the morning session and one 15 minute break in the afternoon session the school’s timetabled teaching week would be calculated as:

<table>
<thead>
<tr>
<th></th>
<th>Morning Session (less breaks, registration, assembly)</th>
<th>+</th>
<th>Afternoon Session (less breaks, registration, assembly)</th>
<th>x</th>
<th>No of days in timetable (i.e. 5 or 10 days)</th>
<th>=</th>
<th>School’s Timetabled teaching week (STTW)</th>
<th>% of STTW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full-time</td>
<td>3 hours</td>
<td>+</td>
<td>2 hours</td>
<td>x</td>
<td>5 days</td>
<td>=</td>
<td>25 hours</td>
<td>100%</td>
</tr>
</tbody>
</table>

If a part-time teacher were employed for mornings only working 9.00am to 12.15pm every day their percentage of the timetabled teaching week would be calculated as:

<table>
<thead>
<tr>
<th></th>
<th>Morning Session (less breaks, registration, assembly)</th>
<th>+</th>
<th>Afternoon Session (less breaks, registration, assembly)</th>
<th>x</th>
<th>No of days in timetable (i.e. 5 or 10 days)</th>
<th>=</th>
<th>School’s Timetabled teaching week (STTW)</th>
<th>% of STTW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full-time</td>
<td>3 hours</td>
<td>+</td>
<td>2 hours</td>
<td>x</td>
<td>5 days</td>
<td>=</td>
<td>25 hours</td>
<td>100%</td>
</tr>
<tr>
<td></td>
<td>Morning Session (less breaks, registration, assembly)</td>
<td>+</td>
<td>Afternoon Session (less breaks, registration, assembly)</td>
<td>x</td>
<td>No of days in timetable (i.e. 5 or 10 days)</td>
<td>=</td>
<td>School’s Timetabled teaching week (STTW)</td>
<td>% of STTW</td>
</tr>
<tr>
<td>----------</td>
<td>-----------------------------------------------------</td>
<td>---</td>
<td>--------------------------------------------------------</td>
<td>---</td>
<td>----------------------------------------</td>
<td>---</td>
<td>---------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Full-time</td>
<td>2.75 hours</td>
<td>+</td>
<td>2.25 hours</td>
<td>x</td>
<td>5 days</td>
<td>=</td>
<td>25 hours</td>
<td>100%</td>
</tr>
<tr>
<td>Part-time</td>
<td>2.75 hours</td>
<td>+</td>
<td></td>
<td>x</td>
<td>5 days</td>
<td>=</td>
<td>13.75 hours</td>
<td>55%</td>
</tr>
</tbody>
</table>

In a case where the school day, excluding registration and assembly, runs from 9.00am to 12.00pm and again from 1.00pm to 3.30pm with one 15 minute break in the morning session and one 15 minute break in the afternoon session the school’s timetabled teaching week would be calculated as:

|          | 3 hours | + | 5 days | = | 15 hours | 60% |

If a part-time teacher were employed for mornings only working 9.00am to 12.00pm every day their percentage of the school’s timetabled teaching week would be calculated as:

159. The relevant body should establish the proportion of the school’s timetabled teaching week for each part-time teacher as a percentage of a full-time classroom teacher’s school’s timetabled teaching week using the same method of calculation as above.

160. Relevant bodies may wish to use the ‘part-time teacher pay calculator’ provided on TeacherNet:
Teachers working in more than one school or in a school with varying timetabled teaching weeks

161. The same calculations would be carried out by each individual relevant body or if a teacher works in different parts of a school with differing school timetabled teaching week, two (or more) calculations would have to be made to arrive at a consolidated pro rata remuneration for the teacher.

Unattached teachers

162. In the case of unattached part-time teachers the ‘school’s timetabled teaching week’ comparator should be a full-time teacher within the same service at the Local Authority.

Leadership group/AST

163. The principle set out in paragraphs 155 and 159 above also applies to members of the leadership group and ASTs. Please also refer to paragraph 190 of this guidance about working time (paragraph 62 of the Document).

Part-time safeguarding (paragraph 46)

164. As a result of the arrangements introduced in September 2008 for calculating the remuneration of part-time teachers, while some existing part-time teachers received increased levels of remuneration, some may have received decreased levels of remuneration. Therefore safeguarding arrangements were applied, aligned to existing principles (see paragraph 46.3 of the Document). This applied to part-time teachers who were in post on 31st August 2008 and whose employment continued at the same school or in the same service from 1st September 2008.

165. So that part-time teachers who were subject to safeguarding because of a change in the percentage of full-time remuneration they received, received their 1st September uplift, the following sequence of calculations was required with effect from 1st September 2008.

(a) Calculate the salary that the teacher would have received on 1st September 2008, had no changes to the part-time arrangements occurred, but without taking account of any progression (‘the original salary’).

(b) Calculate the percentage of the school’s timetabled teaching week applicable to the teacher (see paragraph 46.1.1).

(c) Recalculate the teacher’s salary on this basis, without taking account of any progression (‘the new salary’).
(d) Calculate the safeguarded sum – the difference, if any, between the original salary and the new salary.

(e)

i) where there is no progression if the new salary is less than the original salary, pay the safeguarded sum in addition to the new salary; or

ii) where there is progression, take the new full time salary following progression and calculate the part-time salary using the percentage specified in (b) above. This is the ‘revised new salary’ from 1 September 2008. If the ‘revised new salary’ exceeds the original salary, then safeguarding is lost. If it does not, then the safeguarded sum is paid in addition to the revised new salary.

Allowances

166. Any allowances to which the teacher is entitled on a pro rata basis were increased if the teacher’s remuneration percentage increased, but not decreased if the remuneration percentage decreases solely as a result of this re-calculation, until 31st August 2011 when safeguarding resulting from this change will end.

Teachers whose hours changed on 1st September 2008

167. The ‘original salary’ in paragraph 165a above would be calculated as set out but using the new ‘hours’ percentage. After this, the remaining stages would apply as set out.

Existing safeguarding

168. Any existing safeguarded sums to which the teacher was entitled on a pro rata basis were increased if the teacher’s remuneration percentage increased, but not decreased if the remuneration percentage decreased, as under normal arrangements that would in any event have triggered safeguarding.

Review of part-time safeguarding

169. The safeguarded sum (salary and any allowances) which was safeguarded under the part-time provisions introduced in the 2008 Document (reproduced above) should continue to be paid to the part-time teacher until any of the conditions of paragraph 46.3 are met.
Additional payments (paragraph 49)

Continuing Professional Development (CPD)

170. Relevant bodies should decide which CPD activities teachers may be paid for and set an appropriate level of payment in their pay policy. Heads and governing bodies should be aware that some teachers may not wish, or be able, to attend training courses in the evenings, at weekends or during holidays, and should respect the right of individuals to make their own choice, taking proper account of equal opportunities and contractual requirements for reasonable work-life balance. Payments to classroom teachers should only be made in respect of those activities undertaken outside of either the 1265 hours of directed time for full-time teachers; or the appropriate proportion of the 1265 hours of directed time for part-time teachers.

Initial Teacher Training activities

171. Relevant bodies should decide whether to make additional payments to any teacher for activities related to providing initial teacher training (ITT). Such payments may be made only for ITT which is provided as an ordinary incident in the conduct of the school. Relevant bodies should set an appropriate level of payment for ITT activities in their pay policy.

172. Teachers undertaking school-based ITT activities do so on an entirely voluntary basis (unless they are ASTs for whom this is a professional duty). Such activities might include supervising and observing teaching practice; giving feedback to students on their performance and acting as professional mentors; running seminars or tutorials on aspects of the course; and formally assessing students' competence.

173. Other aspects of ITT activities cannot be regarded as an ordinary incident in the conduct of the school. Such activities include the additional requirements of School Centred ITT (SCITT), where schools take the lead in providing ITT courses. They may include planning and preparing materials for an ITT course, and taking responsibility for the well-being and tuition of ITT students.

174. Separate non-teaching contracts of employment should be issued to cover those aspects of involvement in ITT which require the exercise of a teacher’s professional skills or judgment but which go beyond activities which may be described as an ordinary incident in the conduct of the school. No teacher should routinely carry out administrative and clerical ITT-related activities. Paragraphs 6 - 13 of Section 4 set out guidance on this, linking to paragraph 63.12 and Annex 3 of the Document.
Out-of-school hours learning activities

175. Relevant bodies should decide whether to make payments to teachers who agree to participate in out-of-school hours learning. The level of payment should be covered by the school's pay policy. Payments to classroom teachers should only be made in respect of those activities undertaken outside of either the 1265 hours of directed time for full-time teachers; or the appropriate proportion of the 1265 hours of directed time for part-time teachers. All agreements and payments to be made should be documented. All such activities should require the exercise of the teacher's professional skills or judgment.

Service provision (paragraph 49.1(d))

176. Where a head teacher in one school is providing a service to another school, for example as a Consultant Leader, such as a School Improvement Partner (SIP) or National Leader of Education (NLE), the person providing that service is not ultimately accountable for the outcomes in the school, but for the quality of the service being provided. The relevant body whose head is providing the service should determine how much, if any, additional payment is due to the individual concerned in line with the provisions of the Document and the school's pay policy, for example where the contract requires work outside school sessions.

177. Consideration needs to be given to the remuneration of other teachers who as a result of the head teacher's additional role are taking on additional responsibilities and activities. This will be based on any additional responsibilities attached to the post (not the teacher), which should be recorded. Any increase in remuneration should only be agreed where the post accrues extra responsibilities as a result of the head teacher's enlarged role, it is not automatic, and should be in line with the provisions of the Document and the school's pay policy.

178. Where the arrangement for the head teacher is temporary, any adjustment to pay of other teachers is also temporary, and safeguarding provisions will not apply when the arrangements cease. The relevant body should consider the appropriate use of acting allowances and other temporary payments. Where there is a deputy head in the school, it may be more appropriate to temporarily increase his or her pay range to take account of the increased responsibilities in the absence of the head. Additionally a teacher may be temporarily appointed, in the absence of the substantive post holder, to a post in the staffing structure which attracts a TLR payment; and where none of those are appropriate, the relevant body can make use of additional payments at paragraph 49.1(d).

179. The following table sets out the operating principles and requirements which apply to the provision of services to other schools. All references below to the governing body refer to the governing body of the school whose head is providing services to another school.
PROVISION OF SERVICES TO OTHER SCHOOLS – OPERATING PRINCIPLES AND REQUIREMENTS

a. Any services provided by the head teacher of one school to another school must be authorised formally by the governing body and where the work extends over more than a 12 month period, the agreement of the governing body must be formally reviewed annually, or sooner if appropriate. The governing body should also agree arrangements for terminating such work.

b. Before such work is undertaken, the governing body and the head teacher must take into account:

• the needs of the school and its pupils;

• the benefits that the activity would bring to the school;

• the impact of any absence on other staff, including their workload; and

• the workload and work-life balance of all the individuals concerned.

c. In particular, before reaching a view the governing body should satisfy itself that these matters have been fully considered within the school’s leadership team.

d. Arrangements for payment for external work, including personal remuneration, must be clearly stated and formally incorporated into a protocol by the governing body (or the finance committee) and decisions duly minuted.

e. The head teacher and governing body should monitor the operation of the arrangements and their impact on staff and pupils and take action where arrangements prove to be unsatisfactory.

f. The disposition of any payment, including personal remuneration, for external services must be agreed in advance in accordance with the determinations of the governing body. The terms of such an agreement must be set out in a memorandum signed by the chair of governors and the head teacher and any other members of staff involved.

g. Any income derived from external sources for the work of a school’s staff should accrue to the school. The governing body should decide whether it would be appropriate for individual members of staff to receive additional remuneration for these activities, and if so, determine the appropriate amount.

h. The governing body should ensure that any expenses incurred by the individual as a result of taking on additional work are reimbursed, unless they are accounted for elsewhere.
Recruitment and retention incentives and benefits (paragraph 50)

180. All payments for recruitment and retention purposes must be made under the recruitment and retention incentives and benefits provisions in paragraph 50. All teachers, including head teachers and other members of the leadership group, are eligible for such payments. Payments may be offered by relevant bodies and, where they are the teacher’s employer, the LA. Payments under this paragraph may only be made for recruitment and retention purposes, not for carrying out specific responsibilities or to supplement pay for other reasons, and should be in line with the relevant body’s pay policy. Relevant bodies/LAs are free to determine the value of any award. New awards may only be given for a fixed period of up to three years for new teachers for recruitment purposes, and up to three years for retention purposes. Awards made for retention purposes are renewable in exceptional circumstances. The relevant body or LA should determine the nature of those circumstances as appropriate and cover this in its pay policy.

181. All relevant bodies should consider as part of their pay policy deliberations (see paragraphs 10-12 above):

   (a) whether recruitment and retention incentives and benefits should be offered to new or existing teachers; and
   (b) if so, their nature, value, duration and the circumstances in which they will be paid.

182. Where a teacher is given an incentive or benefit under paragraph 50, written notification given at the time of the award should state:

   (a) whether the award is for recruitment or retention;
   (b) the nature of the award (cash sums, travel or housing costs etc.);
   (c) when/how it will be paid (as applicable);
   (d) unless it is a ‘one-off’ award, the start date and duration of the incentive (taking into account that the maximum of any one award is three years); and
   (e) the basis for any uplifts which will be applied (as applicable).

Salary sacrifice arrangements (paragraph 52)

183. Employers may offer the salary sacrifice arrangements detailed in paragraph 52 to their employees if they choose to do so, and are encouraged to do so as the arrangements should be cost-neutral. Paragraph 52 permits teachers to participate voluntarily in such
arrangements, subject to the limitations set out in the paragraph. Local authorities and governing bodies should ensure that any relevant information about such arrangements covered under paragraph 52 is passed on to teachers at their schools, to enable the teachers freely to decide whether or not salary sacrifice is an appropriate option. Participation in salary sacrifice is voluntary on the part of teachers. Employers may not make participation in a salary sacrifice arrangement a precondition for making an offer of employment to a prospective employee, or a precondition for promotion or some other advantage for an existing employee, nor may they withhold access from those wishing to participate.

**Revisions to Conditions of Employment**

184. Teachers’ conditions of employment and professional responsibilities provisions have been restructured in the Document. The overly detailed duties have been replaced with high level areas of responsibilities and clearly set out teachers’ rights conferred (entitlements). They take account of and are drafted in such a way as to provide greater flexibilities within a less rigid framework and to ensure that they are capable of enduring over time in a changing educational landscape.

185. Teachers should carry out their responsibilities in the context of the expectations set out in the relevant professional standards for their relevant career stage and their individual job descriptions, whilst meeting all applicable legislative requirements. The framework of professional standards provides a backdrop to discussions about how a teacher's performance should be viewed in relation to their current career stage and the career stage they are approaching.

186. The skills, knowledge and understanding and attributes needed for the effective discharge of such responsibilities are detailed in the professional standards. Local job descriptions must be consistent with these provisions. In cases where teaching is carried out by the head teacher, the responsibilities set out for teachers will apply.

187. The revised scope of professional responsibilities must be considered alongside the Education (Specified Work and Registration) (England) Regulations 2003 (as amended)(22) and the Education (Specified Work and Registration) (Wales) Regulations 2004 (23) which list the activities that define teaching in England and Wales respectively. With regard to the responsibility for head teachers to ‘teach’, where a head teacher of a school in England does not have QTS, appropriate arrangements have to be made by the head teacher for teachers with QTS to carry out any function for which QTS is a requirement (such as classroom observations for the purposes of performance management).

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(23) S.I 2004/1744
Within these overarching principles, it is essential that employers, school leaders and teachers share a common understanding of ‘professionalism’. Relevant bodies and local authorities should bear in mind the importance of achieving a proper balance between what teachers/head teachers might reasonably be expected to do in carrying out their responsibilities and what employers/school leaders might reasonably ask of them in order to minimise the scope for local disputes as a result of differing interpretations of what specific responsibilities might entail.

**Working time (paragraph 62)**

*Part-time teachers*

The conditions of employment for part-time teachers mirror those of full-time teachers (see Part 10 of the Document). To avoid claims of discrimination against part-time teachers, schools should, as a minimum, ensure that their arrangements for the deployment of part-time teachers do not breach the relevant legal provisions regarding equal opportunities and unlawful discrimination (see paragraph 154 above).

189. The calculation in paragraph 158 above is specifically for establishing the proportion of remuneration (paragraph 46 of the Document) and working time (paragraph 62 of the Document) for part-time teachers and is to be used as the benchmark to determine a part-time teacher’s remuneration and working time against the remuneration and working time of the teacher if they were employed in the same post on a full-time basis. The calculation, which excludes break duty, registration and assemblies, does not mean that part-time teachers cannot be required to undertake such duties (see Part 10 of the Document). This does not determine the mix of teaching, PPA and non-contact time each part-time teacher does. So it will be possible for two part-time teachers at the same school to be on a 50% contract, but to each have different amounts of teaching time, PPA and non-contact time.

190. The relevant body should establish the school’s timetabled teaching week for each part-time teacher as a percentage of a full-time classroom teacher’s school’s timetabled teaching week using the same calculation as described in paragraph 158 of this guidance about part-time remuneration (paragraph 46 of the Document).

191. Part-time teachers will have ‘directed time’ hours at this percentage of 1265 hours; that being the amount that applies to a full-time teacher in any school year. Part-time teachers must therefore be available to perform such duties specified by the head for their part-time percentage of 1265 hours (‘directed time’) in any school year allocated reasonably on the days and sessions normally worked.

192. For example if a full-time teacher in a school has a timetabled teaching week (i.e. that school has a total school session time) of 25
hours and the part-time teacher’s school’s timetabled teaching week spans every morning from 9.00 to 12.15 (i.e. 3 hours excluding 15 minutes break) the percentage of part-time is 15 over 25, multiplied by 100 to produce 60%. The percentage is derived from the calculation for part-time teacher’s remuneration, which is to be used as the benchmark to determine a part-time teacher’s remuneration and working time against the remuneration and working time of the teacher if they were employed in the same post on a full-time basis within the same establishment. Thus it would follow that the part-time teacher in the example would be required to be available for work for 759 hours directed time (1265 x 60%).

194. Part-time teachers cannot be required to work or attend non-pupil days, or parts of days, on days they do not normally work. It should, however, be open to a teacher to attend non-pupil days or work on other days by mutual agreement with the head teacher. They may, however, subject to paragraph 195 below be required to undertake work that is within their allocation of directed time beyond that specified in the school’s timetabled teaching week, allocated reasonably on any day or part of any day on which they are required to work.

195. The relevant body should have ensured that, with effect from 1st September 2008, all teachers employed on a part-time basis are provided with a written agreed statement which sets out the expectations of the school, and the part-time teacher, regarding the deployment of working time. This should encapsulate both timetabled teaching time and leadership and management time where applicable. In addition the statement should also set out the expectations of the school in respect of directed time which is to be deployed beyond the school day.

196. The part-time teacher should not be subject to a greater proportion of their directed time to be allocated outside their normal sessions than are full-time teachers, as this may amount to discrimination. In arranging meetings and other activities outside of school sessions, head teachers should try to minimise situations where part-time teachers are subject to directed time either side of a period when they are not required to be available for work on any given day by structuring timetables as far as possible to accommodate working patterns.

All teachers

197. The relevant body should ensure that, with effect from 1st September 2009, they consult with all staff and their union representatives on the teaching timetable and an annual calendar which includes staff meetings, parental consultations and other activities.

Leadership group/AST

198. Whilst, however, this principle is an appropriate mechanism for determining the salary of part-time members of the leadership group and ASTs, it cannot, as is the case with the directed time of classroom
teachers, be used for the pro rata calculation of their working time. Members of the leadership group and ASTs do not operate on a time-bound contract and are not subject to the working time provisions of paragraph 62 of the Document, which define the working year as 1265 hours allocated reasonably throughout the 195 days that constitute the school year. Nonetheless, the head teacher (or the relevant body in the case of the head teacher) remains duty bound to have regard to the work-life balance of such staff and should ensure that the workload of part-time members of the leadership group and ASTs is reasonable and that they are treated fairly in comparison with their full-time equivalents (see paragraph 53.3 of the Document).

General

Relevant bodies should be aware of the requirements of:

The Working Time Regulations 1998
http://www.opsi.gov.uk/si/si1998/19981833.htm;


The ACAS Guide to Flexible Working http://www.acas.gov.uk/index.aspx?articleid=803; and

You can download this booklet online at: www.teachernet.gov.uk/publications

Search using the ref: DfE-00516-2010

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