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Department  
for Education

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**School Teachers' Pay and  
Conditions Document 2013  
and Guidance on School  
Teachers' Pay and  
Conditions**

**April 2013**

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## Section 1 - Introductory

*Note: This introductory section does not form part of either the statute (the School Teachers' Pay and Conditions Document in Section 2 of this publication) or the statutory guidance (in Sections 3 and 4 of this publication).*

### Introduction

1. The Education Act 2002 gives the Secretary of State power to issue guidance on pay and conditions matters, to which those concerned must have regard.
2. Since 2003 this publication has brought together the two key parts of the framework for the England and Wales pay arrangements – the School Teachers' Pay and Conditions Document ('the Document') and the statutory guidance. The Document (Section 2 – the statute) and the guidance (Sections 3 and 4) need to be read together to provide a complete picture of pay and conditions arrangements for teachers in England and Wales.
3. The statutory requirements for teachers' pay and conditions for maintained schools in England and Wales are set out in the Document, and schools and local authorities (LAs) must abide by these. LAs and governing bodies are required to have regard to the statutory guidance, and in respect of guidance on procedural matters a court or tribunal may take any failure to do so into account in any proceedings. Broadly speaking, this means that any party not following this guidance would need to have good reason not to do so and would need to be able to justify any departure from it.
4. There have been a number of changes to the Document since the 2012 version. Details are set out in paragraph 7 below.
5. The changes which have been made to the Document and statutory guidance since 2012 result mainly from the recommendations in School Teachers' Review Body's (STRB) 21<sup>st</sup> report which was published in December 2012.
6. The Document (Section 2) and statutory guidance in Section 3 were consulted on with all key stakeholders as part of the normal statutory consultation process.

### Summary of changes to pay and conditions since 2012

7. The main changes to the Document since 2012 are as follows:
  - (a) the ending of annual incremental pay progression for all pay progression after the September 2013 pay award. **Pay awards made in September 2013 will be based on the 2012 pay system of incremental pay.** This Document does not include any pay values for teachers or for the leadership group pay. Pay tables which include this information will be published after the STRB's has made recommendations on the 2013 pay award;
  - (b) the introduction of pay progression linked to performance for all pay

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progression from September 2013 onwards (paragraph 21).

- (c) the removal of Advanced Skills Teachers (ASTs) and Excellent Teachers pay scales and assessment arrangements;
- (d) the introduction of a new pay range for leading practitioners whose primary purpose is to model and lead the improvement of teaching skills (paragraph 18);
- (e) the replacement of the current threshold test for progression from the main to the upper pay range with new simpler criteria (paragraph 17);
- (f) to give schools more freedom to determine starting salaries of teachers new to the school (paragraphs 15-21);
- (g) to remove any obligation on schools when recruiting to match a teacher's existing salary on either the main, the upper or the unqualified pay scale (paragraph 14); and
- (h) the introduction of fixed-term teaching and learning responsibility - TLR3 (paragraph 25).
- (i) the removal of the three-year time limit on recruitment and retention allowances (paragraph 47).

### **Amendments to Section 3 guidance**

- 8. In addition to amendments that are consequential to the changes above Section 3 is now significantly shorter than the 2012 version and only contains guidance that is essential to retain in statutory form.

### **Other information**

- 9. LAs and schools can find additional informative material on pay matters on the [Department for Education's website](#). This material includes a non-statutory departmental advice, a model pay policy and model pay statements. For general pay queries please call 0370 000 2288 or send an [email through the Department's website](#).

## Section 2 - School Teachers' Pay and Conditions Document 2013

*This Document contains provisions relating to the statutory conditions of employment of school teachers in England and Wales and has been prepared by the Secretary of State for Education in anticipation of an order being made under section 122 of the Education Act 2002 ("the Act").<sup>(1)</sup> That Order refers to this Document and directs that its provisions have effect in accordance with it pursuant to section 124(3) of the Act. The anticipated order will be the School Teachers' Pay and Conditions Order 2013 ("the Order").*

*This Document relates to teachers employed by a local authority or by the governing body of a foundation, voluntary aided or foundation special school (other than a school to which an order made under section 128(2) of the Act applies) in the provision of primary or secondary education (otherwise than in an establishment maintained by a local authority in the exercise of a social services function).*

*When the Order comes into force on 1<sup>st</sup> September 2013, this Document will replace the 2012 Document given effect by the School Teachers' Pay and Conditions Order 2012<sup>(2)</sup>.*

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<sup>(1)</sup> 2002 (c.32.).

<sup>(2)</sup> S.I. 2012/2051.



## Pay - Part 1 - General

### Entitlement to salary and allowances

- 1.1 Subject to paragraphs 32, 33, 35 and 41, a qualified or unqualified teacher in full-time service is entitled to remuneration consisting of a salary determined under Parts 2 or 3 and any allowances payable under Parts 4 and 5;
- 1.2 The relevant body must determine that a graduate teacher, a registered teacher or a teacher on the employment-based teacher training scheme is to-
  - (a) be paid and be eligible for allowances as a qualified teacher; or
  - (b) be paid and be eligible for allowances as an unqualified teacher.
- 1.3 A teacher employed on a part-time basis is entitled to remuneration consisting of a salary and any allowances to which the teacher is entitled calculated in accordance with paragraph 41 and 43.
- 1.4 A teacher employed in a school which has a delegated budget is entitled to be paid by the authority any remuneration to which the teacher is entitled by virtue of the provisions of this Document or any determinations made under it.

### Pay policy and grievance procedures

2. The relevant body must-
  - (a) adopt a policy that sets out the basis on which it determines teachers' pay and the date by which it will determine the teachers' annual pay review; and
  - (b) establish procedures for addressing teachers' grievances in relation to their pay in accordance with the Acas Code of Practice.

### Timing of salary determination and notification

- 3.1 Subject to paragraph 3.3, the determination of the remuneration of a teacher must be made-
  - (a) annually with effect from 1<sup>st</sup> September;
  - (b) whenever a teacher takes up a new post (including taking up a post in the leadership group, or the duties assigned to a teacher paid on the pay range for leading practitioners) on a date other than that stated in the school's pay policy for the annual salary determination, with effect from the teacher taking up that post;
  - (c) where a teacher becomes entitled to be paid on the upper pay range pursuant to paragraph 16; or

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- (d) at any other time when a change falls to be made in a teacher's salary in any circumstances provided for in this Document.

3.2 When determining the remuneration of a teacher, the relevant body must have regard to its pay policy and to the teacher's particular post within its staffing structure.

3.3 Where the relevant body determines to reduce a teacher's remuneration, that determination must take effect no earlier than the date on which it was actually made.

3.4 When the relevant body has determined the remuneration of a teacher, it must, at the earliest opportunity and in any event not later than one month after the determination, ensure that the teacher is notified in writing of that determination, of any payments or other financial benefits awarded under paragraph 47, of any safeguarded sums to which the teacher is entitled under paragraphs 26, 29, 35 and 42, where a copy of the school's staffing structure and pay policy may be inspected and-

- (a) in a case where the teacher is a member of the leadership group or is paid on the pay range for leading practitioners, of the basis on which remuneration has been determined and the criteria (including performance objectives where the teacher is not subject to the 2011 Regulations or the 2012 Regulations) on which the salary will be reviewed in the future;
- (b) in a case where the teacher was appointed as a member of the leadership group or on the pay range for leading practitioners for a fixed period or under a fixed-term contract, of the date or, where appropriate, the circumstance, the occurrence of which will bring the fixed period or fixed-term contract to an end;
- (c) in a case where the teacher is a classroom teacher or an unqualified teacher in respect of whom the relevant body has made a determination under paragraph 1.2(a), of-
  - (i) the teacher's position within the pay ranges set out in paragraphs 15 and 16;
  - (ii) the nature and value of any allowance awarded under paragraph 27; and
  - (iii) in relation to any TLR awarded under paragraphs 23-25, its value, the nature of the significant responsibility for which it was awarded and, if the award is made whilst the teacher occupies another post in the absence of a post-holder, the date on which as well as any circumstances in which (if occurring earlier than that date) it will come to an end and, for TLR3s, a statement that the TLR will not be safeguarded.

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- (d) in a case where the teacher is an unqualified teacher to whom paragraph 3.4(c) does not apply, of-
  - (i) the teacher's position within the unqualified teachers' pay range determined under paragraph 19; and
  - (ii) the value of any unqualified teacher's allowance awarded under paragraph 28 and the additional responsibility, qualifications or experience in respect of which the allowance was awarded.

3.5 In this paragraph, "remuneration" means salary plus any allowances but does not include any sum paid in respect of the award of Chartered London Teacher status or under paragraphs 45 and 46.

### Teachers paid a safeguarded sum

- 4.1.1 Teachers who were formerly employed as advanced skills teachers and excellent teachers whose salaries were subject to safeguarding under the 2012 Document continue to have their salaries safeguarded in accordance with that Document. Sub-paragraphs 1.2 and 1.3 apply to a teacher who is paid a safeguarded sum or safeguarded sums under paragraphs 26, 29, 35 and 42.
- 4.1.2 If the safeguarded sums exceed £500 in total, the relevant body must review the teacher's assigned duties and allocate such additional duties to the teacher as they reasonably consider are appropriate and commensurate with the safeguarded sum, for as long as the teacher continues to be paid the safeguarded sum.
- 4.1.3 The teacher must not be paid the safeguarded sum if the teacher unreasonably refuses to carry out such additional duties, provided that the teacher is notified of the relevant body's determination to cease paying the safeguarded sum at least one month before it is implemented.
- 4.2.1 Sub-paragraph 1.2 applies to paragraphs 26, 29, 35 and 42, whenever the relevant body is required to consider whether a salary of a higher value ("the new salary") or an allowance (including the award of an increase in the value of an allowance made by a decision of the relevant body) ("the new allowance"), or the combined value of a new salary and a new allowance, is equal to or exceeds the combined value of a previous salary and a safeguarded sum.
- 4.2.2 The relevant body must take into account all the safeguarded sums to which the teacher is entitled and cease paying only the safeguarded sum or combination of safeguarded sums that is equal to or less than the total increase in the teacher's remuneration attributable to the new salary or the new allowance.
- 4.3 For the purposes of paragraphs 26, 29 and 42, the safeguarding period ends on the third anniversary of the relevant date; and in the case of a determination made by the relevant body between –

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- (a) 1<sup>st</sup> September and 31<sup>st</sup> December, the relevant date is 1<sup>st</sup> January immediately after the end of that period;
- (b) 1<sup>st</sup> January and 31<sup>st</sup> March, the relevant date is 1<sup>st</sup> April immediately after the end of that period; and
- (c) 1<sup>st</sup> April and 31<sup>st</sup> August, the relevant date is 1<sup>st</sup> September immediately after the end of that period.

## Part 2 - Leadership Group Pay

### Pay spine for the leadership group

- 5.1 A head teacher must be paid such salary based upon the leadership group pay spine set out in sub-paragraph 4 as the relevant body determines in accordance with paragraph 6.
- 5.2 A deputy head teacher must be paid such salary based upon the leadership group pay spine set out in sub-paragraph 4 as the relevant body determines in accordance with paragraph 12.
- 5.3 An assistant head teacher must be paid such salary based upon the leadership group pay spine set out in sub-paragraph 4 as the relevant body determines in accordance with paragraph 12.
- 5.4 The pay spine for members of the leadership group is-

<b><i>Pay Spine for the Leadership Group 2013</i></b>				
<b><i>Spine point</i></b>	<b><i>Annual Salary England and Wales (excluding the London Area)</i></b>	<b><i>Annual Salary Inner London Area</i></b>	<b><i>Annual Salary Outer London Area</i></b>	<b><i>Annual Salary Fringe Area</i></b>
	£	£	£	£
L1				
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## Annual determination of a head teacher's salary

- 6.1 For the purpose of determining the salary of a head teacher who is not subject to the 2011 Regulations or the 2012 Regulations-
- (a) the relevant body and the head teacher must seek to agree performance objectives relating to school leadership and management and pupil progress, and in default of agreement the relevant body must set such performance objectives; and
  - (b) the relevant body must appraise the performance of the head teacher taking account of the performance objectives agreed or set under sub-paragraph 1(a).
- 6.2 The relevant body must determine the salary of a head teacher in accordance with the following-
- (a) subject to paragraph 42, a head teacher's salary must not be less than

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the minimum of the individual school range and must not exceed the maximum of the individual school range;

- (b) save to the extent that movement up the pay spine is necessary to ensure that the salary of the head teacher equals the minimum of the individual school range, there must not be any movement up the pay spine unless-
  - (i) in a case where the head teacher is not subject to the 2011 Regulations or the 2012 Regulations, an appraisal of the head teacher's performance has been carried out under sub-paragraph 1(b) and there has been a sustained high quality of performance, having regard to the performance objectives agreed or set under sub-paragraph 1(a); or
  - (ii) In a case where the head teacher is subject to the 2011 regulations or the 2012 regulations, there has been a sustained high quality of performance by the head teacher having regard to the results of the most recent appraisal carried out in accordance with those regulations
- (c) when making any determination under sub-paragraph 2(b) in the case of a head teacher who is subject to the 2012 Regulations, the relevant body must have regard to any recommendation on pay recorded in the head teacher's most recent appraisal report;
- (d) save to the extent that a movement up the pay spine is necessary to ensure that the salary of the head teacher equals the minimum of the individual school range, a head teacher's salary must not be increased by more than two points in the course of one school year;
- (e) on appointment at a particular school, including under sub-paragraph 11.2.4, a head teacher must be paid a salary equal to the amount specified for one of the bottom four points of the individual school range;
- (f) where the relevant body raises the individual school range, any performance points awarded by the relevant body for the previous year must be calculated on the basis of the lower individual school range before the head teacher's pay is assimilated onto the higher range; and
- (g) where in accordance with the provisions of an earlier Document the relevant body has determined an individual school range the maximum of which exceeds the highest point on the leadership group pay spine, it must continue to determine the value of each point above the highest point for so long as that individual school range applies.

### **Determination of the school's head teacher group**

- 7.1 The relevant body must assign its school to a head teacher group for the purposes of paragraph 11 in accordance with this paragraph and paragraphs

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8, 9 and 10.

7.2 A school must be assigned to a head teacher group whenever the relevant body sees fit.

7.3 The head teacher groups, and pay ranges in relation thereto, are as follows-

<b>Head Teacher Groups and Pay Ranges</b>					
<b>Group</b>	<b>Range of spine points</b>	<b>Annual Salary Range England and Wales (excluding the London Area)</b>	<b>Annual Salary Range Inner London Area</b>	<b>Annual Salary Range Outer London Area</b>	<b>Annual Salary Range Fringe Area</b>
		£	£	£	£
1	L6 - L18				
2	L8 - L21				
3	L11 - L24				
4	L14 - L27				
5	L18 - L31				
6	L21 - L35				
7	L24 - L39				
8	L28 - L43				

**Unit totals and head teacher groups - ordinary schools**

8.1 Subject to paragraph 10, an ordinary school must be assigned to a head teacher group in accordance with the following table by reference to its total unit score calculated in accordance with sub-paragraph 2-

<b>Total unit score</b>	<b>School group</b>
Up to 1,000	1
1,001 to 2,200	2
2,201 to 3,500	3
3,501 to 5,000	4
5,001 to 7,500	5
7,501 to 11,000	6
11,001 to 17,000	7
17,001 and over	8



8.2 Subject to sub-paragraph 3, the total unit score must be determined in accordance with the number of pupils on the school register, calculated as follows-

<i>Key Stage</i>	<i>Units per pupil</i>
For each pupil in the preliminary stage and each pupil in the first or second key stage	7
For each pupil in the third key stage	9
For each pupil in the fourth key stage	11
For each pupil in the fifth key stage	13

8.3.1 The number of pupils on the school register, and the number of pupils at each key stage, must be determined by the numbers as shown on the most recent return of the Department for Education School Census, or the most recently available Welsh Government Annual School Census submitted to the Department for Education or Welsh Government respectively on behalf of the school;

8.3.2 Each pupil with a statement of special educational needs (SEN) must, if in a special class consisting wholly or mainly of such pupils, be counted as three units more than the pupil would otherwise be counted as by virtue of sub-paragraph 2, and if not in such a special class be counted as three such units only where the relevant body so determines;

8.3.3 Each pupil who attends for no more than half a day on each day for which the pupil attends the school must be counted as half as many units as the pupil would otherwise be counted as under sub-paragraphs 2 or 3.2.

### **Unit totals and head teacher groups - special schools**

9.1 Subject to paragraph 10, a special school must be assigned to a head teacher group in accordance with the following table by reference to its modified total unit score calculated in accordance with sub-paragraphs 2 to 5-

<i>Modified total unit score</i>	<i>Group</i>
Up to 2,200	2
2,201 to 3,500	3
3,501 to 5,000	4
5,001 to 7,500	5
7,501 to 11,000	6
11,001 to 17,000	7
17,001 and over	8

9.2 The relevant body must calculate the proportion of staff to pupils at the school expressed as a percentage (“the staff-pupil ratio”) in accordance with the following formula-

$$\frac{A}{B} \times 100$$

where A is the number of teachers and support staff weighted as provided in sub-paragraph 2.1, and B is the number of pupils at the school weighted as provided in sub-paragraph 2.2.

9.2.1 The weighting for a teacher is two units for each full-time equivalent teacher, and the weighting for each support staff member is one unit for each full-time equivalent individual.

9.2.2 The weighting for a full-time pupil is one unit and the weighting for a part-time pupil is half a unit.

9.3 The relevant body must calculate the staff-pupil ratio modifier in accordance with the following table by reference to the staff-pupil ratio determined in accordance with sub-paragraph 2-

<b>Staff-pupil ratio</b>	<b>Staff-pupil ratio modifier</b>
1 - 20%	1
21 - 35%	2
36 - 50%	3
51 - 65%	4
66 - 80%	5
81% or more	6

9.4 The relevant body must determine the school’s total unit score in accordance with the number of pupils on the school register calculated as follows-

<b>Key Stage</b>	<b>Units per pupil</b>
For each pupil in the preliminary stage and each pupil in the first or second key stage	10
For each pupil in the third key stage	12
For each pupil in the fourth key stage	14
For each pupil in the fifth key stage	16

9.5 The relevant body must determine the school’s modified total unit score by multiplying the school’s total unit score determined under sub-paragraph 4 by the staff-pupil ratio modifier calculated under sub-paragraph 3.

9.6 In this paragraph-

(a) the number of pupils on the school register must be determined by the

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numbers as shown on the most recent return of the Department for Education School Census, or the most recently available Welsh Government Annual School Census submitted to the Department for Education or Welsh Government respectively on behalf of the school; and

- (b) “support staff member” means a member of the school staff who is not-
- (i) a teacher;
  - (ii) a person employed in connection with the provision of meals;
  - (iii) a person employed in connection with the security or maintenance of the school premises; or
  - (iv) a person employed in a residential school to supervise and care for pupils out of school hours.

### Unit totals and head teacher groups - particular cases

#### Expected changes in number of registered pupils and teaching establishments

- 10.1.1 Subject to sub-paragraph 1.2, where in the case of an ordinary school the total unit score and in the case of a special school the modified total unit score is expected by the relevant body to rise or fall after the date to which the assignment refers, the relevant body may instead assign the school to the appropriate group which would result after the expected change in numbers has taken place.
- 10.1.2 Where the relevant body is the governing body of a school which has a delegated budget, no assignment may be made until the authority has been consulted.

#### New schools

- 10.2.1 Subject to sub-paragraphs 2.2 and 2.3, in the case of a school which is newly opened or not yet open, the relevant body must assign the school to the group appropriate in the case of an ordinary school to the total unit score and in the case of a special school to the modified total unit score expected by the authority or, in the case of a school with a delegated budget, by the governing body after consulting the authority to be relevant not less than four years from the date of opening.
- 10.2.2 The relevant body must, as necessary, revise its assignment as the expectations on which its calculation was based change.
- 10.2.3 Where the relevant body is the governing body of a school which has a delegated budget, no assignment may be made until the authority has been consulted.

## Determination of a school's individual school range (ISR)

- 11.1 The relevant body must determine a school's ISR in accordance with sub-paragraph 2.
- 11.2.1 The ISR must consist of seven consecutive spine points within the range specified in paragraph 7.3 in relation to the school's head teacher group ("the head teacher group range").
- 11.2.2 The relevant body must ensure that the minimum of the ISR:
- (a) is not less than the minimum of the head teacher group range;
  - (b) is at least the next point higher on the leadership group scale than the maximum of the pay range of any deputy or assistant head teacher at the school; and
  - (c) is at least the next point higher on the leadership group scale than the salary of the highest paid classroom teacher (calculated in accordance with sub-paragraph 3);
- and where the determination of the ISR would be set lower but for sub-paragraphs (b) or (c) the relevant body must set it no higher than is necessary to secure that the minimum of the ISR exceeds by one point the maximum of the deputy or assistant head teacher range or the salary of the highest paid classroom teacher (as the case may be).
- 11.2.3 The relevant body must ensure that the maximum of the ISR (where determined on or after 1 September 2011) does not exceed the maximum of the head teacher group range.
- 11.2.4 Where the head teacher is appointed as a head teacher of more than one school on a permanent basis the relevant body of the head teacher's original school or, under the Collaboration Regulations,<sup>(3)</sup> the collaborating body, must determine the ISR by the application of the total unit score of all of the schools calculated in accordance with paragraphs 8, 9 and 10.
- 11.3.1 For the purpose of determining the ISR, a deputy head teacher's pay range or an assistant head teacher's pay range, the relevant body must calculate the salary of the highest paid classroom teacher in accordance with sub-paragraph 3.2.
- 11.3.2 The salary of the highest paid classroom teacher is the sum of-
- (a) the minimum salary of the upper pay range;

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<sup>(3)</sup> The School Governance (Collaboration) (England) Regulations 2003 S.I. 2003/1962 and Collaboration between Education Bodies (Wales) Regulations 2012 (2012/2655) (W.287).

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- (b) the value of any TLR awarded to the highest paid classroom teacher at the school under paragraph 23 and
- (c) the value of any SEN allowance awarded to the highest paid classroom teacher at the school under paragraph 27.

11.3.3 In sub-paragraph 3.2, the highest paid classroom teacher at the school is the classroom teacher with the highest allowance total, being the total value of any TLR or SEN allowance awarded.

11.3.4 The calculation of the salary of the highest paid classroom teacher for the purpose of Part 2 is a notional calculation and must not affect the salary entitlement of such a teacher.

**Determination of discretionary payments to head teachers**

11.4.1 Subject to sub-paragraph 4.2, the relevant body may determine that additional payments be made to a head teacher in accordance with paragraphs 45, 46, 47 or in the circumstances set out in sub-paragraph 5, provided in each case that the relevant body has not previously taken such reason or circumstance into account when determining the ISR under an earlier Document.

11.4.2 Subject to sub-paragraph 6.1, the total sum of payments made to a head teacher in accordance with sub-paragraph 4.1 in any school year must not exceed 25 per cent of the amount that corresponds to that head teacher's point on the leadership group pay spine.

11.5 The circumstances referred to in sub-paragraph 4.1 are those where-

- (a) the school is a school causing concern;
- (b) without such additional payment the relevant body considers that the school would have substantial difficulty filling the vacant head teacher post;
- (c) without such additional payment the relevant body considers that the school would have substantial difficulty retaining the existing head teacher; or
- (d) the head teacher is appointed as a temporary head teacher of one or more additional schools.

11.6.1 Sub-paragraph 4.2 does not apply to additional payments made in accordance with:

- (a) paragraph 45 where those residential duties are a requirement of the post; or

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- (b) paragraph 47 to the extent that the payment is in respect of relocation expenses which relate solely to the personal circumstances of that head teacher.

11.6.2 The relevant body may determine that additional payments be made to a head teacher which exceed the limit set out in sub-paragraph 4.2 in wholly exceptional circumstances and with the agreement of the governing body. The governing body must seek external independent advice before providing such agreement.

### **Annual determination of a deputy head teacher's or an assistant head teacher's salary**

12.1 For the purpose of determining the salary of a deputy or assistant head teacher who is not subject to the 2011 Regulations or the 2012 Regulations-

- (a) the relevant body and the deputy or assistant head teacher must seek to agree performance objectives relating to school leadership and management and pupil progress, and in default of agreement the relevant body must set such performance objectives; and
- (b) the relevant body must appraise the performance of the deputy or assistant head teacher taking account of the performance objectives agreed or set under sub-paragraph 1(a).

12.2 The relevant body must determine the salary of a deputy or assistant head teacher in accordance with the following-

- (a) save to the extent that movement up the pay spine is necessary to ensure that the salary of the deputy or assistant head teacher equals the minimum of the deputy or assistant head teacher pay range determined for that person in accordance with paragraph 12 ("the relevant deputy head teacher pay range" or "the relevant assistant head teacher pay range" as the case may be), there must not be any movement up the pay spine unless-
  - (i) in a case where the deputy or assistant head teacher is not subject to the 2011 Regulations or the 2012 Regulations, an appraisal of the deputy or assistant head teacher's performance has been carried out under sub-paragraph 1(b) and there has been a sustained high quality of performance, having regard to the performance objectives agreed or set under sub-paragraph 1(a); or
  - (ii) where the deputy or assistant head teacher is subject to the 2011 Regulations or the 2012 Regulations, there has been a sustained high quality of performance by the deputy or assistant head teacher having regard to the results of the most recent appraisal carried out in accordance with those Regulations

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- (b) when making any determination under paragraph (a) in the case of a deputy or assistant head teacher who is subject to the 2012 Regulations, the relevant body must have regard to any recommendation on pay recorded in the deputy or assistant head teacher's most recent appraisal report;
- (c) a deputy or assistant head teacher's salary must not be less than the minimum of the relevant deputy or assistant head teacher's pay range, as the case may be and must not exceed the maximum of that range;
- (d) save to the extent that a movement up the pay spine is necessary to ensure that the salary of the deputy or assistant head teacher equals the minimum of the relevant deputy or assistant head teacher pay range, the deputy or assistant head teacher's salary must not be increased by more than two points in the course of one school year;
- (e) where the relevant body raises a deputy or assistant head teacher's pay range, any performance points awarded by the relevant body for the previous year must be calculated on the basis of the lower pay range before the deputy or assistant head teacher's pay is assimilated onto the higher pay range.

12.3 On appointment at a particular school a deputy or assistant head teacher must be paid a salary equal to the amount specified for one of the bottom three points of the relevant deputy or assistant head teacher pay range.

### **Determination of a deputy or assistant head teacher's pay range**

13.1.1 The relevant body must determine a deputy or assistant head teacher pay range for each deputy or assistant head teacher in accordance with sub-paragraph 2.

13.1.2 A deputy or assistant head teacher's pay range must consist of five consecutive spine points on the leadership group pay spine.

13.2.1 When a deputy or assistant head teacher's pay range is determined pursuant to sub-paragraph 1.1, the relevant body must ensure that the minimum of the deputy or assistant head teacher's pay range is not less than the next leadership group pay spine point above the salary of the highest paid classroom teacher (calculated in accordance with paragraph 11.3) and the minimum of the deputy head teacher's pay range is not less than next leadership point above the minimum of the assistant head teacher's pay range of the highest paid assistant head teacher at the school.

13.2.2 When a deputy or assistant head teacher's pay range is determined pursuant to sub-paragraph 1.1, the relevant body must ensure that the maximum of the deputy/assistant head teacher's pay range does not equal or exceed the minimum of the individual school range. Where the school has one or more deputy head teachers, the maximum of the assistant head teacher's pay range must not equal or exceed the maximum of the deputy head teacher pay

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range of the lowest paid deputy head teacher.

- 13.2.3 Where there is insufficient space on the leadership group pay spine to accommodate a deputy head teacher's pay range of five points between the salary of the highest paid classroom teacher or the minimum of an assistant head teacher pay range and the minimum of the individual school range, the individual school range must be raised to the extent necessary to accommodate the deputy head teacher's pay range.
- 13.2.4 Where there is insufficient space on the leadership group pay spine to accommodate an assistant head teacher's pay range of five points between the salary of the highest paid classroom teacher and the minimum of the individual school range to accommodate a deputy head teacher pay range of any deputy head teacher at the school in accordance with sub-paragraphs 2.1 and 2.2 the individual school range must be raised to the extent necessary to accommodate the assistant head teacher's pay range.
- 13.2.5 Subject to sub-paragraphs 2.1 and 2.3, the relevant body must not determine a deputy or assistant head teacher's pay range at so high a level that they are required by virtue of any other provision of this Document to raise the individual school range beyond the maximum of the head teacher group range.



## Part 3 - Other Teachers

### September 2013 Pay Award

*All September 2013 salary determinations relating to salary progression for:*

- *qualified teachers on the main pay scale;*
- *qualified teachers on the upper pay scale;*
- *qualified teachers who were employed as ASTs and/or ETs on 31 August 2013; or*
- *unqualified teachers on the unqualified pay scale*

*shall be made in accordance with the provisions of the 2012 Document. Full pay tables, including updated mandatory spine points, that reflect the STRB's 22<sup>nd</sup> Report recommendations will be made available, once they are known, for employers to apply for the September 2013 pay award.*

*Once salary determinations for the September 2013 pay award have been made, paragraphs 14 – 21 below come into effect and all references to pay increases and pay ranges in this Document shall be read accordingly. The first annual pay award that will take account of paragraphs 14-21 below will be in September 2014.*

### **Pay Ranges from 1<sup>st</sup> September 2013**

14.1 From 1<sup>st</sup> September 2013 there are four pay ranges for other teachers –

- i) the main pay range for qualified teachers who are not entitled to be paid on any other pay range;
- ii) the upper pay range
- iii) the pay range for leading practitioners whose primary purpose is to model and lead teaching improvement; and
- iv) the unqualified teacher range.

14.2 These pay ranges, and paragraphs 15 to 21 of this Document, shall take effect from 1<sup>st</sup> September 2013 and will be used in relation to any salary determinations that take place after the annual September 2013 salary determination.

14.3 Any pay increase awarded to a teacher on the main pay range, the upper pay range, or the unqualified teacher pay range, in accordance with Parts 3 and 4 or any movement between those pay ranges must be permanent for as long as the teacher remains employed within the same school or employer and, in the case of unattached teachers, for as long as the teacher remains employed by the same local authority, but is not otherwise to be deemed to be permanent by operation of the terms of this Document or any earlier Document.

### **The main pay range from 1<sup>st</sup> September 2013**

15.1 A teacher on the main pay range must be paid such salary within the

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minimum and maximum of the main pay range set out below as the relevant body determines.

15.2 The main pay range for teachers is-

<b>Main Pay Range for Teachers 2013</b>				
	<b>Annual Salary England and Wales (excluding the London Area)</b>	<b>Annual Salary Inner London Area</b>	<b>Annual Salary Outer London Area</b>	<b>Annual Salary Fringe Area</b>
	£	£	£	£
<b>Minimum</b>				
<b>Maximum</b>				

### The Upper Pay Range from 1<sup>st</sup> September 2013

16.1 A teacher on the upper pay range must be paid such salary within the minimum and maximum of the upper pay range set out below as the relevant body determines. The upper pay range is-

<b>Upper Pay Range 2013</b>				
<b>Range</b>	<b>Annual Salary England and Wales (excluding the London Area)</b>	<b>Annual Salary Inner London Area</b>	<b>Annual Salary Outer London Area</b>	<b>Annual Salary Fringe Area</b>
	£	£	£	£
<b>Minimum</b>				
<b>Maximum</b>				

16.2.1 A relevant body must pay a teacher on the upper pay range if:

- (a) the teacher was employed or defined as a post-Threshold teacher in that school under the 2012 or earlier Document; or
- (b) the teacher applied to be paid as a post-Threshold teacher in that school under the 2012 Document, that application was successful, and the teacher was due to move onto the upper pay scale on 1 September 2013; or
- (c) the teacher was a member of the leadership group, or was employed as an advanced skills teacher or an excellent teacher in that school under the 2012 Document; or

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(d) the teacher applies to that school to be paid on the upper pay range and that application is successful

and the teacher will not be paid on the pay range for leading practitioners or on the pay spine for the leadership group.

16.2.2 In the case of teachers who are paid on the upper pay range by virtue of sub paragraphs a), c), and d), the relevant body must determine where within the pay range set out in sub-paragraph 1 the teacher's annual salary will be fixed. In the case of teachers who are paid on the upper pay range by virtue of sub paragraph b), payment is to be made on the minimum of the upper pay range.

16.2.3 A relevant body may pay a teacher on the upper pay range if:

- (a) the teacher meets the definition of "post-threshold teacher" in the 2012 Document;
- (b) the teacher has previously applied to another school to be paid on the upper pay range in accordance with paragraph 17 of this Document and that application was successful; or
- (c) the teacher has at any time has been employed as a qualified teacher-
  - i) in an MOD school;
  - ii) by an Education Action Forum;
  - iii) at an academy, city technology college or city college for the technology of the arts;
  - iv) at a non-maintained special school;
  - v) in an establishment maintained by a local authority in the exercise of a social services function; or
  - vi) by a person appointed in accordance with a direction made by the Secretary of State under section 497A of the Education Act 1996 to perform the functions of an authority and who immediately before such employment was employed by that authorityand whilst employed as such was successfully assessed against the criteria in paragraph 17 of this Document.

### **Application to be paid on the upper pay range**

17.1 Qualified teachers may apply to be paid on the upper pay range at least once a year in line with their school's pay policy. Relevant bodies shall assess any such application received and make a determination, in line with their pay policy, on whether the teacher meets the criteria in sub-paragraph 2. Where teachers are subject to the 2011 regulations or the 2012 regulations, the relevant body shall have regard to the assessments and recommendations in teachers' appraisal reports under those regulations.

17.2 An application from a qualified teacher will be successful where the relevant body is satisfied:

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

standards; and

- b) that the teacher’s achievements and contribution to a school are substantial and sustained.

17.3 The pay policy should set out the process for assessing applications

17.4 A qualified teacher may also apply to the relevant body in accordance with paragraph 20 of the 2012 Document, if:

- a) the teacher is subject to the 2012 Regulations;
- b) the teacher was on point M6 in the school year 2012/2013; and
- c) the application is made by 31 October 2013.

17.5 Any decision made under paragraph 17 applies only to employment in that same school or (in the case of unattached teachers) the same local authority.

### The pay range for leading practitioners from 1<sup>st</sup> September 2013

18.1 This paragraph applies to qualified teachers who are employed in posts that the relevant body has determined have the primary purpose of modelling and leading improvement of teaching skills.

18.2 For any such post, the relevant body shall determine in accordance with its pay policy an individual post range within the overall pay range in this paragraph. The relevant body may determine that different posts in the same school may be paid on different individual post ranges within the overall pay range.

18.3 The relevant body shall determine where, within the individual post range for that particular post, each teacher covered by this paragraph shall be paid. The pay range for leading practitioners is:

<b>Pay Range For Leading Practitioners 2013</b>				
<b>Range</b>	<b>Annual Salary England and Wales (excluding the London Area)</b>	<b>Annual Salary Inner London Area</b>	<b>Annual Salary Outer London Area</b>	<b>Annual Salary Fringe Area</b>
	£	£	£	£
<b>Minimum</b>				
<b>Maximum</b>				

### Pay range for unqualified teachers from 1<sup>st</sup> September 2013

19. An unqualified teacher must be paid such salary within the minimum and

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maximum of the unqualified teacher pay range set out below as the relevant body determines. The pay range for unqualified teachers is:

<b>Pay Range for Unqualified Teachers from 1<sup>st</sup> September 2013</b>				
<b>Range</b>	<b>Annual Salary England and Wales (excluding the London area)</b>	<b>Annual Salary Inner London Area</b>	<b>Annual Salary Outer London Area</b>	<b>Annual Salary Fringe Area</b>
	£	£	£	£
<b>Minimum</b>				
<b>Maximum</b>				

### An unqualified teacher who becomes qualified

- 20.1 Upon obtaining qualified teacher status under regulations made under section 132 of the Act,<sup>(4)</sup> an unqualified teacher must be transferred to a salary within the main pay range for teachers in paragraph 15. Where the teacher continues to be employed by the same school within which they were employed before they obtained qualified teacher status the teacher must be paid a salary which is the same as or higher than the sum of the salary payable under paragraph 19.1 and any allowance payable under paragraph 29 (including any safeguarded sum payable under paragraph 29.3), as the relevant body considers to be appropriate.
- 20.2 A teacher who obtains qualified teacher status retrospectively under those regulations must be paid a lump sum by the relevant body responsible for the payment of remuneration at the time when qualified teacher status was effectively obtained.
- 20.3 The lump sum payable under sub-paragraph 2 must be the difference (if any) between the remuneration the teacher was actually paid as an unqualified teacher and the salary (not including any allowances) the teacher would have been paid as a qualified teacher, from the date qualified teacher status was effectively obtained to the date when the lump sum is paid.

### Pay progression linked to performance

- 21.1 The relevant body must consider annually whether or not to increase the salary of teachers who have completed a year of employment since the previous annual pay determination and, if so, to what salary within the relevant pay ranges set out in paragraphs 15-19.

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<sup>(4)</sup> S.I. 2003/1662 in relation to England and S.I. 2012/724 in relation to Wales.

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- 21.2 The relevant body must decide how pay progression will be determined, subject to the following:
- a. The decision whether or not to award pay progression must be related to the teacher's performance, as assessed through the school or authority's appraisal arrangements in accordance with the 2012 regulations in England or the 2011 regulations in Wales;
  - b. A recommendation on pay must be made in writing as part of the teacher's appraisal report, and the relevant body must have regard to this recommendation in making their decision;
  - c. Where a teacher is not subject to either the 2012 or the 2011 regulations, the relevant body must determine through what process the teacher's performance will be assessed and a pay recommendation made for the purposes of making its decision, except in the case of newly qualified teachers, in respect of whom the relevant body must do so by means of the statutory induction process set out in The Education (Induction Arrangements for School Teachers) (England) Regulations 2012<sup>(5)</sup> or The Education (Induction Arrangements for School Teachers) (Wales) Regulations 2005;<sup>(6)</sup>
  - d. Pay decisions must be clearly attributable to the performance of the teacher in question;
  - e. Continued good performance as defined by an individual school's pay policy should give a classroom or unqualified teacher an expectation of progression to the top of their respective pay range;
  - f. A decision may be made not to award progression whether or not the teacher is subject to capability proceedings.
- 21.3 The relevant body must set out clearly in the school's pay policy how pay progression will be determined, in accordance with sub-paragraph 2.

### Chartered London Teachers

- 22.1 A qualified teacher who intends to apply for Chartered London Teacher status must register the intention to do so with the Secretary of State or with such person or body as may be appointed by the Secretary of State for that purpose.
- 22.2 In order to register the teacher must be employed by an authority or a governing body in the Inner or Outer London Area.
- 22.3 A qualified teacher who has registered the intention to apply for Chartered London Teacher status may apply once in a school year to the relevant body for Chartered London Teacher status if the requirements in sub-paragraph 4 are satisfied.
- 22.4 The requirements are that, at the date of the application-
- (a) the teacher has completed not less than four years of employment in a

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<sup>(5)</sup> S.I. 2008/657, as amended by S.I. 2012/1115.

<sup>(6)</sup> S.I. 2005/1818, as amended by S.I. 2012/1675.

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head of teaching or teaching role in an academy, city technology college, city college for the technology of the arts, a non-maintained special school or a school in the Inner or Outer London Area and is currently employed as a teacher with an authority or a governing body in the Inner or Outer London Area;

- (b) two years have elapsed since the intention to apply was registered; and
- (c) the teacher is paid on the pay range for leading practitioners, is a member of the leadership group, is paid on the upper pay range, meets the definition of “post-Threshold teacher” in the 2012 Document, or was an advanced skills teacher or an excellent teacher under an earlier Document.

22.5 For the purposes of sub-paragraph 4 a “year of employment” and the qualifying circumstances relating to absence from work are defined in Annex 4;

22.6 Except where the applicant is an unattached teacher or is the head teacher, the relevant body must delegate the assessment of the application to the head teacher.

22.7 Where the applicant is an unattached teacher, the relevant body must delegate the assessment of the application to a person with management responsibility for the applicant.

22.8 The applicant must be assessed against the standards set out in Annex 2 and if it is determined that the applicant met all the standards during the period between registering the intention to apply and making the application the relevant body must award the applicant Chartered London Teacher status and pay the applicant the sum of £1000 in the same school year.

## Part 4 - Allowances

### Allowances for classroom teachers

#### Teaching and learning responsibility payments

23. The relevant body may award a TLR1 or TLR2 to a classroom teacher for undertaking a sustained additional responsibility in the context of their staffing structure for the purpose of ensuring the continued delivery of high-quality teaching and learning and for which the teacher is made accountable. The award may be while a teacher remains in the same post or occupies another post in the absence of a post-holder, in accordance with and subject to paragraph 3, and paragraphs 24 and 25.
24. Having decided to award a TLR, the relevant body must determine whether to award a first TLR (“TLR1”) or a second TLR (“TLR2”) and its value, in accordance with their pay policy, provided that-
- (a) the annual value of a TLR1 must be no less than £7,323 and no greater than £12,393;
  - (b) the annual value of a TLR2 must be no less than £2,535 and no greater than £6,197; and
  - (c) if the relevant body awards TLRs of different annual values to two or more teachers, the minimum difference in the annual value between each award of a TLR1 is £1,500 and between each award of a TLR2 is £1,500.
- 25.1 The relevant body may award a fixed-term third TLR (TLR3) to a classroom teacher for clearly time-limited school improvement projects, or one-off externally driven responsibilities. The annual value of a TLR3 must be no less than £500 and no greater than £2,500. The duration of the fixed term must be established at the outset and payment should be made on a monthly basis for the duration of the fixed term. Where a TLR3 is awarded to a part-time teacher it must be paid on a pro-rata basis.
- 25.2 With the exception of sub-paragraphs (c) and (e) which do not have to apply to the award of TLR3s, before awarding any 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-
- (a) is focused on teaching and learning;
  - (b) requires the exercise of a teacher’s professional skills and judgement;
  - (c) requires the teacher to lead, manage and develop a subject or curriculum area; or to lead and manage pupil development across



the curriculum;

- (d) has an impact on the educational progress of pupils other than the teacher's assigned classes or groups of pupils; and
- (e) involves leading, developing and enhancing the teaching practice of other staff.

25.3 In addition, before awarding a TLR1, the relevant body must be satisfied that the significant responsibility referred to in paragraph 25.2 includes line management responsibility for a significant number of people.

## **Safeguarding of TLRs**

26.1 Subject to sub-paragraph 2, if the relevant body determines ("the determination"), whether as a result of a change to their pay policy or to the school's staffing structure, either-

- (a) that the duties for which a teacher was awarded a TLR1 or TLR2 are no longer to include the significant responsibility for which it was awarded; or
- (b) that the responsibility for which a teacher was awarded a TLR1 or TLR2 (whether or not this has changed) merits, in accordance with their pay policy and staffing structure, an allowance of a lower annual value ("the new payment");

it must pay the safeguarded sum. TLR3s are not subject to safeguarding.

26.2 TLR1s or TLR2s awarded to teachers employed under a fixed-term contract or whilst they occupy another post in the absence of a post-holder must not be safeguarded after the fixed-term contract expires or after the date or the circumstance (if occurring earlier than that date) notified to the teacher pursuant to paragraph 3.4(c)(iii) occurs.

26.3 The safeguarded sum is the value of the old allowance or, where a new allowance of lower value is being awarded at the same time that the old allowance is being removed, the difference between the value of the old allowance and the value of the new allowance.

26.4 Within one month of the determination the relevant body must notify the teacher in writing of-

- (a) the reason for the determination;
- (b) the date on which the old payment ends and, if applicable, from which the new payment comes into effect;
- (c) the value of the teacher's salary immediately before the determination, not including the safeguarded sum;

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- (d) the safeguarded sum;
- (e) the latest date on which the safeguarding period will end, determined in accordance with paragraph 4.3;
- (f) (i) where the safeguarded sum is paid in respect of a TLR awarded to a teacher employed under a fixed-term contract, the date on which that fixed-term contract and payment of the safeguarded sum will end; or  
  
(ii) where the safeguarded sum is paid in respect of a TLR awarded to a teacher whilst occupying another post in the absence of a post-holder, the date or the circumstance (if occurring earlier than that date) notified to the teacher pursuant to paragraph 3.4(c)(iii) on which the award and payment of the safeguarded sum will end; and
- (g) where a copy of the school's staffing structure and pay policy may be inspected;

26.5 Subject to paragraphs 4.1, 4.2 and sub-paragraphs 6 and 7, the teacher must be paid the safeguarded sum until-

- (a) (i) the safeguarding period ends.  
  
(ii) where the safeguarded sum is paid in respect of a TLR awarded to a teacher employed under a fixed-term contract, the date on which that fixed-term contract expires; or  
  
(iii) where the safeguarded sum is paid in respect of a TLR awarded to a teacher whilst occupying another post in the absence of a post-holder, the date or the circumstance (if occurring earlier than that date) notified to the teacher pursuant to paragraph 3.4(c)(iii) occurs;
- (b) the teacher ceases to be a classroom teacher;
- (c) the teacher is awarded a TLR as a result of a subsequent determination by the relevant body that equals or exceeds the combined value of the new payment (if any) and the safeguarded sum;
- (d) the teacher is awarded a salary that, combined with the value of any new payment, equals or exceeds the combined value of the original salary and the safeguarded sum; or
- (e) the teacher's employment at the school ends other than in circumstances to which paragraph 34 or 35 applies;

whichever is the first to occur.

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- 26.6 The safeguarded sum must be reduced by the value of any subsequent TLR awarded to the teacher by the relevant body from time to time and in a case where the subsequent TLR is awarded to a teacher whilst occupying another post in the absence of a post holder, restored upon the expiry of the period of that award unless, in the meantime, any of the events specified in sub paragraph 5 occurs.
- 26.7 Payment of the safeguarded sum must be discontinued in a case where the teacher occupies, in the absence of a post-holder, a post as a member of the leadership group as a leading practitioner, or which attracts a TLR which is equal to or exceeds the value of the safeguarded sum. Payment of the safeguarded sum must be reinstated thereafter unless, in the meantime, any of the events specified in sub-paragraph 5 occurs.

### Special educational needs allowance

- 27.1 A SEN allowance of no less than £2001 and no more than £3954 per annum is payable to a classroom teacher in accordance with this paragraph.
- 27.2 The relevant body must award a SEN allowance to a classroom teacher-
- (a) in any SEN post that requires a mandatory SEN qualification<sup>(7)</sup>;
  - (b) in a special school;
  - (c) who teaches pupils in one or more designated special classes or units in a school or, in the case of an unattached teacher, in a local authority unit or service;
  - (d) in any non-designated setting (including any PRU) that is analogous to a designated special class or unit, where the post -
    - (i) involves a substantial element of working directly with children with special educational needs;
    - (ii) requires the exercise of a teacher's professional skills and judgement in the teaching of children with special educational needs; and
    - (iii) has a greater level of involvement in the teaching of children with special educational needs than is the normal requirement of teachers throughout the school or unit within the school or, in the case of an unattached teacher, the unit or service.

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<sup>(7)</sup> The Education (School Teachers' Qualifications) (England) Regulations 2003 and The Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999.

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- 27.3 Where a SEN allowance is to be paid, the relevant body must determine the spot value of the allowance, taking into account the structure of the school's SEN provision and the following factors-
- (a) whether any mandatory qualifications are required for the post;
  - (b) the qualifications or expertise of the teacher relevant to the post; and
  - (c) the relative demands of the post.
- 27.4 The relevant body must set out in its pay policy the arrangements for rewarding classroom teachers with SEN responsibilities.

### **Allowance payable to unqualified teachers**

- 28.1 The relevant body may determine that such additional allowance as it considers appropriate is to be paid to an unqualified teacher where it considers, in the context of its staffing structure and pay policy, that the teacher has-
- (a) taken on a sustained additional responsibility which -
    - (i) is focused on teaching and learning; and
    - (ii) requires the exercise of a teachers' professional skills and judgment; or
  - (b) qualifications or experience which bring added value to the role being undertaken.

### **Safeguarding of unqualified teachers' allowance**

- 29.1 Where the relevant body determines, in respect of an unqualified teacher who is in receipt of an allowance, whether as a result of a change to its pay policy or to the school's staffing structure, that-
- (a) the teacher's duties are no longer to include the additional responsibility in respect of which the allowance was awarded and, therefore, that the allowance should be withdrawn;
  - (b) the additional responsibility in respect of which the allowance was awarded now merits the payment of a lower allowance ("the new allowance"); or
  - (c) the teacher's duties are no longer to include the additional responsibility in respect of which the allowance was awarded but are to include a different additional responsibility which merits the payment of a lower allowance ("the new allowance");

it must pay the teacher the safeguarded sum.

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- 29.2 The safeguarded sum in the case of any teacher referred to in-
- (a) sub-paragraph 1(a) is the value of the allowance to which the teacher was entitled immediately before the determination was made to withdraw it;
  - (b) sub-paragraph 1(b) or (c) is the difference between the value of the allowance to which the teacher was entitled immediately before the determination was made to lower the allowance and the value of the new allowance.
- 29.3 The safeguarded sum must be reduced by the value of any subsequent allowance awarded to the teacher by the relevant body from time to time and, in a case where the subsequent allowance is awarded whilst the teacher occupies another post in the absence of a post-holder, restored upon the expiry of the period of that allowance, unless, in the meantime, any of the events specified in sub-paragraph 5 occurs.
- 29.4 Where a safeguarded sum is payable under sub-paragraph 2, the relevant body must notify the teacher in writing, within one month of the date of the determination, of-
- (a) the reason for the determination;
  - (b) the safeguarded sum;
  - (c) the date on which the teacher's allowance is to be withdrawn altogether or replaced with a new lower allowance, as the case may be;
  - (d) where the old allowance was awarded for a fixed period, the date the fixed period expires;
  - (e) where the old allowance was awarded to a teacher employed under a fixed-term contract, the date on which that fixed-term contract expires;
  - (f) the date on which the safeguarding period will end (determined in accordance with paragraph 4.3);
  - (g) the value of the salary immediately before the determination of the unqualified teacher's salary in accordance with paragraph 19.1 taking into account the annual determination required by paragraph 3.1 ("the original salary"); and
  - (h) details of where a copy of the school's staffing structure and pay policy may be inspected.
- 29.5 Subject to paragraph 4.1 and 4.2, the teacher must be paid the safeguarded sum until-

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- (a) in the case of a teacher who is paid the safeguarded sum under sub-paragraph 2, the date on which the safeguarding period ends (determined in accordance with paragraph 4.3);
- (b) where the allowance was awarded for a fixed period, the date on which the fixed period expires;
- (c) where the allowance was awarded to a teacher employed under a fixed-term contract, the date on which that fixed-term contract expires;
- (d) the date on which the teacher ceases to be an unqualified teacher;
- (e) the date on which the teacher is awarded an allowance as a result of a subsequent determination by the relevant body that equals or exceeds the combined value of the new allowance (if any) and the safeguarded sum;
- (f) the date on which the teacher is placed on a higher salary in the pay range set out in paragraph 19 and the combined value of that salary and any new payment equals or exceeds the combined value of the teacher's original salary and the safeguarded sum; or
- (g) the date on which the teacher's employment at the school ends, other than in circumstances to which paragraph 35 applies,

whichever is the first to occur.

29.6 In this paragraph any reference to an allowance is a reference to an allowance payable under this paragraph.

### Acting allowance

- 30.1 Subject to sub-paragraph 6, where a teacher is assigned and carries out duties of a head teacher, deputy head teacher or assistant head teacher, but has not been appointed as an acting head teacher, deputy head teacher or assistant head teacher, the relevant body must, within the period of four weeks beginning on the day on which such duties are first assigned and carried out, determine whether or not an allowance must be paid in accordance with the following provisions ("acting allowance").
- 30.2 If the relevant body's determination referred to in sub-paragraph 1 is that the teacher must not be paid an acting allowance, but the teacher continues to be assigned and to carry out duties of a head teacher, deputy head teacher or assistant head teacher (and has not been appointed as an acting head teacher, deputy head teacher or assistant head teacher), the relevant body may at any time after that determination make a further determination as to whether or not an acting allowance must be paid.
- 30.3 If the relevant body determines that the teacher must be paid an acting allowance, subject to sub-paragraph 4, it must be of such amount as is

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necessary to ensure that the teacher receives remuneration equivalent to such point on the leadership group pay spine set out in paragraph 5.4 as the relevant body considers to be appropriate.

- 30.4 The remuneration of a teacher who is assigned and carries out duties of a head teacher must not be lower than the minimum of the individual school range, and where a teacher is assigned and carries out the duties of a deputy or assistant head teacher in relation to whom a deputy or assistant head teacher pay range (as the case may be) has been determined, remuneration must not be lower than the minimum of that range.
- 30.5 The teacher may be paid an acting allowance with effect from such day on or after the day on which duties of a head teacher, deputy head teacher or assistant head teacher are first assigned and carried out as the relevant body may determine.
- 30.6 Where a teacher is paid an allowance under this paragraph, then for so long as that allowance is paid-
- (a) where the teacher is assigned and carries out duties of a head teacher, Part 6 applies as if the teacher had been appointed to the post of head teacher, and paragraphs 53.1 to 57.14 do not apply;
  - (b) where the teacher is assigned and carries out the duties of a deputy head teacher or assistant head teacher, paragraph 55 applies as if the teacher had been appointed to the post of deputy head teacher or assistant head teacher, and paragraph 56 does not apply.

### **Performance payments to seconded teachers**

31. Where-
- (a) a teacher is temporarily seconded to a post as head teacher in a school causing concern which is not the teacher's normal place of work; and
  - (b) the relevant body of that school considers that the teacher merits an additional point or points to reflect the sustained high quality of performance throughout the secondment,

that relevant body may pay the teacher a lump sum equal to the value of the additional point or points on that school's individual school range, if the teacher would otherwise not receive the full value of the point or points as a result of returning to the original school.

## Part 5 - Supplementary

### Determination of applicable pay scale or range

- 32.1 A teacher who is employed under a contract that normally requires work in the London Area but who is temporarily required to work elsewhere must continue to be paid in accordance with the pay scale or range applicable to the teacher's normal area of employment.
- 32.2 A teacher who on 31<sup>st</sup> August 2013 was being paid in accordance with one of the London Area pay scales or ranges must continue to be paid in accordance with that scale or range notwithstanding that the teacher would not otherwise be entitled to it under the provisions of this Document, for so long as the teacher remains in the post held on that date.
- 32.3 A teacher who moves out of the Inner London Area may continue to be paid in accordance with the Inner London pay range for so long as the teacher continues to be employed as a teacher in a post in which the salary is paid by the same authority.
- 32.4 A teacher who moves out of the Outer London Area, to anywhere but the Inner London Area, may continue to be paid on the Outer London Area range for so long as the teacher continues to be employed as a teacher in a post in which the salary is paid by the same authority.
- 32.5 A teacher who moves out of the Fringe Area, to anywhere but the Inner London Area or the Outer London Area, may continue to be paid on the Fringe Area range for so long as the teacher continues to be employed as a teacher in a post in which the salary is paid by the same authority.

### Unattached teachers

- 33.1 The remuneration of an unattached teacher must be determined in accordance with whichever provisions of this Document the relevant body considers to be appropriate in the circumstances of the case, having regard to its pay policy and the teacher's particular post within the staffing structure.
- 33.2 Where, in accordance with sub-paragraph 1, the remuneration of a teacher in charge of a pupil referral unit is determined in accordance with the provisions applicable to a head teacher, Part 6 applies, and paragraphs 55.1 to 57.14 do not apply.
- 33.3 Where, in accordance with sub-paragraph 1, the remuneration of an unattached teacher (other than a teacher in charge of a pupil referral unit) is determined in accordance with the provisions applicable to a member of the leadership group, paragraphs 55 – 59 do not apply and the teacher's conditions of employment that relate to professional duties and working time must be agreed between the teacher and the relevant body.



## General safeguarding applicable to teachers taking up post on or before 31st December 2005

34.1 Subject to sub-paragraphs 4 to 8 -

34.1.1 where, as a result of-

- (a) the closure or reorganisation of an educational establishment; or
- (b) a direction relating to a course for the training of teachers given by the Secretary of State under regulation 3(2) of the Further Education Regulations 1975,<sup>(8)</sup> under regulation 15 or 16 of the Education (Schools and Further Education) Regulations 1981<sup>(9)</sup> or under regulation 12 or 13 of the Education (Schools and Further and Higher Education) Regulations 1989,<sup>(10)</sup>

a teacher (including a teacher in further or higher education) loses a post, and was on or before 31<sup>st</sup> December 2005 employed full-time as a teacher in the provision of primary or secondary education (whether or not at a school) in a post where remuneration is paid by the same authority as before, the teacher must be deemed for all salary purposes to continue to hold the post that was held, and to be entitled to any allowance for unqualified teachers (paragraph 29) to which the teacher was entitled immediately before the closure, reorganisation or direction;

34.1.2 where, in circumstances other than those mentioned in sub-paragraph 1.1, such a teacher loses a post and was on or before 31<sup>st</sup> December 2005 employed full-time as a teacher in the provision of primary or secondary education in a post (whether or not at a school) in which remuneration is paid by the same authority as before the teacher may, at the discretion of the authority be deemed for all salary purposes to continue to hold the post that was held, and to be entitled to any allowance for unqualified teachers to which the teacher was entitled immediately before the circumstances occurred; and the authority must not unreasonably refuse to exercise their discretion in this matter in favour of the teacher;

34.1.3 where in the circumstances described in sub-paragraphs 1.1 or 1.2 such a full-time teacher or such a teacher in regular part-time employment loses a post in circumstances described in sub-paragraph 1.1, and is thereupon employed as stated in that provision but as a teacher in regular part-time employment, the teacher is (subject, in the circumstances described in sub-paragraph 1.2, to the same discretion to be similarly exercised) entitled to that proportion of the salary and of the allowance for unqualified teachers to which the teacher was entitled immediately before the relevant change in circumstances which the part-time employment bears to full-time employment.

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<sup>(8)</sup> S.I. 1975/1054; revoked by S.I. 1983/74 and 1986/541.

<sup>(9)</sup> S.I. 1981/1086; regulations 15 and 16 were revoked by S.I. 1999/3181.

<sup>(10)</sup> S.I. 1989/351; regulations 12 and 13 were revoked with regard to England by S.I. 2004/571.

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- 34.2 A teacher whose remuneration is safeguarded under this paragraph is entitled to an acting allowance (paragraph 30) only where appropriate to the circumstances of the teacher's present employment.
- 34.3 Subject to sub-paragraph 4, the salary to be safeguarded pursuant to sub-paragraph 1 means-
- (a) any salary or allowance, other than those awarded for an agreed fixed-term, that the teacher was in receipt of immediately before the circumstances described in sub paragraph 1 arose; and
  - (b) any safeguarded sum to which the teacher is entitled under paragraph 42 but only to the extent that the applicable paragraph provides for the continuing payment of that sum.
- 34.4. Where a member of the leadership group, including those paid on the scale formerly provided for advanced skills teachers, is immediately before a circumstance mentioned in sub-paragraph 1.1 or 1.2 arises, paid at a point on the leadership group pay spine pursuant to paragraph 5 such member must continue (subject, in the circumstances mentioned in sub-paragraph 1.2, to the same discretion) to be paid at that point.
- 34.5 If the teacher's safeguarded remuneration under this paragraph exceeds the remuneration to which the teacher would otherwise be entitled under this Document by the sum of £500 or more, the relevant body must review the teacher's assigned duties and allocate such additional duties as it reasonably considers to be appropriate and commensurate with the safeguarded remuneration.
- 34.6 Sub-paragraph 1 does not apply or, as the case may be, ceases to apply, to a teacher-
- (a) who at any time is offered but unreasonably refuses to accept an alternative post in an educational establishment maintained by the authority by which the teacher's salary is paid;
  - (b) to whom the remuneration payable by virtue of the other paragraphs of this Document equals or exceeds the remuneration payable under this paragraph;
  - (c) who is placed on a different pay scale or range, but this does not apply to a classroom teacher when first placed on the pay range set out in paragraph 16 or to a teacher affected by a determination made by a relevant body under paragraph 41; or
  - (d) whose employment ends other than in circumstances to which this paragraph applies.
- 34.7 For the purposes of this paragraph-
- (a) "educational establishment" means an establishment in England and

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Wales which is-

- (i) an institution of further or higher education maintained or assisted by an authority;
  - (ii) a school;
  - (iii) a teachers' centre; or
  - (iv) an establishment (other than a school) at which primary or secondary education is provided by an authority;
- (b) "leadership group post" means a post of head teacher, deputy head teacher or assistant head teacher of a school;
- (c) "remuneration" means salary plus any allowances but does not include any sum paid under paragraphs 45, 46 and 47;
- (d) "salary" means-
- (i) in the case of a school teacher, the salary payable in accordance with paragraphs 5, 15, 16 and 19 including any allowance payable under paragraph 27, and
  - (ii) in the case of a teacher in further or higher education the teacher's basic salary excluding all allowances;
- (e) a school is reorganised where it was or is reorganised in pursuance of proposals made under section 28 or 31 of the School Standards and Framework Act 1998<sup>(11)</sup> or proposals referred to in regulation 14 of the Education (Transition to New Framework) (School Organisation Proposals) Regulations 1999<sup>(12)</sup>; and
- (f) any transfer of the responsibility for maintaining an establishment must be disregarded.

### **General safeguarding applicable to teachers taking up post on or after 1st January 2006**

35.1 This paragraph applies to a teacher who loses a post ("the old post"), as a result of-

- (a) the discontinuance of a school;
- (b) a prescribed alteration to, or the reorganisation of, a school; or
- (c) the closure or reorganisation of any other educational establishment or

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<sup>(11)</sup> 1998 (c.31) as amended by the Act, the Education Act 2005 (c.18) and the Education and Inspections Act 2006 (c.40).

<sup>(12)</sup> S.I. 1999/704.

service;

and who then takes up a new post on or after 1<sup>st</sup> January 2006 (“the new post”) and is employed by the same authority or at a school maintained by the same authority, and in the case of a teacher within paragraph (b) the new post is at a different school.

- 35.2 In sub-paragraph 1.1 “prescribed alteration” means an alteration prescribed by the Education (School Organisation Proposals) (England) Regulations 1999,<sup>(13)</sup> the Education (School Organisation Proposals) (Wales) Regulations 1999,<sup>(14)</sup> or the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007.<sup>(15)</sup>

### **Re-determination of salary**

36. The relevant body must determine in relation to the teacher-
- (a) the salary that applies to the teacher in the new post, in accordance with the relevant paragraphs of this Document (“the new salary”); and if, as a result, the teacher is placed on a salary of lower value than that on which payment was made in the old post (“the old salary”), the teacher must be paid in addition a sum equal to the difference in value between the old salary and the new salary (“the first safeguarded sum”) as at the date of the implementation of the determination;
  - (b) any TLR that applies to the new post in accordance with paragraphs 23 - 25; and the teacher is entitled to a safeguarded sum (“the second safeguarded sum”) in respect of the difference in value between that TLR and the value of any TLR of a higher value that was paid in relation to the old post or, if no TLR is awarded under this paragraph, in respect of the TLR that was paid in relation to the old post;
  - (c) any SEN allowance that applies to the new post in accordance with paragraph 27; and the teacher is entitled to a safeguarded sum (“the third safeguarded sum”) in respect of the difference in value between that SEN allowance and the value of any SEN allowance of a higher value that was paid in relation to the old post or, if no SEN allowance is awarded under this paragraph, in respect of the SEN allowance that was paid in relation to the old post;
  - (d) in the case of an unqualified teacher, any allowance payable under paragraph 28 in relation to the new post; and the teacher is entitled to a safeguarded sum (“the fourth safeguarded sum”) in respect of the difference in value between that allowance and the value of any such allowance of a higher value that was paid in relation to the old post or, if no allowance is awarded under this paragraph, in respect of the

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<sup>(13)</sup> S.I. 1999/2213; revoked and replaced by S.I. 2007/1288.

<sup>(14)</sup> S.I. 1999/1671, amended by S.I. 2004/908 and S.I. 2006/173.

<sup>(15)</sup> S.I. 2007/1289.

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allowance that was paid in relation to the old post; and

- (e) the value of any other allowances payable under this Document.

### **Reduction in the value of the safeguarded sums**

- 37.1 The first safeguarded sum must be reduced by the value of any TLR or SEN allowance awarded to the teacher by the relevant body from time to time and, in a case where the teacher is awarded a TLR whilst occupying another post in the absence of a post-holder, restored upon the expiry of the period of that award, unless, in the meantime, any of the events specified in sub-paragraph 4 occurs.
- 37.2 If the relevant body subsequently awards the teacher a TLR of higher value than the TLR awarded under paragraph 36 (b), the second safeguarded sum must be reduced by the value of the TLR or by a sum equal to the difference between the two TLRs, as the case may be.
- 37.3 If the relevant body subsequently awards the teacher a SEN allowance, or one of higher value than the SEN allowance awarded under paragraph 36(c), the third safeguarded sum must be reduced by the value of the SEN allowance or by a sum equal to the difference between the two allowances, as the case may be.
- 37.4 If the relevant body subsequently awards the teacher an allowance under paragraph 28, or one of higher value than the allowance awarded under paragraph 36(d), the fourth safeguarded sum must be reduced by the value of the allowance, or by a sum equal to the difference between the two allowances, as the case may be.

### **The end of safeguarding**

- 38. Subject to paragraph 4, the relevant body must pay the teacher the safeguarded sums to which the teacher is entitled under paragraph 38 until-
  - (a) the date on which the safeguarding period ends, being the third anniversary of the date on which the teacher starts work in the new post;
  - (b) the teacher is placed on a salary on a different pay range but this does not apply to a classroom teacher when first placed on a pay range set out in paragraph 16 or to a teacher affected by a determination made by a relevant body under paragraph 42;
  - (c) the teacher's employment ends other than in circumstances to which this paragraph applies; or
  - (d) the teacher is placed on a higher salary on the applicable pay range or is first placed on a pay range set out in paragraph 16 and the value of that salary equals or exceeds the combined value of the old salary and any one or more of the safeguarded sums, in which case payment of those safeguarded sums must cease;

whichever is the first to occur.

### **Existing safeguarded sums preserved and recruitment and retention benefits safeguarded**

39. Subject to paragraph 4.3, in addition to any sums to which the teacher is entitled under paragraph 38, the teacher must be paid-
- (a) any safeguarded sums to which the teacher continues to be entitled under paragraphs 26 and 42 until such entitlement ceases in circumstances set in those paragraphs; and
  - (b) any recruitment or retention incentive or benefit to which the teacher was entitled under paragraph 47 in the old post, until either-
    - (i) the end of the fixed period for which it was awarded; or
    - (ii) the teacher accepts a different recruitment or retention incentive or benefit instead,

whichever is the first to occur.

### **Notification of determination**

40. When notifying the teacher of its determination in accordance with paragraph 3.3, the relevant body must include details of the value of the salary, allowances and all safeguarded sums to which the teacher was entitled in relation to the old post and to which the teacher is entitled in relation to the new post, and in respect of safeguarded sums paid under this paragraph or under paragraphs 26, 29 or 42, of the date on which the safeguarding period ends.

### **Part-time teachers**

41. Whether the teacher was a full-time teacher or a teacher in regular part-time employment before losing a post, if then employed as stated in paragraph 35.1.1 as a teacher in regular part-time employment, the teacher must be paid a proportion of the remuneration to which the teacher would have been entitled had employment been as a full-time teacher, calculated in accordance with paragraph 43.

### **Safeguarding for members of the leadership group, former advanced skills teachers and excellent teachers and those on the pay range for leading practitioners**

- 42.1 Except where paragraph 34 applies and subject to paragraph 4, this paragraph applies where the relevant body determines (“the determination”), whether as a result of a change to its pay policy or to the school’s staffing structure, to-

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- (a) reduce the number of members of the leadership group;
- (b) change the primary purpose of a teacher paid on the pay range for leading practitioners, so that it is no longer to model and lead teaching improvement;
- (c) redeploy a teacher formerly employed as an advanced skills teacher or an excellent teacher (as defined in the 2012 Document) to a different role and this would lead to a reduction in that teacher's salary;
- (d) lower the individual school range and this would lead to a reduction in the head teacher's salary;
- (e) lower a deputy head teacher's pay range and this would lead to a reduction in the deputy head teacher's salary;
- (f) lower an assistant head teacher's pay range and this would lead to a reduction in the assistant head teacher's salary;
- (g) lower the range within which a teacher on the pay range for leading practitioners is paid and this would lead to a reduction in that teacher's salary;

42.2 A member of the leadership group, a teacher paid on the pay range for leading practitioners, a former advanced skills teacher or former excellent teacher whose salary is reduced as a result of the implementation of the determination or of the ending of the advanced skills teacher and excellent teacher designations must be paid the safeguarded sum.

42.3 In the case of a teacher who is affected by a determination within subparagraph 1(a) to (c) the safeguarded sum is the difference between the original salary (including the value of any performance points awarded by the relevant body for the previous year) and the value of the new salary combined with any TLR or SEN allowance awarded.

42.4 In the case of a teacher who is affected by a determination within subparagraphs 1(d) to 1(f), the safeguarded sum is the difference between the original salary (including the value of any performance points awarded by the relevant body for the previous year) and the value of the salary in the new pay range.

42.5 The relevant body must, within one month (and after having made the annual determination required by paragraph 3.1), notify in writing a teacher who is or may be affected by the determination of that fact and of-

- (a) the reason for the determination;
- (b) the date on which the determination is to be implemented in relation to that teacher (if known);
- (c) the date on which the safeguarding period will end (determined in

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accordance with paragraph 4.3) or, in the case of a teacher employed as a member of the leadership group, a teacher paid on the pay range for leading practitioners or formerly employed as an advanced skills teacher or as an excellent teacher for a fixed period or under a fixed-term contract, the date or the circumstance the occurrence of which will bring that fixed period or fixed-term contract and payment of the safeguarded sum to an end;

- (d) the original salary;
- (e) the safeguarded sum or, if the determination is to be implemented at a later date and its precise effect on the teacher is not yet known, the maximum amount by which the original salary may be reduced; and
- (f) where a copy of the school's staffing structure and pay policy may be inspected.

42.6 Subject to paragraphs 4.1 and 4.2 and sub-paragraph 7; the teacher must be paid the safeguarded sum until-

- (a) the safeguarding period ends or in the case of a teacher employed as a member of the leadership group, a teacher on the pay range for leading practitioners or formerly employed as an advanced skills teacher or as an excellent teacher for a fixed period or under a fixed-term contract, the date on which that fixed period or fixed-term contract ends;
- (b) in the case of a teacher affected by a determination within sub-paragraphs 1(a) to 1(c) -
  - (i) the teacher ceases to be a classroom teacher;
  - (ii) as a result of a subsequent determination by the relevant body, the teacher is placed on a higher salary in the pay range set out in paragraph 15, 16 or 18 or first becomes entitled to a salary on the leadership pay scale and the value of that salary combined with any TLR or SEN allowance awarded equals or exceeds the teacher's original salary; or
  - (iii) as a result of a subsequent determination by the relevant body, the teacher is awarded a TLR or a SEN allowance or both, and the combined value of that payment or allowance and the new salary equals or exceeds the teacher's original salary;
- (c) in the case of a teacher affected by a determination within sub-paragraphs 1(d) to 1(f), the value of the teacher's point on the leadership pay spine or their position on the pay range for leading practitioners equals or exceeds the teacher's original salary; or
- (d) the teacher's employment at the school ends other than in circumstances to which paragraph 34 or 35 applies,



whichever is the first to occur.

42.7 Payment of the safeguarded sum must be discontinued whilst the teacher occupies a post as a member of the leadership group or carries out the duties of a teacher paid on the pay range for leading practitioners in the absence of that teacher but must be reinstated thereafter unless, in the meantime, any of the events specified in sub-paragraph 6 occurs.

42.8 In this paragraph “original salary” means-

- (a) in the case of a member of the leadership group, the value of the point on the leadership pay spine to which the teacher was entitled immediately before the implementation of the determination;
- (b) in the case of a former advanced skills teacher, the value of the point on the pay spine for advanced skills teachers in paragraph 27.1 of the 2012 Document to which the teacher was entitled immediately before the implementation of the determination;
- (c) in the case of a former excellent teacher, the salary to which the teacher was entitled immediately before the implementation of the determination; and
- (d) in the case of a teacher on the pay range for leading practitioners, the salary to which the teacher was entitled immediately before the implementation of the determination,

taking into account any annual determination made under paragraph 3.1 but not yet implemented.

### **Part-time teachers - Interpretation**

43.1.1 In this paragraph-

“pro rata principle” means that proportion of total remuneration which corresponds to the number of hours that the teacher is employed in that capacity during the course of the school’s timetabled teaching week as a proportion of the total number of hours in the school’s timetabled teaching week; (and for this purpose “total remuneration” means the remuneration that would be payable to that person if employed in the same post on a full-time basis); and

“the school’s timetabled teaching week” means the aggregate period of time in the school timetable during which pupils are normally taught.

43.1.2 When a relevant body is required to determine the salary of a part-time teacher in accordance with the pro rata principle it must do so not only in relation to those hours that a part-time teacher normally works under the contract of employment but also in relation to any additional hours the teacher

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may agree to work from time to time at the request of the head teacher or, in a case where the part-time teacher is a head teacher, the relevant body.

### Determination of remuneration of part-time teachers

43.2 The salary and any allowances of a part-time teacher must be determined in accordance with the pro rata principle.

### Teachers employed on a short notice basis

44.1 Teachers employed on a day-to-day or other short notice basis must be paid in accordance with the provisions of this Document on a daily basis calculated on the assumption that a full working year consists of 195 days, periods of employment for less than a day being calculated pro rata.

44.2 A teacher to whom sub-paragraph 1 applies and who is employed by the same authority throughout a period of 12 months beginning in August or September must not be paid more by way of remuneration in respect of that period than would have been paid had the teacher been in regular employment throughout the period.

### Residential duties

45. Any payment to teachers for residential duties must be determined by the relevant body.

### Additional payments

46.1 Subject to sub-paragraph 2, the relevant body may make such payments as they see fit to a teacher, including a head teacher, in respect of-

- (a) continuing professional development undertaken outside the school day;
- (b) activities relating to the provision of initial teacher training as part of the ordinary conduct of the school;
- (c) participation in out-of-school hours learning activity agreed between the teacher and the head teacher or, in the case of the head teacher, between the head teacher and the relevant body;
- (d) additional responsibilities and activities due to, or in respect of, the provision of services by the head teacher relating to the raising of educational standards to one or more additional schools.

46.2 Sub-paragraph 1(d) does not apply to the provision of services by a head teacher to a school in relation to which such head teacher has been appointed either on a permanent basis in accordance with paragraph 11.2.4 or on a temporary basis.

## **Recruitment and retention incentives and benefits**

- 47.1 Subject to sub-paragraphs 2 and 3, the relevant body and, where it is the teacher's employer, the authority, may make such payments or provide such other financial assistance, support or benefits to a teacher as it considers to be necessary as an incentive for the recruitment of new teachers and the retention in their service of existing teachers.
- 47.2 Where the relevant body is making one or more such payments, or providing such financial assistance, support or benefits in one or more cases, the relevant body must conduct a regular formal review of all such awards. The relevant body should make clear at the outset the expected duration of any such incentives and benefits, and the review date after which they may be withdrawn.

## **General Teaching Council for Wales' fee allowance**

- 48.1 The relevant body must pay the sum of £33 per year to a teacher who is required to be registered with the General Teaching Council for Wales, in respect of the annual registration fee, where such a fee is payable by that teacher.
- 48.2 Before making a determination under sub-paragraph 1 the relevant body must take reasonable steps to satisfy itself that the teacher has not received a payment in respect of that year under that provision from any other relevant body.
- 48.3 A local authority must upon request take reasonable steps to provide a relevant body with information as to whether or not a teacher who is or has been employed at a school or as an unattached teacher within that authority has received a payment under sub-paragraph 1.
- 48.4 Paragraph 43 of this Document does not apply to this allowance.

## **Salary sacrifice arrangements**

- 49.1 For the purposes of this paragraph, the term "salary sacrifice arrangement" means any arrangement under which the teacher gives up the right to receive part of the teacher's gross salary in return for the employer's agreement to provide a benefit-in-kind under any of the following schemes-
- (a) a child care voucher or other child care benefit scheme;
  - (b) a cycle or cyclist's safety equipment scheme; or
  - (c) a mobile telephone scheme; and

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that benefit-in-kind is exempt from income tax<sup>(16)</sup>.

49.2 Where the employer operates a salary sacrifice arrangement, the teacher may participate in any such arrangement and the teacher's gross salary may be reduced accordingly for the duration of such participation.

49.3 Participation in any salary sacrifice arrangement has no effect upon the determination of any safeguarded sum to which the teacher may be entitled under any provision of this Document.

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<sup>(16)</sup> The Income Tax (Earning and Pensions) Act 2003 (2003 c.1) provides that no liability to income tax arises in respect of the provision for an employee of any of these benefits-in-kind, where the specified conditions are met.

## Part 6 - Contractual Framework For Teachers - Introduction

- 50.1 This section sets out the contractual framework within which all teachers, including head teachers, operate. It also includes high level responsibilities for all teachers and head teachers and their statutory entitlements.
- 50.2 Nothing in this Document is to be taken to conflict with Council Directive 93/104/EC of 23<sup>rd</sup> November 1993 concerning certain aspects of the organisation of working time.<sup>(17)</sup>

### Head Teachers - Overriding Requirements

- 51.1 A head teacher's professional duties must be carried out in accordance with and subject to-
- (a) the provisions of all applicable legislation and in particular the Education Act 1996 and the Act;
  - (b) any orders and regulations having effect under the applicable legislation and in particular the Education Act 1996 and the Act;
  - (c) the instrument of government of the head teacher's school;
  - (d) where the school is a voluntary, foundation or foundation special school, any trust deed that applies to the school;
  - (e) any scheme prepared or maintained by the authority under section 48 of the School Standards and Framework Act 1998.<sup>(18)</sup>
- 51.2 A head teacher's duties must be carried out in accordance with and subject to the following -
- (a) in the case of a school which has a delegated budget-
    - (i) any rules, regulations or policies made by the governing body and for which they are responsible; and
    - (ii) any rules, regulations or policies made by the authority with respect to matters for which the governing body is not so responsible;
  - (b) in any other case, any rules, regulations or policies made by the head teacher's employers;
  - (c) the terms of the head teacher's appointment.

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<sup>(17)</sup> O.J. No.L307, 13.12.93 p.18 which was implemented by the Working Time Regulations 1998 (S.I. 1998/1833).

<sup>(18)</sup> 1998 (c.31) as amended by section 40 and Schedule 3 to the Act and by section 57 of the Education and Inspections Act 2006 (c. 40).

## Delegation

- 52.1 The professional responsibilities of a head teacher under paragraph 53.16 must not be delegated other than in accordance with paragraph 55.4.
- 52.2 Subject to paragraph 52.1, a head teacher's responsibilities may be delegated to a deputy head teacher, assistant head teacher or other member of the staff in a manner consistent with their conditions of employment, having regard to the nature and extent of their management responsibilities, and maintaining a reasonable balance for each teacher between work carried out in school and work carried out elsewhere.

## Professional Responsibilities

- 53.1 A head teacher may be required to undertake the following duties -

### **Whole school organisation, strategy and development**

- 53.2 Provide overall strategic leadership and, with others, lead, develop and support the strategic direction, vision, values and priorities of the school.
- 53.3 Develop, implement and evaluate the school's policies, practices and procedures.

### **Teaching**

- 53.4 Lead and manage teaching and learning throughout the school, including ensuring, save in exceptional circumstances, that a teacher is assigned in the school timetable to every class or group of pupils-
- (a) in the first, second, third and fourth key stages, for foundation and other core subjects and religious education: and
- (b) in the preliminary stage.
- 53.5 Teach.

### **Health, safety and discipline**

- 53.6 Promote the safety and well-being of pupils and staff.
- 53.7 Ensure good order and discipline amongst pupils and staff.

### **Management of staff and resources**

- 53.8 Lead, manage and develop the school workforce, including appraising and managing performance.
- 53.9 Organise and deploy resources within the school.
- 53.10 Promote harmonious working relationships within the school.
- 53.11 Maintain relationships with organisations representing teachers and other members of the school's workforce.

- 53.12 Lead and manage the school's workforce with a proper regard for their well-being and legitimate expectations, including the expectation of a healthy balance between work and other commitments.

### **Professional development**

- 53.13 Promote the participation of staff in relevant continuing professional development.
- 53.14 Participate in arrangements for the appraisal and review of their own performance and, where appropriate, that of other teachers and support staff.
- 53.15 Participate in arrangements for their own further training and professional development and, where appropriate, that of other teachers and support staff including induction.

### **Upper pay range**

- 53.16 Advise the relevant body whether a teacher at the school who applies to be paid on the upper pay range should be paid on that range.

### **Communication**

- 53.17 Consult and communicate with the governing body, staff, pupils, parents and carers.

### **Work with colleagues and other relevant professionals**

- 53.18 Collaborate and work with colleagues and other relevant professionals within and beyond the school including relevant external agencies and bodies.

## **Rights Conferred**

- 54.1 In addition to the provisions of paragraph 58 the following rights apply.

### **Dedicated headship time**

- 54.2 A head teacher is entitled to a reasonable amount of time during school sessions, having regard to their teaching responsibilities, for the purpose of discharging their leadership and management responsibilities.

### **Daily break**

- 54.3 A head teacher is entitled to a break of reasonable length in the course of each school day, and must arrange for a suitable person to assume responsibility for the discharge of their functions as head teacher during that break.

## **Teachers - Professional Responsibilities**

### **Deputy head teachers and assistant head teachers**

- 55.1 A person appointed as a deputy or assistant head teacher in a school, in addition to carrying out the professional duties of a teacher other than a head teacher including those duties particularly assigned by the head teacher, must-

- 55.2 play a major role under the overall direction of the head teacher in-
- (a) formulating the aims and objectives of the school;
  - (b) establishing the policies through which they are to be achieved;
  - (c) managing staff and resources to that end; and
  - (d) monitoring progress towards their achievement.
- 55.3 undertake any professional duties of the head teacher reasonably delegated by the head teacher.
- 55.4 If the head teacher is absent from the school a deputy head teacher must undertake their professional duties to the extent required by the head teacher or the relevant body or, in the case of a foundation, voluntary aided or foundation special school, the governing body.

### **Teachers on the pay range for leading practitioners**

56. Except where otherwise provided in this Document, teachers on the pay range for leading practitioners have the same professional responsibilities and benefit from the same rights conferred as all other teachers, other than a head teacher. However, additional duties relevant to their role in modelling and leading improvement of teaching skills may be included in the individual job descriptions of such teachers.

### **Teachers other than a head teacher**

- 57.1 A teacher (other than a head teacher) may be required to undertake the following duties -

#### **Teaching**

- 57.2 Plan and teach lessons and sequences of lessons to the classes they are assigned to teach within the context of the school's plans, curriculum and schemes of work.
- 57.3 Assess, monitor, record and report on the learning needs, progress and achievements of assigned pupils.
- 57.4 Participate in arrangements for preparing pupils for external examinations.

#### **Whole school organisation, strategy and development**

- 57.5 Contribute to the development, implementation and evaluation of the school's policies, practices and procedures in such a way as to support the school's values and vision.
- 57.6 Work with others on curriculum and/or pupil development to secure co-ordinated outcomes.



- 57.7 Subject to sub-paragraph 59.10 supervise and so far as practicable teach any pupils where the person timetabled to take the class is not available to do so.

### **Health, safety and discipline**

- 57.8 Promote the safety and well-being of pupils.
- 57.9 Maintain good order and discipline among pupils.

### **Management of staff and resources**

- 57.10 Direct and supervise support staff assigned to them and, where appropriate, other teachers.
- 57.11 Contribute to the recruitment, selection, appointment and professional development of other teachers and support staff.
- 57.12 Deploy resources delegated to them.

### **Professional development**

- 57.13 Participate in arrangements for the appraisal and review of their own performance and, where appropriate, that of other teachers and support staff.
- 57.14 Participate in arrangements for their own further training and professional development and, where appropriate, that of other teachers and support staff including induction.

### **Communication**

- 57.15 Communicate with pupils, parents and carers.

### **Working with colleagues and other relevant professionals**

- 57.16 Collaborate and work with colleagues and other relevant professionals within and beyond the school.

### **Working Time**

- 58.1 The provisions of sub-paragraphs 2 to 11 do not apply to-
- (a) head teachers, deputy head teachers, assistant head teachers, teachers on the pay range for leading practitioners or teachers in receipt of an acting allowance for carrying out the duties of a head teacher, deputy head teacher or assistant head teacher pursuant to paragraph 30;
  - (b) unattached teachers in charge of pupil referral units whose remuneration is determined in accordance with the provisions applicable to head teachers pursuant to paragraph 33;
  - (c) unattached teachers (other than those in charge of pupil referral units) whose remuneration is determined in accordance with the provisions applicable to a member of the leadership group pursuant to paragraph 33.

### **Working days**

- 58.2 A teacher employed full-time must be available for work for 195 days, of which-
- (a) 190 days must be days on which the teacher may be required to teach pupils and perform other duties; and
  - (b) 5 days must be days on which the teacher may only be required to perform other duties; and
- those 195 days must be specified by the employer or, if the employer so directs, by the head teacher.
- 58.3 Sub-paragraph 2 does not apply to a teacher employed full-time wholly or mainly to teach or perform other duties in relation to pupils in a residential establishment.

### **Specified working hours**

- 58.4 A teacher employed full-time must be available to perform such duties at such times and such places as may be specified by the head teacher (or, where the teacher is not assigned to any one school, by the employer or the head teacher of any school in which the teacher may for the time being be required to work as such) for 1265 hours, those hours to be allocated reasonably throughout those days in the school year on which the teacher is required to be available for work.
- 58.5 Sub-paragraph 4 applies to a teacher employed part-time, except that the number of hours the teacher must be available for work must be that proportion of 1265 hours which corresponds to the proportion of total remuneration the teacher is entitled to be paid pursuant to paragraph 43.
- 58.6 In addition to the hours a teacher is required to be available for work under sub-paragraph 4 or 5, as the case may be, a teacher must work such reasonable additional hours as may be necessary to enable the effective discharge of the teacher's professional duties, including in particular planning and preparing courses and lessons; and assessing, monitoring, recording and reporting on the learning needs, progress and achievements of assigned pupils.
- 58.7 The employer must not determine how many of the additional hours referred to in sub-paragraph 6 must be worked or when these hours must be worked.
- 58.8 Subject to sub-paragraph 9, no teacher employed part-time may be required to be available for work on any day of the week or part of any day of the week on which the teacher is not normally required to be available for work under their contract of employment (whether it is for the purposes of teaching pupils and performing other duties or for the sole purpose of performing other duties).
- 58.9 Subject to sub-paragraphs 5 and 10, a part-time teacher may be required to carry out duties, other than teaching pupils, outside school sessions on any day on which the teacher is normally required to be available for work (whether the teacher is normally required to be available for work for the whole of that day or for only part of that day).

- 58.10 The total amount of time that the teacher may be required to be available to carry out duties, other than teaching pupils, outside school sessions under sub-paragraph 9, when expressed as a proportion of the total amount of time that the teacher would be required to be available for such work if employed in the same post on a full-time basis, must not exceed the equivalent of that proportion of total remuneration that the teacher is entitled to be paid under paragraph 43.
- 58.11 The amount of time a teacher spends taking the break referred to in paragraph 59.3 or travelling to or from their place of work does not count towards the 1265 hours referred to in sub-paragraph 4 or the pro rata equivalent referred to in sub-paragraph 5, as the case may be.

## **Rights Conferred - all Teachers**

### **Overarching rights**

- 59.1 No teacher may be required to work on any Saturday, Sunday or public holiday unless their contract of employment expressly provides for this (for example in the case of teachers at residential establishments).
- 59.2 No teacher may be required under their contract of employment as a teacher to undertake midday supervision.

### **Daily break**

- 59.3 A teacher who is required to be available for work for more than one school session on any school day must be allowed one break of reasonable length either between school sessions or between the hours of 12 noon and 2.00pm. Deputy head teachers, assistant head teachers and teachers on the pay range for leading practitioners are entitled to a break of reasonable length as near to the middle of each school day as is reasonably practicable.

### **Work/life balance**

- 59.4 Governing bodies and head teachers, in carrying out their duties, must have regard to the need for the head teacher and teachers at the school to be able to achieve a satisfactory balance between the time required to discharge their professional duties, including in particular, in the case of teachers to whom paragraphs 58.2 to 58.11 apply, their duties under paragraph 58.6, and the time required to pursue their personal interests outside work. In having regard to this, Governing bodies and head teachers should ensure that they adhere to the working limits set out in the Working Time Regulations<sup>(19)</sup>.

### **Guaranteed planning and preparation time**

- 59.5 All teachers who participate in the teaching of pupils are entitled to reasonable periods of Planning, Preparation and Assessment (PPA) time to enable the discharge of the professional responsibilities of teaching and assessment. A teacher to whom paragraphs 58.2 to 58.11 apply must be allowed PPA time as part of the 1265 hours referred to in paragraph 58.4 or, in the case of a teacher

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<sup>(19)</sup> The Working Time Regulations 1998 and the Working Time (Amendment) Regulations 2007.

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employed part-time, as part of the pro rata equivalent referred to in paragraph 58.5.

- 59.6 PPA time must amount to not less than 10% of the teacher's timetabled teaching time (and for this purpose "timetabled teaching time", in relation to a teacher, means the aggregate period of time in the school timetable during which the teacher has been assigned by the head teacher to teach pupils).
- 59.7 PPA time must be provided in units of not less than half an hour during the school's timetabled teaching week.
- 59.8 A teacher must not be required to carry out any other duties during the teacher's PPA time.

### **Management time**

- 59.9 A teacher with leadership or management responsibilities is entitled, so far as is reasonably practicable, to a reasonable amount of time during school sessions for the purpose of discharging those responsibilities.

### **Cover**

- 59.10 Teachers should be required to provide cover in accordance with paragraph 57.7 only rarely, and only in circumstances that are not foreseeable (this does not apply to teachers who are employed wholly or mainly for the purpose of providing such cover).

### **External examinations**

- 59.11 Participating in arrangements for preparing pupils for external examinations does not require a teacher routinely to participate in any arrangements that do not call for the exercise of a teacher's professional skills and judgement, such as invigilation.

### **Administration**

- 59.12 Participating in administrative and organisational tasks, including the direction or supervision of persons providing support for the teachers in the school, does not require a teacher routinely to undertake tasks of a clerical or administrative nature which do not call for the exercise of a teacher's professional skills and judgment.
- 59.13 Without prejudice to the generality of sub-paragraph 12, Annex 3 contains a list of tasks falling within the scope of that paragraph.

### **Training and development**

- 59.14 All staff in the school should have access to advice, training and developmental opportunities appropriate to their needs, including needs identified in objectives or in appraisal statements where teachers are subject to the 2011 Regulations, or in appraisal reports where teachers are subject to the 2012 Regulations, in accordance with the policies of the authority and governing body.
- 59.15 A teacher serving an induction period under the Induction Regulations must not teach for more than 90% of the time that a teacher at the school not subject to those Regulations would be expected to teach.

## Annex 1

### Teachers' Standards (England) and Practising Teacher Standards (Wales)

#### Introduction

The Teachers' Standards (England) and Practising Teacher Standards (Wales) are presented in this Document as they underpin the assessment process for accessing the upper pay range.

#### Teachers' Standards (England)

##### Preamble

Teachers make the education of their pupils their first concern, and are accountable for achieving the highest possible standards in work and conduct. Teachers act with honesty and integrity; have strong subject knowledge, keep their knowledge and skills as teachers up-to-date and are self-critical; forge positive professional relationships; and work with parents in the best interests of their pupils.

##### Part One: Teaching

###### A teacher must:

1. **Set high expectations which inspire, motivate and challenge pupils**
  - establish a safe and stimulating environment for pupils, rooted in mutual respect;
  - set goals that stretch and challenge pupils of all backgrounds, abilities and dispositions;
  - demonstrate consistently the positive attitudes, values and behaviour which are expected of pupils.
2. **Promote good progress and outcomes by pupils**
  - be accountable for pupils' attainment, progress and outcomes;
  - be aware of pupils' capabilities and their prior knowledge, and plan teaching to build on these;
  - guide pupils to reflect on the progress they have made and their emerging needs;
  - demonstrate knowledge and understanding of how pupils learn and how this impacts on teaching;
  - encourage pupils to take a responsible and conscientious attitude to their own work and study.
3. **Demonstrate good subject and curriculum knowledge**
  - have a secure knowledge of the relevant subject(s) and curriculum areas, foster and maintain pupils' interest in the subject, and address misunderstandings;
  - demonstrate a critical understanding of developments in the subject and curriculum areas, and promote the value of scholarship;
  - demonstrate an understanding of and take responsibility for promoting high standards of literacy, articulacy and the correct use of standard English, whatever the teacher's specialist subject;

- if teaching early reading, demonstrate a clear understanding of systematic synthetic phonics;
- if teaching early mathematics, demonstrate a clear understanding of appropriate teaching strategies.

**4. Plan and teach well structured lessons**

- impart knowledge and develop understanding through effective use of lesson time;
- promote a love of learning and children's intellectual curiosity;
- set homework and plan other out-of-class activities to consolidate and extend the knowledge and understanding pupils have acquired;
- reflect systematically on the effectiveness of lessons and approaches to teaching;
- contribute to the design and provision of an engaging curriculum within the relevant subject area(s).

**5. Adapt teaching to respond to the strengths and needs of all pupils**

- know when and how to differentiate appropriately, using approaches which enable pupils to be taught effectively;
- have a secure understanding of how a range of factors can inhibit pupils' ability to learn, and how best to overcome these;
- demonstrate an awareness of the physical, social and intellectual development of children, and know how to adapt teaching to support pupils' education at different stages of development;
- have a clear understanding of the needs of all pupils, including those with special educational needs; those of high ability; those with English as an additional language; those with disabilities; and be able to use and evaluate distinctive teaching approaches to engage and support them.

**6. Make accurate and productive use of assessment**

- know and understand how to assess the relevant subject and curriculum areas, including statutory assessment requirements;
- make use of formative and summative assessment to secure pupils' progress;
- use relevant data to monitor progress, set targets, and plan subsequent lessons;
- give pupils regular feedback, both orally and through accurate marking, and encourage pupils to respond to the feedback.

**7. Manage behaviour effectively to ensure a good and safe learning environment**

- have clear rules and routines for behaviour in classrooms, and take responsibility for promoting good and courteous behaviour both in classrooms and around the school, in accordance with the school's behaviour policy;
- have high expectations of behaviour, and establish a framework for discipline with a range of strategies, using praise, sanctions and;
- rewards consistently and fairly;
- manage classes effectively, using approaches which are appropriate to pupils' needs in order to involve and motivate them;
- maintain good relationships with pupils, exercise appropriate authority, and act decisively when necessary.

**8. Fulfil wider professional responsibilities**

- make a positive contribution to the wider life and ethos of the school;
- develop effective professional relationships with colleagues, knowing how and when to draw on advice and specialist support;

- deploy support staff effectively;
- take responsibility for improving teaching through appropriate professional development, responding to advice and feedback from colleagues;
- communicate effectively with parents with regard to pupils' achievements and well-being.

## **Part Two: Personal And Professional Conduct**

A teacher is expected to demonstrate consistently high standards of personal and professional conduct. The following statements define the behaviour and attitudes which set the required standard for conduct throughout a teacher's career.

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
  - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position;
  - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions;
  - showing tolerance of and respect for the rights of others;
  - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs;
  - ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

## **Practising Teacher Standards (Wales)**

Teachers must meet the Practising Teacher Standards at the end of the induction period and continue to meet them throughout their teaching career.

### **Professional values and attributes**

1. Appreciate the diverse needs of children and young people.
2. Value fair, respectful, trusting, supportive and constructive relationships with children and young people.
3. Have high expectations of children and young people in order to improve outcomes and well-being for all learners.
4. Value the importance of building positive relationships between home and school.
5. Value the active involvement of children and young people in their progress, development and well-being.
6. Value the active involvement of parents and carers in the progress, development and well-being of children and young people.
7. Value and celebrate the contribution children and young people make

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- within their communities.
8. Appreciate and value the contribution that support staff and other professionals make to the learning, development and well-being of children and young people.
  9. Be actively involved in professional networks and learning communities which share and test beliefs and understandings with colleagues and contribute to the wider development of the school and profession.
  10. Value the improvement of practice through reflection and taking responsibility for continuing professional development.
  11. Have high expectations with regard to Welsh-language development in the context of the bilingual nature of Wales.

### **Professional knowledge and understanding**

12. Maintain an up-to-date knowledge and understanding of the professional duties and responsibilities of teachers and the statutory framework within which they work.
13. Understand the national education policy context in Wales and the Welsh Government's national priorities for education, including an understanding of the principles of the Cwricwlwm Cymreig and how it should inform and shape their practice.
14. Use understanding of the expectations, organizational arrangements and pedagogical approach in the key stages or phases before and/or after the ones they teach to inform their practice and planning.
15. Understand the key factors that affect children and young people's learning and well-being.
16. Maintain an up-to-date understanding of their subjects/curriculum areas and related pedagogy in order to inform practice.
17. Understand their role in improving literacy and numeracy skills across the curriculum.
18. Maintain knowledge and learning in ICT to support teaching, learning and in their wider professional role.
19. Understand and apply the SEN Code of Practice for Wales to meet the diverse needs of learners.
20. Understand when appropriate and how to seek information, advice and support from internal and external sources including procedures on safeguarding.
21. Have a knowledge of a range of strategies and know how to use them to promote good behaviour and create a purposeful learning environment.
22. Understand how the United Nations Convention on the Rights of the Child and the Children and Young People's Participation Standards for Wales can be used to inform practice and improve learner outcomes.
23. Understand the expectations in the curriculum with regard to Welsh-medium provision and/or Welsh Second Language.

### **Professional skills**

#### **Planning and target setting**

24. Set challenging teaching and learning objectives that are guided by



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informed expectations of individual learners based on knowledge of the expected standards of the relevant age group and the range and content of work appropriate to learners in that age group.

25. Use teaching and learning objectives to plan lessons, and sequences of lessons, which clearly show how learners' knowledge, skills and understanding will be assessed.
26. Personalise learning in order to address individual needs including seeking the views of learners on what would help them achieve their potential.
27. Identify resources to support learning that will stimulate and motivate all learners to achieve desired outcomes.
28. Work effectively as a team member and collaborate with colleagues to plan work and establish targets.
29. Plan for support staff to be appropriately involved in supporting learning and ensure they understand the roles they are expected to fulfil.
30. Plan appropriate opportunities for children and young people to learn in settings beyond the classroom.
31. Manage and prioritise time effectively within their wider professional role.
32. Instigate and maintain effective communication with children, young people, and their parents/carers.

### **Monitoring and assessment**

33. Use a range of monitoring and assessment strategies, including both formative and summative assessment, to evaluate learners' progress towards planned learning objectives, and use this information to improve their own planning and teaching.
34. Meet the assessment requirements and arrangements for the subjects/curriculum areas and phases within which they teach, including those relating to public examinations and qualifications.
35. Use monitoring and assessment to identify and support learners including: those with additional learning needs; more able and talented learners; learners working below age-related expectations; learners failing to achieve their potential; and learners with behavioural, emotional and social difficulties.
36. Involve learners in target setting and in reflecting upon and evaluating their performance.
37. Monitor and record learners' progress and achievements to provide evidence of the range of their work, progress and attainment over time whilst taking account of the participation and views of the learner.
38. Provide learners with accurate and constructive feedback on their strengths, weaknesses, attainment, progress and areas for development, including action plans for improvement.
39. Provide colleagues, parents and carers with timely, accurate and constructive feedback on learners' attainment, progress and areas for development using supporting records and other evidence.

### **Teaching and managing learning**

40. Establish and maintain effective learning environments where all learners feel safe, secure and confident.

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41. Teach the required and expected skills, knowledge and understanding relevant to the needs of the learner making appropriate use of relevant national guidance.
42. Make effective personalised provision in their teaching including taking practical account of diversity and promoting equality and inclusion.
43. Challenge instances of prejudice, stereotyping, bullying and harassment, in line with school policies and procedures.
44. Teach clearly structured lessons or sequences of work so that all learners understand and meet the intended learning objectives.
45. Employ appropriate teaching strategies which develop all learners' capacity to work collaboratively and independently.
46. Build on the varying experiences, achievements and interests of learners to help them make progress.
47. Manage teaching and learning time effectively.
48. Manage the physical learning environment, equipment, materials, texts and other resources safely and effectively.
49. Employ appropriate teaching strategies to secure positive behaviour.
50. Employ appropriate teaching strategies to promote the well-being of children and young people.
51. Employ appropriate teaching strategies to promote good progress and outcomes for learners over a sustained period of time.
52. Use ICT effectively in teaching and learning.
53. Encourage learners to progress independently by providing activities or other out-of-school study which consolidates and extends work carried out in school.
54. Work co-operatively and collaboratively with other teachers and colleagues, including those from external agencies, to enhance the learning and wellbeing of those they teach.
55. Promote learners' understanding of the bilingual nature of Wales and develop their bilingual skills as appropriate.

## Annex 2

### Standards for Chartered London Teachers

The applicant must show how the applicant's knowledge, skills and expertise have a positive impact on teaching and learning for London education, through working individually and collegially to meet the following standards-

#### **Pedagogy and pupil learning**

1. Create and manage a classroom environment to ensure a secure and supportive achievement culture and behaviour strategy to meet the needs of London's diverse and mobile pupil population.
2. Apply a wide range of teaching and learning strategies to reduce individual barriers to learning and to meet the variety of pupil needs in London.
3. Develop and implement inclusive practices in a range of learning settings appropriate to the diversity of pupils in London and the complexity of their personal learning, including support for special educational needs, to raise pupils' achievements.
4. Progress partnerships within and beyond the classroom with support staff, teachers, other professionals, agencies and community resources, to promote pupils' achievements, learning, development and well-being.
5. Analyse and use relevant data to inform and promote the highest possible aspirations for pupils and to target expectations and actions to raise pupil achievements.

#### **Subject, specialism and phase**

6. Demonstrate ongoing development and application of subject, specialism and/or phase knowledge and expertise, drawing on opportunities and resources in London to enrich the learning experience.
7. Identify and use the knowledge and experiences that pupils, their families and other communities bring from outside the school to enrich curriculum development and teaching practices.

#### **Whole school**

8. Contribute to the development and application of whole school policies and activities, to extend opportunities for pupil and school achievements in London.
9. Promote and apply shared professional learning and other forms of support and development for teachers to learn and work together, taking account of teacher mobility, to strengthen collective knowledge and expertise across teachers in London.

#### **Diversity, communities and cultures**

10. Build on, extend and apply knowledge of the range of communities, cultures and

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sub-cultures in London, to inform and promote individual pupils' learning.

11. Promote and implement policies and practices that encourage mutual tolerance and respect for diversity, challenge discrimination and widen pupils' understanding of their contribution to society.
12. Demonstrate a capacity to deal constructively and sensitively with conflicting community and cultural values in classrooms and schools.

## Annex 3

### Administrative and clerical tasks

1. Collecting money from pupils and parents.
2. Investigating a pupil's absence.
3. Bulk photocopying.
4. Typing or making word-processed versions of manuscript material and producing revisions of such versions.
5. Word-processing, copying and distributing bulk communications, including standard letters, to parents and pupils.
6. Producing class lists on the basis of information provided by teachers.
7. Keeping and filing records, including records based on data supplied by teachers.
8. Preparing, setting up and taking down classroom displays in accordance with decisions taken by teachers.
9. Producing analyses of attendance figures.
10. Producing analyses of examination results.
11. Collating pupil reports.
12. Administration of work experience (but not selecting placements and supporting pupils by advice or visits).
13. Administration of public and internal examinations.
14. Administration of cover for absent teachers.
15. Ordering, setting up and maintaining ICT equipment and software.
16. Ordering supplies and equipment.
17. Cataloguing, preparing, issuing and maintaining materials and equipment and stocktaking the same.
18. Taking verbatim notes or producing formal minutes of meetings.
19. Co-ordinating and submitting bids (for funding, school status and the like) using contributions by teachers and others.
20. Transferring manual data about pupils not covered by the above into computerised school management systems.
21. Managing the data in school management systems.

## Annex 4

### Commencement and Interpretation

1.1 All provisions of this Document, except those at the beginning of Part 3 relating solely to the September 2013 pay award, take effect from 1<sup>st</sup> September 2013.

1.2 In this Document-

“the 2011 Regulations” means the School Teacher Appraisal (Wales) Regulations 2011<sup>(20)</sup> and any reference to “reviewer”, “review”, “results of the review” or “planning and review statement” within the context of a reference to these Regulations must be construed in accordance with them;

“the 2012 Regulations” means the Education (School Teachers’ Appraisal) (England) Regulations 2012<sup>(21)</sup> and any reference to “appraisal” “appraisal report” or “results of the appraisal” within the context of a reference to those Regulations must be construed in accordance with them;

“the Act” means the Education Act 2002;<sup>(22)</sup>

“classroom teacher” means a qualified teacher who is not a member of the leadership group, an excellent teacher or an advanced skills teacher;

“advanced skills teacher” means a teacher who held an advanced skills teacher post under the 2012 or earlier Document;

“appraisal” should be read in accordance with the 2011 regulations (in Wales) or the 2012 Regulations (in England);

“assistant head teacher” means a qualified teacher with leadership responsibilities across the whole school who is appointed to the post of assistant head teacher;

“authority” means a local authority in England and Wales; and in relation to a school means the authority by which the school is maintained;

“Chartered London Teacher” means a qualified teacher who has been awarded Chartered London Teacher status in accordance with paragraph 23;

“deputy head teacher” means, in relation to England<sup>(23)</sup>, a qualified teacher appointed to the teaching staff of a school as a deputy head teacher in accordance with the School Staffing (England) Regulations 2009<sup>(24)</sup> and includes a teacher appointed as an acting deputy head teacher but not a

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<sup>(20)</sup> S.I. 2011/2940.

<sup>(21)</sup> S.I. 2012/115 as amended by 2012/431.

<sup>(22)</sup> 2002 (c.32.).

<sup>(23)</sup> In relation to Wales, “deputy head teacher” is defined with “head teacher”.

<sup>(24)</sup> S.I. 2009/2680 as amended by S.I. 2012/1740.

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teacher who is assigned and carries out the duties of a deputy head teacher without being so appointed;

“deputy head teacher” means, in relation to Wales a qualified teacher appointed to the teaching staff of a school as a deputy head teacher in accordance with the Staffing of Maintained Schools (Wales) Regulations 2006 and includes a teacher appointed as an acting deputy head teacher but not a teacher who is assigned and carries out the duties of a deputy head teacher without being so appointed;

“earlier Document” means any Document referred to in any order made under section 122 of the Act or section 2 of the School Teachers’ Pay and Conditions Act 1991<sup>(25)</sup>, other than this Document;

“ERA 1996” means the Employment Rights Act 1996;<sup>(26)</sup>

“employment-based teacher training scheme” means in relation to England the scheme established by the Secretary of State under the Education (School Teachers’ Qualifications) (England) Regulations 2003<sup>(27)</sup>, or, in relation to Wales, any scheme established by the Welsh Ministers under the Education (School Teachers’ Qualifications) (Wales) Regulations 2012;<sup>(28)</sup>

“European Economic Area and Switzerland” means-

- (a) the European Community;
- (b) subject to the conditions laid down in the EEA Agreement, the area comprising the Republic of Iceland, the Kingdom of Norway and the Principality of Liechtenstein; and
- (c) subject to the conditions laid down in the Swiss Agreement, the Swiss Confederation;

“excellent teacher” means a teacher who held an excellent teacher post under the 2012 or earlier Document;

“the Fringe Area” means-

- (a) in Berkshire- the Districts of Bracknell Forest, Slough and Windsor and Maidenhead;
- (b) in Buckinghamshire- the Districts of South Buckinghamshire and Chiltern;
- (c) in Essex- the Districts of Basildon, Brentwood, Epping Forest, Harlow and Thurrock;

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<sup>(25)</sup> 1991 (c.49),repealed by the Act.

<sup>(26)</sup> 1996 (c.18.) Part VIII was substituted by Part 1 of Schedule 4 to the Employment Relations Act 1999 (c. 26). Part VIIIA was inserted by section 47 of the Employment Act 2002 (c. 22).

<sup>(27)</sup> S.I. 2003/1662, as amended by S.I. 2007/2782.

<sup>(28)</sup> S.I. 2012/724.

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- (d) in Hertfordshire- the Districts of Broxbourne, Dacorum, East Hertfordshire, Hertsmere, St Albans, Three Rivers, Watford and Welwyn Hatfield;
- (e) in Kent- the Districts of Dartford and Sevenoaks;
- (f) in Surrey- the whole county; and
- (g) in West Sussex- the District of Crawley;

“graduate teacher” means in relation to England a teacher who has been granted an authorisation to teach in accordance with paragraphs 5 to 9 of Schedule 2 to the Education (Teachers’ Qualifications and Health Standards) (England) Regulations 1999<sup>(29)</sup> before 1<sup>st</sup> September 2002 or in relation to Wales paragraphs 5 to 9 of Schedule 2 to the Education (Teachers’ Qualifications and Health Standards) (Wales) Regulations 1999<sup>(30)</sup> before 1<sup>st</sup> September 2004;

“head teacher” means, in relation to England or Wales, a person appointed to the teaching staff of a school as head teacher, and includes a person appointed as acting head teacher to carry out the functions of a head teacher pursuant to section 35(3) or 36(3) of the Act but not a teacher who is assigned and carries out duties of a head teacher without being so appointed;

“hearing impaired” means deaf or partially hearing;

“individual school range” means the head teacher’s pay range determined in accordance with paragraph 11;

“Induction Regulations” means The Education (Induction Arrangements for School Teachers) (England) Regulations 2012<sup>(31)</sup> or the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2005<sup>(32)</sup>, as amended;

“the Inner London Area” means the area comprising the areas of the London boroughs of Barking and Dagenham, Brent, Camden, City of London, Ealing, Greenwich, Hackney, Hammersmith and Fulham, Haringey, Islington, Kensington and Chelsea, Lambeth, Lewisham, Merton, Newham, Southwark, Tower Hamlets, Wandsworth and Westminster;

“institution of further or higher education” includes an institution providing both further and higher education;

“leading practitioner” means a teacher in a post the primary purpose of which is to model and lead improvement of teaching skills;

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<sup>(29)</sup> S.I. 1999/2166, as amended by S.I. 2002/2704, 2001/1391, 2001/2896 and 2001/3737. These Regulations have been revoked by S.I. 2003/1662 and 2003/3139.

<sup>(30)</sup> S.I. 1999/2817. Schedule 2 was revoked by S.I. 2004/1744.

<sup>(31)</sup> S.I. 2012/1115.

<sup>(32)</sup> S.I. 2005/1818 (W.146), as amended by S.I. 2007/2811 and S.I. 2012/1675.



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“the London Area” comprises the Inner London Area, the Outer London Area and the Fringe Area;

“member of the leadership group” means a head teacher, a deputy head teacher or an assistant head teacher;

“MOD school” means an educational establishment primarily for children with a parent in the armed forces of the Crown and administered by the Ministry of Defence, other than the educational establishments known as Queen Victoria School, Dunblane and Welbeck College, Loughborough;

“ordinary school” means a school other than a special school;

“the Outer London Area” means the area comprising the areas of the London boroughs of Barnet, Bexley, Bromley, Croydon, Enfield, Harrow, Havering, Hillingdon, Hounslow, Kingston-upon-Thames, Redbridge, Richmond-upon-Thames, Sutton and Waltham Forest;

“post-threshold teacher” and “post-threshold standards” have the same meanings as in the 2012 Document;

“pupil referral unit” has the meaning given to that expression in section 19(2) of the Education Act 1996;<sup>(33)</sup>

“qualified teacher” means a person who satisfies requirements specified in regulations under section 132 of the Act;<sup>(34)</sup>

“registered teacher” means in relation to England a teacher who has been granted an authorisation to teach in accordance with paragraphs 12 to 18 of Schedule 2 to the Education (Teachers’ Qualifications and Health Standards) (England) Regulations 1999<sup>(35)</sup> before 1<sup>st</sup> September 2002, or, in relation to Wales, paragraphs 12 to 18 of Schedule 2 to the Education (Teachers’ Qualifications and Health Standards)(Wales) Regulations 1999<sup>(36)</sup> before 1<sup>st</sup> September 2004;

“relevant body” means-

- (a) in the case of a teacher at a school without a delegated budget, the authority by which that school is maintained;
- (b) in the case of a teacher at a school which has a delegated budget, the governing body of that school; and
- (c) in the case of an unattached teacher, the authority by which the teacher is employed;

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<sup>(33)</sup> 1996 (c.56.)

<sup>(34)</sup> S.I.2003/1662, as amended by S.I. 2007/2782 (in relation to England) and S.I. 2012/724 (in relation to Wales).

<sup>(35)</sup> S.I. 1999/2166, revoked by S.I. 2003/3139.

<sup>(36)</sup> S.I. 1999/2817, Schedule 2 of which was revoked by S.I. 2004/1744.

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“relevant standards” in England means the Teachers’ Standards and in Wales means the Practising Teacher Standards, both of which are set out in Annex 1 of this Document;

“remuneration” means, except where otherwise stated, salary plus any allowances;

“school” means, except where otherwise stated, a school maintained by an authority;

“school causing concern” means a school to which section 15 of the School Standards and Framework Act 1998<sup>(37)</sup> applies by virtue of subsection (1) (school subject to a formal warning), (4) (school requiring significant improvement) or (6) (school requiring special measures);

“school which has a delegated budget” means a school which has a delegated budget within the meaning of Chapter 1 of Part 3 of the Act, and “school without a delegated budget” shall be construed accordingly;

“school year” means a period of 12 months commencing on 1<sup>st</sup> September unless the school’s academic year begins in August in which case it means a period of 12 months commencing on 1<sup>st</sup> August;

“SEN allowance” means a special educational needs allowance awarded to a classroom teacher in accordance with paragraph 27;

“special school” means a special school maintained by an authority;

“Swiss Agreement” means the Agreement, made between the European Community and its Member States of the one part and the Swiss Confederation of the other, on the Free Movement of Persons signed at Luxembourg on 21<sup>st</sup> June 1999<sup>(38)</sup> and which came into force on 1<sup>st</sup> June 2002;

“teacher” means, except where otherwise stated, a teacher who is a school teacher within the meaning of section 122 of the Act;

“teacher in further or higher education” means a teacher who is-

- (a) employed in an institution of further or higher education; or
- (b) otherwise employed by a local authority for the purposes of their functions relating to further and higher education;

other than a teacher seconded to a body which reimburses the employing authority the amount of the teacher’s salary;

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<sup>(37)</sup> 1998 (c.31), as amended by the Learning and Skills Act 2000 (c. 21), and by section 55 of the Act, the Education Act 2005 (c.18), the Education and Inspections Act 2006 (c.40) and the Apprenticeships, Skills, Children and Learning Act 2009 (c.22).

<sup>(38)</sup> Cmnd. 4904.

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“the 2012 Document” means the document published by The Stationery Office entitled “School Teachers’ Pay and Conditions Document 2012 ISBN No - ISBN 978-0-11-271201-5

“TLR” means a teaching and learning responsibility payment awarded to a classroom teacher in accordance with paragraph 25;

“unattached teacher” means-

- (a) a teacher not attached to a particular school;
- (b) a teacher employed otherwise than at a school; or
- (c) in Parts 2 to 7, a teacher at a pupil referral unit (including a teacher in charge);

“unqualified teacher” means a teacher who is not a qualified teacher and who is prescribed by Order under section 122(5) of the Act as a school teacher for the purposes of that section;<sup>(39)</sup>

“visually impaired” means blind or partially sighted.

- 1.3 The Interpretation Act 1978<sup>(40)</sup> applies to the interpretation of this Document as if it were an Order made under the Act.
- 1.4 Where, by or in consequence of a structural or boundary change (or both such changes) as defined in section 14 of the Local Government Act 1992<sup>(41)</sup> effected by an order made under section 17 of that Act (as amended), an authority (“the transferor authority”) ceases to exercise the functions of an authority in relation to an area and such functions are thereafter exercisable by another authority (“the transferee authority”) in relation to that area, the transferor authority and the transferee authority must be regarded, in this Document, as the same authority.
- 1.5 Where, by virtue of the Local Government (Wales) Act 1994<sup>(42)</sup>, the functions of an abolished authority (“the old authority”) under the Education Acts in relation to an area are vested in a new authority in relation to that area (“the new authority”), the old authority and the new authority must be regarded, in this Document, as the same authority.
- 1.6 An unqualified teacher who is a head teacher must be treated as a qualified teacher for the purposes of Parts 2 and 3 of this Document.
- 1.7 Authorities and governing bodies, in exercising functions and discretions conferred on them by this Document must have regard to any guidance issued by the Secretary of State pursuant to Section 127 of the Act. In

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<sup>(39)</sup> S.I. 2003/1709.

<sup>(40)</sup> 1978 (c.30.)

<sup>(41)</sup> 1992 (c.19.)

<sup>(42)</sup> 1994 (c.19.)

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applying provisions of this Document authorities and governing bodies must have regard to any guidance about the procedure to be followed issued by the Secretary of State pursuant to Section 127 of the Act.

1.8 Any reference to a numbered sub-paragraph is a reference to the sub-paragraph of that number in the paragraph in which that reference appears, except where otherwise stated.

1.9 A person has completed a “year of employment” if:

(a) the person has completed periods of employment amounting to at least twenty-six weeks in aggregate within the previous school year in the case or paragraph 15, or within the previous twelve months in the case of paragraphs 16, and 22. For these purposes, a period of employment runs from the beginning of the week in which the employment commences to the end of the week in which the employment is terminated and includes any holiday periods and any periods of absence from work in consequence of sickness or injury, whether the person’s service during that period has been full-time or part-time or regular or otherwise;

(b) where a person is absent from work-

(i) in exercise of her right to maternity leave conferred by section 71 or 73 of the ERA 1996 or her contract of employment and has the right to return to work by virtue of those sections or her contract of employment; the right to parental leave conferred by section 76 of the ERA 1996; the right to paternity leave conferred by section 80A, 80AA, 80B or 80BB of the ERA 1996; or the right to adoption leave conferred by section 75A or 75B of the ERA 1996; or

(ii) because of her pregnancy;

the period of absence counts towards the period of service of at least twenty-six weeks referred to in paragraph (a); and

(c) where a person is absent from work for any reason other than as specified in sub paragraph (a) or (b), the relevant body may determine that the period of absence counts as if the person was in employment during it.

## Section 3 - Guidance for Local Authorities, School Leaders, School Teachers and Governing Bodies of Maintained Schools

### About this guidance

1. This guidance from the Department for Education is issued pursuant to section 127(1) of the Education Act 2002<sup>(1)</sup>. It should be read in conjunction with any related paragraphs of the School Teachers' Pay and Conditions Document 2013 ('the Document'). 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. This guidance replaces the 2012 Section 3 guidance.
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 the governing body or the local authority ("LA") which is responsible for pay decisions.
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.**

### Pay Policy

4. 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 appraisal 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.
5. 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, the Part-time Workers (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 – objectivity, openness and accountability.
6. 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

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<sup>(1)</sup> 2002(c.32.)

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. 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 their pay. 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. Further details on grievance procedures relating to pay decisions can be found in the toolkit of support and advice via the Department's website.

## Teachers paid a safeguarded sum

7. 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; whether 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.

8 The relevant body should ensure that all teachers who are, or will be, in receipt of safeguarded sums that exceed £500 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.

9. Relevant bodies should be aware of the general principle that requires the relevant body to consider whether a teacher's position within a pay range or new allowance has caused the teacher's pay to increase by as much as or more than the value of their previous pay and any safeguarded sum they were receiving (changes in the value of allowances or within pay ranges which result from the provisions of the Document are excluded.)<sup>(2)</sup> 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.

10. 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.

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<sup>(2)</sup> Generally this means increases resulting from pay awards following recommendations of the School Teachers' Review Body.

## **Leadership Group Pay (paragraphs 5-13)**

11. The relevant body must ensure that the process of determining the remuneration of the head teacher is fair and transparent. There should be a proper record made of the reasoning behind the determination of the individual school range (ISR) and any discretionary payments made to the head teacher.

### **Individual school range**

12. The relevant body should assign a school to a head teacher group and determine the ISR whenever it proposes to appoint a new head teacher. It should also re-determine the ISR if it becomes necessary to change the head teacher group (including where the head becomes responsible and accountable for more than one school in a federation on a permanent basis) or if it sets a deputy or assistant head teacher pay range which overlaps with the ISR. They may determine the ISR as of 1<sup>st</sup> September 2013 or at any time if they consider it necessary. The relevant body should not take account of the salary of the serving head teacher if they re-determine the ISR.

13. When determining the salary of a new head teacher, the relevant body should take account of the full responsibilities of the post. This should cover the head teacher's full role as set out in Part 6 of the Document and may need to include any permanent appointment involving responsibility for more than one school (see paragraphs 14 -15 below). The following matters no longer form part of the determination of the ISR and are dealt with as discretionary payments: schools causing concern, difficulties filling a vacant head teacher post, difficulties retaining the current head teacher, and temporary appointment as a head teacher of more than one school.

### **Head teachers responsible and accountable for more than one school on a permanent basis (paragraph 11.2.4)**

14. When a head teacher is appointed to be permanently responsible and accountable for more than one school, the relevant body should base the determination of the head teacher group on the total number of pupil units across all schools, which will give a group size for the federation in accordance with paragraphs 8 or 9. The relevant body should then determine the seven point ISR and appropriate starting point in that range according to paragraphs 6-11.

15. Consideration also 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.

### **Head teacher's discretionary payments**

16. The governing body should have oversight of a head teacher's entire role and any paid responsibilities attached to the role. This should ensure that the governing body can take a fully informed decision about the appropriate remuneration for the head and any consequential implications for the pay of other staff who may be taking on additional responsibilities in the absence of the head.

17. It should be wholly exceptional to make discretionary payments which exceed the

limit of 25 per cent of the amount that corresponds to the head teacher's point on the ISR in any given year. If it is considered that there are exceptional circumstances that warrant a payment in excess of the limit, the relevant committee must make a business case for the payment to the full governing body. The governing body must seek external independent advice from an appropriate person or body who can consider the provisions of the Document and whether they have been properly applied to the head teacher's pay before making a decision as to whether it is justifiable to exceed the limit in each particular case. There must be a clear audit trail for any advice given to the governing body and a full and accurate record of all decisions made by the governing body and the reasoning behind them.

18. Where a head teacher receives a payment under paragraph 59 in respect of residential duties which are a requirement of the post, that amount does not count towards the 25 per cent limit. Where a head teacher is awarded a non-monetary benefit under paragraph 47 and it is not a relocation benefit that relates solely to the personal circumstances of that head teacher, the monetary value of the benefit counts towards the 25 per cent limit.

### **Head teachers temporarily accountable for more than one school**

19. Occasionally, where there is a vacancy in the post of head teacher and it is not possible to appoint a deputy head or another member of the teaching staff to take on the position of acting head, 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.

20. 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 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.

21. 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.

22. 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 should establish clarity regarding both how these arrangements will work in practice and how the arrangements will be brought to an end. Schools contemplating this arrangement should note that it is only ever intended to be temporary.

23. In such temporary arrangements 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.



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24. Under the Collaboration Regulations<sup>(3)</sup> 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.

25. 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. Any discretionary payments made under paragraph 11.4-11.6 should take account of the full responsibilities of the post. Where there is a deputy head in the school, it may be more appropriate to increase their pay range temporarily 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 46.1(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.

26. 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**

27. Local authorities are responsible for drawing up their local area plans. As part of those 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 and the head teacher is permanently appointed as head teacher of that school, 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.

28. 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

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<sup>(3)</sup> The School Governance (Collaboration) (England) Regulations 2003 SI 2003/1962; and Collaboration between Education Bodies (Wales) Regulations 2012 (2012/2655) (W.287).

accountable for that service, this is part of a head teacher's core responsibilities, and would therefore not be taken into account when setting the head's ISR.

### **Pay of deputy/assistant heads**

29. The relevant body should determine the pay range for deputies and assistant heads when: it proposes to make new appointments; or where there is a significant change in the responsibilities of serving deputy or assistant heads; or where the maximum of the deputy or assistant head's pay range equals or exceeds the minimum of the ISR. It 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.

### **Progression**

30. The relevant body should ensure that it reviews the performance of members of the leadership group, having regard to the criteria for leadership group progression, any recommendation on pay progression recorded in the teacher's most recent appraisal report and any considerations set out in the relevant body's own pay policy. Where members of the leadership group are not subject to the 2011 or 2012 Regulations, their performance should be reviewed in accordance with paragraph 6.

### **Teaching and Learning Responsibility (TLR) payments (paragraphs 23 - 26)**

31. The relevant body must keep under review how many leadership group posts and other posts (including posts paid on the pay range for leading practitioners) are needed in its staffing structure and whether a TLR1 or TLR2 is an appropriate part of the structure needed to ensure the continued delivery of high-quality teaching and learning. If TLR1s or TLR2s are an appropriate part of that structure, the relevant body must decide how many posts should have these TLRs and the appropriate cash values in the light of the criterion and factors for the award of a TLR1 and a TLR2 and the parameters within which the cash values may be set. The responsibility or package of responsibilities for which a TLR1 or TLR2 is awarded should be clearly set out in the job description of the post holder. Equal pay legislation must be complied with in the award of any TLR 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.

32. 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 TLR1 or TLR2 on the basis set out in paragraphs 24 -25.

33. 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 47 and in accordance with the relevant body's pay policy. Changes in the

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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 introduces, a general change in the TLR values; or (b) the relevant body reviews its staffing structure and determines that the responsibilities of the post have changed materially.

34. TLR1s and TLR2s 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. Where such TLRs are awarded to part-time teachers they must be paid pro rata at the same proportion as the teacher's part-time contract.

35. TLR1s and TLR2s are permanent while the postholder remains in the same post in the staffing structure. The overarching criterion for the award of TLR1s and TLR2s 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'. TLR3s may be awarded for clearly time-limited school improvement projects or one-off externally driven responsibilities. TLR1s and TLR2s may only be awarded on a temporary basis where the teacher is temporarily occupying a different post in the staffing 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. 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 3.4(c)(iii). A teacher who holds a TLR1 or TLR2 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.

36. 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. A teacher may not be awarded more than one TLR concurrently. TLR3s are not subject to safeguarding.

37. 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, or as a teacher paid on the pay range for leading practitioners in the temporary absence of the postholder or otherwise receives a higher salary due to taking on additional duties, 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 26.

## **Special educational needs (SEN) allowance (paragraph 27)**

### **General principles**

38. 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;

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- (b) consider whether, if teachers have responsibilities that meet all the criteria for the award of TLR payments, it would 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 teachers' job descriptions.

39. 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.

### **Assessment of appropriate allowance values**

40. 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 that 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.

41. 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.

42. 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.

### **Changes in SEN provision and safeguarding provisions**

43. 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 35 (and subject to paragraph 4) will apply.

## **Teachers paid on the pay range for leading practitioners**

### **Creating a post paying a salary higher than the maximum of the upper pay range**

44. Schools have discretion to create posts for qualified teachers whose primary purpose is the modelling and leading improvement of teaching skills. There are no national criteria for appointment to such posts. Schools should advertise any vacancies

and appoint candidates as they would do for other vacancies, satisfying themselves that successful candidates can demonstrate excellence in teaching and will be able to contribute to leading the improvement of teaching skills.

45. It is the responsibility of head teachers to decide whether or not any such posts should contain an element of outreach. There is no central requirement for them to do so.

### **Setting an individual post range within the pay range for leading practitioners**

46. When setting the individual post range for teachers on the pay range for leading practitioners (paragraph 18), the relevant body should have regard to the challenge and demands of the individual post and internal pay relativities.

47. If a school creates more than one such post, the individual post ranges for each post should be determined separately and may differ to reflect the different demands and challenges of each post.

## **Unqualified teachers**

48. In England and Wales, the following categories of unqualified teacher<sup>(4)</sup> are covered by the Document if they provide primary or secondary education under a contract of employment or for services with a local authority or a governing body requiring them to carry out specified work<sup>(5)</sup> in a school:

- (a) overseas trained teachers;
- (b) persons granted a licence under the provisions of Part II of Schedule 2 to the Education (Teachers) Regulations 1993;<sup>(6)</sup>
- (c) student teachers, teacher trainees who have yet to pass the skills test and those undertaking employment based teacher training leading to QTS;
- (d) assistant teachers at a nursery school or teachers of a nursery class, who were employed as teachers under the Education (Teachers) Regulations 1982 before 1 September 1989;
- (e) in England persons giving instruction in any art, skill, subject or group of subjects (including any form of vocational training) who have special qualifications and/or experience;
- (f) in Wales persons giving instruction in any art, skill, subject or group of subjects (including any form of vocational training) who have special qualifications and/or experience and where no suitable qualified teacher, graduate teacher, registered teacher or teacher on an employment-based teacher training scheme is available.

## **Unqualified teachers' allowance (paragraph 28)**

49. Where the value of the unqualified teachers' allowance is reduced, safeguarding

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<sup>(4)</sup> For the complete list of these categories see the Education (School Teachers' Prescribed Qualifications, etc) Order 2003.

<sup>(5)</sup> Education (Specified Work and Registration) (England) Regulations 2003 (as amended) and Education (Specified Work and Registration) (Wales) Regulations 2010.

<sup>(6)</sup> As they applied before amendment by the Education (Teachers) (Amendment) (no 2) Regulations 1997.

arrangements will apply in line with paragraphs 3-6 above.

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

### **Unattached teachers (paragraph 33)**

51. 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 31<sup>st</sup> December 2005 (paragraph 34)**

52. Paragraph 33 applies to teachers who are subject to general safeguarding and started work in a new post before 1<sup>st</sup> January 2006. In addition to the longstanding provisions on the cessation of general safeguarding in paragraph 34.7 (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 1<sup>st</sup> January 2006 (paragraph 35)**

53. Separate safeguarding arrangements apply to teachers (including unattached teachers) whose general safeguarding started on or after 1<sup>st</sup> 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 3-6 above.

### **Safeguarding for members of the leadership group, teachers paid on the pay range for leading practitioners, and teachers formerly employed as advanced skills teachers or as excellent teachers (paragraph 42)**

54. Relevant bodies should ensure that the mandatory safeguarding arrangements are applied to members of the leadership group, to teachers on the pay range for leading practitioners, and to teachers who were formerly employed as advanced skills teachers or excellent teachers who are subject to loss of salary.

55. Safeguarding payments to those formerly employed as advanced skills teachers or as excellent teachers must continue to be paid under the terms of the 2012 Document.

56. If a teacher in receipt of safeguarding under paragraph 42 serves as a member of the leadership group, or as a teacher on the pay range for leading practitioners 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 42.

### **Part-time teachers' remuneration**

57. All contractual arrangements entered into must comply with The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 (as amended), and the Equality Act 2010.

58. Part-time teachers must be paid a percentage of the appropriate full-time

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equivalent salary as calculated in paragraphs 61 and 62 below. The same percentage must be applied to any allowances awarded to a part-time teacher.

59. 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 88 below) and the pay calculation in paragraphs 61 and 62 should be applied to any resultant additional hours worked.

60. 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 proportion 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.

61. This calculation is specifically for establishing the proportion of remuneration (paragraph 43) and working time (paragraph 58) 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.

62. 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 for a full time teacher would be calculated as 25hours. 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 15hours. The detailed calculations are shown in the table below:-

	Morning Session (less breaks, registration, assembly)	+	Afternoon Session (less breaks, registration, assembly)	x	No of days in timetable (i.e. 5 or 10 days)	=	School's Timetabled teaching week (STTW)	% of STTW
Full-time	3 hours	+	2 hours	x	5 days	=	25 hours	100%
Part-time	3 hours	+		x	5 days	=	15 hours	60%

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 25 hours. 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 13.75 hours. The detailed calculations

are shown in the table below:

	Morning Session (less breaks, registration, assembly)	+	Afternoon Session (less breaks, registration, assembly)	x	No of days in timetable (i.e. 5 or 10 days)	=	School's Timetabled teaching week (STTW)	% of STTW
Full-time	2.75 hours	+	2.25 hours	x	5 days	=	25 hours	100%
Part-time	2.75 hours	+		x	5 days	=	13.75 hours	55%

63. 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.

#### **Teachers working in more than one school or in a school with varying timetabled teaching weeks**

64. 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 weeks, two (or more) calculations would have to be made to arrive at a consolidated pro rata remuneration for the teacher.

#### **Unattached teachers**

65. 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/teachers on the pay range for leading practitioners**

66. The principle set out in paragraphs 58 and 63 above also applies to members of the leadership group and to teachers on the pay range for leading practitioners. Please also refer to paragraph 84 below about working time (paragraph 58 of the Document).

#### **Additional payments**

67. Any payment to a head teacher under paragraph 46 is subject to the overall limit on discretionary payments at paragraph 11.4.1.

#### **Continuing Professional Development (CPD)**

68. 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**

69. 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.

70. Except for those employed on the pay range for leading practitioners, who may be required to carry out this duty, teachers undertaking school-based ITT activities do so on an entirely voluntary basis. 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.

71. 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.

72. 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 5-12 of Section 4 set out guidance on this, linking to paragraph 59.12 and Annex 3 of the Document.

### **Out-of-school hours learning activities**

73. 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 judgement.

### **Service provision**

74. Where a head teacher in one school is providing a service to another school, for example as a 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.

75. Consideration should be given to the remuneration of other teachers who as a

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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.

76. 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 46.1(d).

77. 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**

78. Relevant bodies may make payments or provide other benefits under paragraph 47 as an incentive for the recruitment and retention of teachers, including head teachers and other members of the leadership group. 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 are free to determine the value of any award. However, any award to a head teacher under paragraph 47, including non-monetary benefits (for which a notional monetary value must be given), is subject to the overall limit on discretionary payments at paragraph 11.4.2; and should not result in the head teacher being paid an amount under paragraph 47 and paragraph 11.4.1 in respect of the same circumstance or reason.

79. New awards under paragraph 47 may only be given for a fixed period. The relevant body should make clear at the outset the expected duration of any such incentives and benefits, and the review date after which they may be withdrawn.

80. All relevant bodies should consider as part of their pay policy deliberations:

- (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.

81. Where a teacher is given an incentive or benefit under paragraph 47, 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 expected duration of the incentive;
- (e) the review date after which it may be withdrawn; and
- (f) the basis for any uplifts which will be applied (as applicable).

## **Salary sacrifice arrangements (paragraph 49)**

82. Employers may offer the salary sacrifice arrangements detailed in paragraph 49 to their employees if they choose to do so, and are encouraged to do so as the arrangements should be cost-neutral. Paragraph 49 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 49 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.

## Working time (paragraph 58)

### Part-time teachers

83. The conditions of employment for part-time teachers mirror those of full-time teachers (see Part 6 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 57 above).

84. The calculation in paragraphs 61-62 above is specifically for establishing the proportion of remuneration (paragraph 43 of the Document) and working time (paragraph 58 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 6 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 have different amounts of teaching time, PPA and non-contact time.

85. 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 paragraphs 61-62 above (paragraph 43 of the Document).

86. 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.

87. 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%).

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88. 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, 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.

89. The relevant body should have ensured that, with effect from 1<sup>st</sup> 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.

90. The part-time teacher should not have a greater proportion of their directed time allocated outside their normal sessions than is the case for 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.

### **Leadership group/teachers on the pay range for leading practitioners**

91. Members of the leadership group and those on the pay range for leading practitioners do not operate on a time-bound contract and are not subject to the working time provisions of paragraph 58 of the Document. 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 those on the pay range for leading practitioners is reasonable and that they are treated fairly in comparison with their full-time equivalents (see paragraph 50.2 of the Document).

## Further sources of information

### *Associated resources*

The following links provide more detailed information on:

- [The Working Time Regulations 1998](#)
- [The Part-time Workers \(Prevention of Less Favourable Treatment\) Regulations](#)
- [The Flexible Working \(Eligibility, Complaints and Remedies\) Regulations 2002](#)
- [The Acas Guide to Flexible Working](#)
- [The Equality Act 2010](#)
- [The Education \(School Teachers' Appraisal\) \(England\) Regulations 2012](#)
- [Departmental advice - Reviewing and revising your school's approach to teachers' pay](#)
- The [Department's website](#) will contain a range of advice and guidance to support schools and LAs in implementing new processes for performance related pay and arrangements in relation to the new upper pay range and the pay range for leading practitioners.

## Section 4 - Guidance on Changes to The Document Resulting from the National Agreement<sup>(1)</sup>

1. This section of the guidance relates to the changes to the School Teachers' Pay and Conditions Document (the Document) arising from the National Agreement on Raising Standards and Tackling Workload (the National Agreement). It has been agreed and endorsed by the signatories to that Agreement, who believe that the changes are helping to reduce teacher workload and raise standards by freeing teachers to focus on teaching and learning. The signatories are committed to keeping the implementation of all aspects of the National Agreement under review.
2. This guidance refers to contractual changes to the Document that came into force in September 2003, September 2004 and September 2005, and to those which come into force in September 2009. More detailed guidance is available at: <http://www.tda.gov.uk/remodelling.aspx>.

### 2003 Changes

#### Administrative And Clerical Tasks

##### Purpose of the provisions

3. Teachers need support so that they can focus on teaching and learning and expect administrative and clerical processing normally to be done by support staff and/or through more effective use of ICT. These provisions ensure that teachers cannot routinely be required to undertake administrative and clerical tasks.
4. The contractual changes apply to all teachers at a school, including teachers on the leadership spine and ASTs whether on permanent, fixed-term or temporary contracts and to teachers on part-time contracts.
5. The contract for head teachers never contained a duty to perform this type of task. However, some head teachers often felt obliged to undertake such work. That was a distraction from their leadership role. They should now have identified any tasks which are no longer necessary and delegated those which should be more appropriately carried out by members of the school support staff.

##### Defining administrative and clerical tasks

6. Some administrative tasks are straightforward – filing pupil records, recording absence data and collecting money. Others, such as administering examinations, ordering equipment and compiling and submitting bids require more expertise, but not necessarily that of a teacher.
7. Many activities in schools require a mixture of professional and administrative input. For example, writing reports on pupils' progress requires the expertise of a teacher. But that expertise is **not** required for many of the processes involved in producing the report - for example, "topping and tailing" reports or collating them

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<sup>(1)</sup> Additional guidance referred to in this section may no longer be available.

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either manually or using an ICT-based system. These elements should not routinely be done by teachers.

8. For the purposes of paragraph 63,12 the key tests for any task must be:
  - a) Does it need to be done at all?
  - b) Is the task of an administrative or clerical nature?
  - c) Does it call for the exercise of a teacher's professional skills or judgment?
9. If the answers to a) and b) are yes but the answer to c) is no, then the task should not be carried out by a teacher. The list at Annex 3 in the Document contains a number of examples. It is not intended to be exhaustive.

### **“Routinely required”**

10. Tasks do not have to be done on a daily basis to be classed as routine. Many tasks, such as collating reports, may only be done once per year - this would still be classed as routine.
11. Schools should ensure that their administrative systems provide appropriate support for teachers. It is important that teachers make good use of that support. This requires good organisation of administrative activities by all school staff – it would be unreasonable, for example, for a teacher to ask for large bulk photocopying jobs to be done immediately before a lesson. Schools must ensure that the administrative system in place is robust enough to meet the continuing needs of the remodelling agenda, and that it is clearly understood by both those who use it and those who provide it.
12. The changes reflected in these legal provisions are not mechanistic or about narrow issues of job demarcation. They are about teacher time being more exclusively devoted to high quality professional teaching tasks.
13. Consequently, teachers should not be given the option to “choose” to do administrative and clerical work. It is not an appropriate use of teacher time. Head teachers should ensure that administrative and clerical tasks are not carried out by teachers, even where this involves a difficult adjustment for some teachers. Teachers' professional responsibilities are paramount and, in order to achieve the objective of raising standards and tackling workload, they must spend a larger proportion of their working time on those responsibilities.

### **Teachers with safeguarded management allowances for administrative and clerical tasks**

14. There may be cases where teachers have safeguarded management allowances which were originally given for carrying out tasks that have been transferred to members of the school's support staff. In accordance with the safeguarding provisions at paragraph 5.1.2, the relevant body must review the teacher's assigned duties and allocate such additional duties as they consider appropriate and commensurate with the safeguarded sum, for as long as the teacher continues to be paid the safeguarded sum. In the context of the remodelling agenda any such additional duties should be focused on teaching and learning.



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There is no formal requirement to reach agreement on the nature of the additional duties, although it is good management practice to seek to do so.

15. Members of the leadership group, whose previous responsibilities included tasks of an administrative and clerical nature that subsequently transferred to support staff, should now be able to focus more on teaching and learning and to fulfil their contractual role, as defined in paragraph 58.2 in the Document. This includes: formulating the aims and objectives of the school; establishing the policies through which they should be achieved; managing staff and resources to that end; and monitoring progress towards their achievement.
16. Head teachers should ensure that these arrangements operate effectively.

### **Reviewing administrative systems**

17. Administrative systems, and specifically the tasks listed in Annex 3, should be regularly reviewed to determine if there are different ways in which tasks can be carried out, or if they need to be carried out at all. No administrative task should be carried out by a teacher, which does not require their professional skills or judgement.
18. When giving administrative and clerical tasks to support staff, head teachers should have regard to the suitability of the task to the member of support staff's current role; whether sufficient time is available or could be freed up; whether additional training is needed; and any implications for pay and grading. Any revision of job descriptions should normally be agreed between the head teacher and the member of staff. Any extension of working hours must be by agreement.
19. Where the need for additional staff is identified, head teachers may wish to take the opportunity to consider whether the new post could embrace a number of the facets of extended support staff roles identified in the National Agreement. Many schools have also benefited from the creation of specific specialist roles such as health and safety officers, examination and timetabling officers, attendance clerks and technical support staff. Small schools may wish to consider whether, for certain tasks, a post (for example, a Bursar) could be shared with a neighbouring school or schools.
20. Experience suggests that support staff will become more efficient in undertaking administrative tasks than teachers, not just because of the better division of labour, but because for them these tasks will be a primary function, rather than an unwanted distraction from teaching and learning.

### **Management**

21. Managing the work of other staff (paragraph 61.10 – 61.14) should not include routinely seeking or giving advice on contractual issues such as pay and conditions of employment. There is no requirement in the Document on teachers to provide such advice. These matters should be referred to the individual with specific responsibility for personnel issues and/or the employer.
22. Teachers have a duty to direct and supervise the work of support staff, including in particular those undertaking teaching and learning activities. However, it should not automatically follow that they are required to undertake formal aspects of their

line management. Many schools see it as appropriate and good practice for this role to be undertaken by a more senior member of support staff.

## Work-Life Balance

### Purpose of the provisions

23. All teachers and head teachers should enjoy a reasonable work-life balance. The Document has been amended to reflect this. In relation to head teachers, specific provisions have been put in place through regulations made under section 21 of the Education Act 2002 which put a responsibility on the relevant body (normally a school governing body or LA) to have regard to the work-life balance of the head teacher.
24. *In England, Regulation 5 of the Education (Review of Staffing Structure)(England) Regulations 2005 (2005/1910) set out the duty of the relevant body with regard to the management of the head teacher. This duty was incorporated into the School Staffing (England)(Consolidation) Regulations 2009, which includes a reference to work/life balance under 'Head teacher duties and entitlements'. In Wales, Regulation 5 of The Education (Review of Staffing Structure) (Wales) Regulations 2005 (S.I.2005/1910 (W.153)) set out the duty of the relevant body with regard to the management of the head teacher. This duty was incorporated into The Staffing of Maintained Schools (Wales) (Amendment) Regulations 2009 and includes a reference to work/life balance under 'Head teacher's duties and entitlements'.*

### Implementing and monitoring work-life balance

25. Work-life balance is about helping teachers combine work with their personal interests outside work. It can help to recruit and retain better motivated staff through giving them greater control of their working lives and a stronger sense of ownership. A school that is committed to work-life balance:
  - a) recognises that effective practices to promote work-life balance will benefit both teachers and pupils;
  - b) highlights the joint responsibility to discuss workable solutions and encourages a partnership between individual teachers and their line managers;
  - c) develops, monitors and evaluates appropriate policies and practical responses that meet the specific needs of the school, having regard to fairness and consistency; valuing teachers for their contribution to raising standards, not their working pattern;
  - d) communicates its commitment to work-life balance to its staff; and
  - e) demonstrates leadership and encourages senior managers to lead by example.
26. Employers have a duty to employees at common law and a legal duty under health and safety legislation, including the Health and Safety at Work Act 1974 and related legislation and the Working Time Regulations 1998. In addition, four provisions have been put in place to encourage schools to develop effective work-life balance strategies:

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- a) additional hours for classroom teachers over and above the annual 1265 must be reasonable;
  - b) for those teachers (deputy and assistant head teachers and ASTs) not covered by the 1265 annual limit on directed time, overall hours should be reasonable;
  - c) head teachers must have regard to the desirability of all teachers at the school (including themselves and other members of the leadership group) being able to achieve a satisfactory balance between the time required to discharge their professional duties and the time required to pursue their personal interests outside work; and
  - d) to the extent that head teachers direct their own work, they are covered by the provision above. However, specific provisions have been put in place through regulations made under section 21 of the Education Act 2002 which put a responsibility on the relevant body (be it the school governing body or LA) to have regard to the work-life balance of their head teacher and ensure that they are not required to work unreasonable hours and can achieve a reasonable work-life balance.
27. These changes form part of a wider commitment to secure downward pressure on excessive hours worked in schools over the years from September 2003, with progressive year on year reductions from some 52 hours per week during term-time. Overall teacher hours will continue to be monitored.
28. Individual schools face varying degrees of challenge in achieving this objective. A number of other strategies support head teachers and governing bodies. These include:
- a) the revision of circulars 2/98 and 22/98 to deal with non-contractual provisions such as the conduct and frequency of meetings. These assist in tackling teacher workload and unnecessary bureaucracy at school level;
  - b) the change management programmes in England and Wales, including advice and guidance from the Training and Development Agency for Schools (TDA) in England, as part of which schools are able to call on the support of a network of local facilitators/advisers; and
  - c) the operation of the Implementation Review Unit (in England) and the School Workload Advisory Panel (in Wales), which make a concerted attack on unnecessary paperwork and bureaucratic processes for teachers, head teachers and all who work in schools.
29. Effective preparation is essential in both introducing and monitoring work-life balance policies. Head teachers should consider how best to ensure that they monitor the work-life balance of their staff. Consultation with staff and trade union representatives could also aim to develop agreed strategies and procedures for monitoring. It is essential to communicate new or revised policies effectively, perhaps through non-contact days or the inclusion of work-life balance in staff reviews and appraisals.
30. Maintaining effective work-life balance requires ongoing monitoring and evaluation

of work pressures. Some teachers may find it difficult to “let go” of work – in such cases head teachers will need to continue to take steps to ensure that such issues are addressed and resolved with the teachers concerned. It is not in the pupils’ interest for teachers to be working excessively long hours.

## Leadership And Management Time

### Purpose of the provisions

31. Members of the leadership group need time to focus on their leadership responsibilities and be supported in leading the reform agenda and managing change in their schools.
32. Many teachers outside the leadership group also have some form of leadership and management responsibility, including those of subject leaders and co-ordinators, heads of departments or faculties, ASTs, special educational needs co-ordinators and initial teacher training mentors.
33. Teachers with leadership and management responsibilities are now entitled, as far as is reasonably practicable, to a reasonable allocation of time within school sessions<sup>(2)</sup> to support the discharge of their responsibilities. This is in addition to the contractual provisions on work-life balance and guaranteed planning, preparation and assessment time (PPA), which was introduced on 1<sup>st</sup> September 2005.
34. The provision for leadership and management time applies to all teachers at the school with leadership and management responsibilities, whether employed on permanent, fixed-term or temporary contracts. It also applies to teachers on part-time contracts.
35. Head teachers are also legally entitled to a reasonable allocation of leadership and management time as a result of this and other amendments. These make it clear that leadership is one of the core duties of a head teacher and that they should be involved in teaching to such extent as may be appropriate having regard to his or her leadership and other functions and duties. In addition, provision for dedicated headship time was introduced on 1<sup>st</sup> September 2005.

### Implementation

36. Given the varying nature and extent of responsibilities held by teachers, it is difficult to identify a formula for the amount of time which might be appropriate for each responsibility. This is a matter for the school. Schools should keep allocations of leadership and management time under review.
37. The provision of leadership and management time is intended to be a contribution to the time needed to discharge the relevant responsibilities. Subject to that

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<sup>(2)</sup> The Education (School Day and School Year) (England) Regulations 1999 (1999/3181) state that “every day on which a school meets shall be divided into two sessions which shall be separated by a break in the middle of the day” and that “at least 380 sessions shall be held at a school during any school year”. Under the Education (School Sessions and Changes and Remissions Policies)(Information) Regulations 1999 (1999/2255) heads are required to inform parents of “the times at which each school session begins and ends on a school day”.

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qualification, some time for leadership and management must be allocated within school sessions, taking account of the nature and extent of the responsibilities of each member of staff and the management structure of the school. In order for the time to be meaningful, it should not be allocated in short blocks, for example ten to twenty minutes here and there.

38. The Document requires cover to be allocated on an equitable basis. While leadership and management time may be used for cover, this should happen only rarely, in circumstances that are unforeseeable.
39. Time for leadership and management can be identified using one, or a combination, of the following strategies:
  - a) existing non-contact time already allocated specifically for that purpose;
  - b) re-designation of some or all of any non-contact time previously allocated to support a variety of tasks, including those which do not require the professional expertise of a qualified teacher (and which should therefore be carried out by appropriate support staff); and
  - c) the release of teachers from pupil contact time which does not involve teaching. This includes pupil supervision, registration, attendance at assemblies and other similar tasks that can be carried out by appropriate support staff. Where appropriate, this should be in accordance with the provisions of the regulations and guidance made under section 133 of the Education Act 2002.
40. All schools should ensure that the allocation of leadership and management time is reasonable.
41. Schools should have ensured that whatever had already been done in relation to the provision of leadership and management time was sustainable in the context of PPA time.

### **No detriment**

42. Where teachers already had timetabled non-contact time for leadership and management responsibilities, which was unaffected by the contractual change relating to administrative and clerical tasks, the amount of time should not have been reduced as a result of the implementation of the contractual changes relating to leadership and management time.

## **Assigned Teachers**

### **Purpose of the provisions**

43. These changes were related to regulations made under section 133 of the Education Act 2002 and accompanying guidance. They were designed to protect the role of the qualified teacher and prevent job substitution. The provisions should be read in conjunction with the section 133 regulations and accompanying guidance.

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44. The section 133 regulations clarify the respective roles of qualified teachers and other staff in schools, and specify circumstances under which certain kinds of staff without qualified teacher status (usually support staff) may carry out "specified work" related to teaching and learning, including requirements for appropriate direction and supervision of support staff by a teacher.
45. The changes to the Document place a duty on head teachers to ensure that each class or group timetabled for core and foundation subjects and for religious education and each class or group in the foundation stage has a teacher assigned to teach it. The assigned teacher is responsible for the progress of the pupils in the class/group over the course of the academic year. Assigned teachers may be assisted in their work by other teachers and/or by support staff, some of whom may carry out "specified work", who are deployed on the timetable to take that class/group for particular activities or lessons.
46. Paragraph 4 of Schedule 2 of the regulations concerns the appointment of instructors – person with special qualifications or experience or both. In circumstances where there is no qualified teacher, or trainee on the Graduate, Registered or Overseas-Trained Teacher Programmes available for an appointment, the body which normally appoints staff in the relevant school, either the LA or governing body, may appoint an instructor, provided that they have made the necessary judgement as to the instructor's qualifications and experience.

## 2004 And 2009 Changes

### Cover

#### Background

47. The National Agreement on 'Raising Standards and Tackling Workload' signed in January 2003 provided the basis for work by schools to create time for teachers and head teachers to focus more of their time on teaching, and leading teaching and learning, including through:
  - a) progressive reductions in teachers' overall hours;
  - b) changes to teachers' contracts, to ensure all teachers and head teachers have a reduced burden of providing cover for absent colleagues; and
  - c) deployment of support staff to enable teachers and head teachers to focus on teaching and learning.

#### Purpose of the provisions

48. Progress on raising standards for pupils relies upon schools having in place policies and systems to free teachers and head teachers from excessive and inappropriate workload.
49. Cover for absence is not an effective use of teachers' time.

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50. In the past, many teachers have borne a heavy burden of cover for absent colleagues. However, in accordance with the provisions set out in the Document, teachers may cover only rarely, in circumstances which are not foreseeable.
51. Foreseeable circumstances” for the school include events that are foreseeable on the basis of historic experience; events that are foreseeable in the normal local experience; and events that may be expected as part of the evolving pattern of provision.

### **Implementation**

52. Schools are required to ensure that teachers and the head teacher may be required to cover only rarely from 1<sup>st</sup> September 2009.
53. The contractual provision applies to all teachers and the head teacher at a school, including teachers on the leadership spine and ASTs whether on permanent, fixed-term or temporary contracts and pro rata to teachers on part-time contracts.
54. The only exceptions are teachers who are employed wholly or mainly to undertake cover.
55. The Document contains a duty for head teachers to ensure that cover is shared equitably among all teachers in the school (including the head teacher), taking account of their teaching and other duties and of the need to ensure that teachers and the head teacher may be required to cover only rarely, in the case of circumstances that are not foreseeable.
56. The guaranteed PPA time of teachers at a school forms part of the legal conditions of employment and cannot be used for cover.

### **Definition of absence**

57. Absence occurs when the person(s) who has been timetabled to take a particular class or group is absent. The type of absence could be for a variety of reasons, including internal and external activities as well as sickness. It could be short-term or long-term. All types of absence should be carefully managed to minimise the impact on teaching and learning for the pupil.
58. Pupil standards are paramount.
59. The absence of the person(s) who has been timetabled to take a particular class or group is the trigger for cover.
60. Teachers, including the head teacher, should cover only rarely, for absences which are not foreseeable.

### **Management**

61. Every school should have in place a clear policy and robust system that does not require teachers or the head teacher to provide cover other than rarely.
62. Cover supervisors and higher level teaching assistants should be deployed for short-term absences only and should not be used as the remedy for the medium or long-term absence of a teacher.

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63. Medium and long-term absences should be covered by a teacher, possibly through a fixed term appointment or supply teacher.
64. Each school will need to consider the appropriate deployment of a supply teacher in the case of long-term absence and may wish to revise the agreed timetable if there are good educational grounds for doing so. Such revisions to the agreed timetable should be subject to consultation with staff and their union representatives.
65. The school should monitor and analyse patterns of absence (planned and unplanned) and levels of cover and manage these appropriately.
66. The member of the support staff administering the cover arrangements should keep a record of the amount of cover undertaken by each teacher. It is also advisable to maintain records of cover undertaken by other staff whose contract and job description specifies that a proportion of their time is/will be available to provide cover supervision.

### **School calendar and timetable**

67. To ensure the system for managing cover is robust, every school should publish a calendar and timetable for each school year, in accordance with the provisions of paragraph 197 of section 3, and should:
  - a) consult with staff and their union representatives;
  - b) plan any changes well in advance; and
  - c) deploy staff appropriately, according to their skills, experience and qualifications.
68. The school calendar sets out the school's activities scheduled to take place in the academic year, for example: learning outside the classroom, meetings, parental consultation evenings and INSET days.
69. The timetable sets out the school's provision for teaching and learning in the school's timetabled teaching week (as defined in sub-paragraph 46.1.1 of the Document).
70. The pattern of the school timetable may vary across the year. For example, a school may accommodate activities during the year by having a timetable that follows the same pattern for 36 weeks and a different pattern for 2 weeks. This is an illustration, and schools will devise their own patterns.
71. Teaching timetables are not frozen in time and there may be variations from year to year.
72. In-year changes to the calendar and timetable may be made, but this should be only for sound educational reasons – for example, a long-term absence or significant educational development. Such changes during the year should not be a frequent occurrence.



### **Learning outside the classroom**

73. Learning outside the classroom is an important part of the curriculum and provision for it should be included in school calendars and timetables. Appropriate arrangements should be included in the timetable for both the staff and pupils who will be participating in learning outside the classroom and for those who are not.
74. Whatever timetabling pattern may pertain, it is the absence of the person who has been timetabled to take the class or group that is the trigger for cover.
75. The extended roles for support staff, which are an integral part of the remodelling agenda, provide the opportunity for schools to consider the use of appropriate adults, other than teachers, to undertake educational visits.

### **Gained time**

76. During the academic year, particularly in the summer term, teachers who take examination classes/groups are often released from some of their timetabled teaching commitments as a result of pupils being on study or examination leave. Such time is known as gained time.
77. There are activities directly relevant to teaching and learning for which it would be appropriate and desirable to use gained time and which it would be reasonable for a head teacher to direct teachers to undertake. An agreed list of these activities is listed below:
  - a) developing/revising departmental/subject curriculum materials, schemes of work, lesson plans and policies in preparation for the new academic year. This may include identifying appropriate materials for use by supply staff and/or cover supervisors;
  - b) assisting colleagues in appropriate, planned team teaching activities;
  - c) taking groups of pupils to provide additional learning support;
  - d) supporting selected pupils with coursework;
  - e) undertaking planned activities with pupils transferring between year groups or from primary schools; and
  - f) where the school has a policy for all staff to release them for CPD during school sessions, gained time may be used for such activities.

### **No detriment**

78. The implementation of the requirement that teachers should only be expected to cover rarely from 1<sup>st</sup> September 2009 is not intended to result in a worsening of a teacher's overall working conditions.
79. Rarely covering is an integral part of the overall package of contractual provisions designed to raise standards by freeing teachers and head teachers from tasks which do not require their professional skills and expertise and enabling them to focus on their function of teaching and leading and managing teaching and learning. Schools' strategies for managing teachers rarely covering should secure downward pressure on workload, assisting to ensure that teachers and head teachers are not required to work unreasonable hours and that they can achieve a

reasonable work-life balance.

### **Strategies for managing cover**

80. Schools have a range of strategies for providing cover for absence, including through supply teachers, 'floating teachers' employed for the purposes of cover, TAs/higher level teaching assistants, who provided they meet the provisions of the Education (Specified Work and Registrations)(England) Regulations 2003<sup>(3)</sup>, can carry out 'specified work' (which includes delivering lessons to pupils) and cover supervisors. Supervision is not a good use of the time of a teacher and teachers providing cover should normally expect to teach rather than to supervise pupils.

### **Supply teachers**

81. Supply teachers can be used to cover for all types of absence. Where supply teachers are providing cover, they must, as far as reasonably possible, be actively teaching and not mainly supervising pupils.
82. It is also important that supply teachers are managed properly and effectively, with regard to their teaching and developmental needs. They should have appropriate access to CPD to maintain their standards of subject knowledge, pedagogy and behaviour management skills.
83. Schools are encouraged to adopt good practice in the use of supply teachers. This includes:
  - a) careful induction into the school using materials that are matched to their period of employment;
  - b) the provision of simply structured and clearly explained medium-term and short-term plans that also define the teaching expectations, the resources to be used, the demands that should be made of the class and the homework that should be set;
  - c) the provision of information about the abilities and prior attainment of the pupils in the class; and
  - d) effective management so that all involved understand what is required and the professional standards that must be met.
84. Schools also need to have regard to the Part-Time Workers' Regulations which in certain circumstances may apply to supply teachers. Those who are not casual (i.e. not employed on a day-to-day basis) have, under these regulations, an entitlement to pro rata terms and conditions enjoyed by other teachers at the school. This would include access to CPD enjoyed by teachers at the school

### **Cover supervision**

85. Cover for short-term absences may be provided by persons who are not qualified teachers. To the extent that, during the period of cover, such persons are involved in specified work, they must operate subject to the regulations made under section

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<sup>(3)</sup> *S.I. 2003/1663, as amended by S.I.2007/2117, and S.I. 2008/1883, available at: <http://www.opsi.gov.uk/si/si2003/20031663.htm>*

133 of the 2002 Education Act and accompanying guidance.

86. Those providing cover supervision may be existing members of staff or they may be new staff appointed on contracts which have a defined range of appropriate administrative or support tasks, but which include cover as one of their key functions. In considering issues related to the deployment of support staff for this purpose, schools should have regard to Annex A of the Rarely Cover Implementation Process Guidance (published in April 2009)<sup>(4)</sup>.
87. The head teacher needs to ensure that any persons used in this way have been appropriately trained, particularly in pupil behaviour management. Such training is essential if those responsible for cover supervision are to make a real contribution to reducing the burdens on teachers.
88. Cover supervision is particularly valid in some settings where work has been set, or where pupils are able to undertake effective self-directed learning, for example within an ICT Learning Centre in a school. Strategies should be devised to ensure that the arrangements for providing appropriate work for pupils who are being supervised do not place excessive additional burdens of planning, preparation and assessment on teachers. This could include developing banks of appropriate material and/or attaching a cover supervisor to a year band, department or faculty to enable them to, for example, support the teachers in administrative tasks and to be involved in the planning and preparation of cover when necessary.

### **Higher level teaching assistants**

89. The primary function of higher level teaching assistants is to support and assist teachers. They may be deployed to release teachers for guaranteed PPA time, provided that they carry out work specified in the regulations made under section 133 of the 2002 Education Act under the direction and supervision of a teacher.
90. In addition, HLTAs may be used for short-term cover, but their deployment in this way should be balanced against the educational desirability of regularly removing them from planned activities with the teachers to whom they are normally assigned.

## **2005 Changes**

### **Exam Invigilation**

#### **Purpose of the provisions**

91. Invigilating examinations is not a productive use of teachers' time. From September 2005, teachers have no longer been routinely required to invigilate external examinations (e.g. National Curriculum tests, GCSE and AS/A2 examinations). Schools should have worked towards these changes and maximised the use of support staff as external examination invigilators, prior to the contractual change.

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<sup>(4)</sup> [http://www.socialpartnership.org/wamg\\_guidance.aspx](http://www.socialpartnership.org/wamg_guidance.aspx)

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92. Teachers may, however, be required to conduct practical and oral examinations in their own subject area and to undertake the preparation of pupils and those aspects of assessment, recording and reporting associated with external examinations which require the professional input of a qualified teacher.
93. Teachers may also be required to invigilate internal examinations and tests where these take place during their normal timetabled teaching time. However, if a school reorganises the timetable for 'mock' examinations to replicate the external examination process then teachers should not be required to invigilate.
94. The principle underpinning the change is that invigilation does not require a teacher's professional expertise. In this context, it is a reasonable expectation that, subject to the agreement of the head of centre (usually the head teacher), a teacher should be present at the beginning of an external examination in their subject area to check the paper and to ensure that there are no problems with it. Those invigilating the examination should be made aware of the procedure for dealing with emergencies and for contacting a teacher in the subject area under examination should any candidate raise a concern or problem with the paper which requires their professional judgement. It may also be appropriate for a teacher to be present at the end of an external examination to ensure its efficient conclusion.
95. None of the tasks outlined in paragraph 94 above constitutes invigilation and all of them require a teacher's professional expertise. When carrying out such tasks, teachers should not be expected to stay in the examination hall/room for any longer than is necessary to perform them.

## **Guaranteed Planning, Preparation And Assessment Time**

### **Purpose of the provisions**

96. The purpose of guaranteed planning, preparation and assessment (PPA) time is to relieve some of the existing workload pressures on teachers and to raise standards by providing some time for PPA within the timetabled teaching day.
97. Since 1<sup>st</sup> September 2005, all teachers at a school (including head teachers) with timetabled teaching commitments, whether employed on permanent, fixed-term, temporary or part-time contracts, have had a contractual entitlement to guaranteed PPA within the timetabled teaching day.

### **Principles underpinning the allocation and use of guaranteed PPA time**

98. The amount of guaranteed PPA time should be set as at least 10% of a teacher's timetabled teaching time. Only teaching time within a teacher's 1265 contracted hours counts for these purposes, not other forms of pupil contact.
99. Guaranteed PPA time should be provided as part of a teacher's normal weekly or fortnightly timetable. It must take place, therefore, during the timetabled teaching day (i.e. during the time in which pupils are taught at the school) and must not be bolted on before or after pupil sessions. In order for the time to be put to meaningful use by the teacher, it must be allocated in blocks of no less than 30 minutes.

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100. Guaranteed PPA time must be used for planning, preparation and assessment – these duties are contained in the relevant paragraphs of the Document. The time must not be encroached upon, including by any obligation to cover for absent colleagues. It is for the teacher to determine the particular PPA priorities for each block of guaranteed PPA time, although that does not preclude them from choosing to use some of the time to support collaborative activities.

### **No detriment**

101. The 10% guaranteed PPA time is a minimum figure. Any teacher who was already in receipt of more than this amount of time specifically for PPA prior to the introduction of this change should not have had his or her existing allocation reduced to 10%.

### **Implementation**

102. For teachers who did not previously have a regular timetabled allocation of non-contact time, a reduction in teaching time will have been necessary to provide guaranteed PPA time.

103. Other teachers may previously have received non-contact time, some or all of which may have been designated for PPA-related activities. Where additional time was needed to meet the minimum allocation for such teachers, then one, or a combination, of the following strategies may have been necessary:

- a) a reduction in teaching time;
- b) changes in the use of existing non-contact time; and
- c) redesignation and redistribution of non-contact time currently allocated to teachers in the school for other tasks which will transfer to appropriate support staff, such as the administration of cover, organisation of work experience and the administration of examinations.

104. For example, a teacher who is timetabled to teach 20 hours out of a 25 hour teaching week must receive at least two hours of guaranteed PPA time. This time must appear on the teacher's timetable. Any non-contact time allocated for other activities (e.g. non-guaranteed PPA time, meetings, and time for leadership and management responsibilities) must be additional to the guaranteed PPA time.

105. It should be noted that, in some cases, it is possible that teaching commitments will increase as a result of remodelling. For example, a teacher who previously had a reduced teaching load to enable them to carry out responsibilities that are now undertaken by support staff may have more time to teach once that transfer has taken place.

### **Use of higher level teaching assistants**

106. Some schools may choose to use higher level teaching assistants (HLTAs) as one of the strategies for releasing teachers for guaranteed PPA time, providing that the head teacher is satisfied that the HLTA meets all the provisions of the regulations and guidance made under section 133 of the Education Act 2002. Where HLTAs are deployed in this way, the teacher's guaranteed PPA time must not be encroached upon. In case of problems with a class, the HLTA should use the

school's usual referral system, in the same way a teacher would in case of difficulties or an emergency.

107. In some cases, HLTAs will be deployed to release teachers with whom they work regularly and where they are familiar with the programme of work of the class. This will help to maintain continuity and to enable the work of the HLTAs to be incorporated into the teachers' normal PPA cycle.
108. Other schools may deploy HLTAs in specialist roles where they have relevant expertise and/or training (for example, in sport or modern foreign languages), under the direction and supervision of a single teacher in the school. In either case, arrangements for deploying HLTAs should aim to reduce the overall workload burden on the teachers they support.

### **Newly qualified teachers**

109. In addition to their guaranteed PPA time, newly qualified teachers also benefit from the contractual provisions of paragraph 63.15. This states that teachers serving induction periods under the induction regulations do not teach for more than 90% of the time a teacher at that school who does not receive payments in respect of additional duties or responsibilities would be expected to teach.

## **Dedicated Headship Time**

### **Purpose of the provisions**

110. Head teachers must have dedicated time to lead their schools, as well as manage them. Therefore, with effect from September 2005, governing bodies have needed to ensure that head teachers have dedicated headship time, having regard to resources in the school and to further national guidance that is being developed.

### **Context**

111. Issues remain where head teachers with significant teaching loads (for example those who teach for more than 50% of the school timetable) have inadequate time during school sessions for their leadership and managerial role. The momentum behind the remodelling of the school workforce and a number of other specific provisions that have been introduced have helped here. These include:
  - a) the work-life balance provisions;
  - b) the introduction of leadership and management time and reference to the leadership function in paragraph 58 of the Document, which will effectively limit how much teaching a head can be expected to do;
  - c) the limits on cover; and
  - d) guaranteed PPA time, commensurate with their teaching load.



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for Education

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