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Cape Cornwall School Teachers Pay and Appraisals

Extract from Cornwall Council Whole School Pay Policy 2014-15

QUALIFIED CLASSROOM TEACHERS

Qualified teachers currently employed in this school will progress, subject to performance being qualified as good or above, along the main scale (1 – 6) covering all classroom teachers. In addition, there are TLR payments, recruitment and retention payments and SEN allowances. This section will provide information and advice about each of these aspects in turn.

8.1 Pay on appointment

The governing body supports the principle of pay portability, meaning that any new employees will be paid at the level commensurate with their existing point on the main grade or UPS scale. Pay on appointment for new teachers to this school will be based on the revised 11 point scale.

The governing body may use its discretion to award extra points for new employees to the profession who have significant experience in a similar field, working with children, or have industry experience relevant to the post. Any decision to this effect will be made by the pay committee.

The governing body will, if necessary, use its discretion to award a recruitment incentive benefit to secure the candidate of its choice. The Headteacher, with the agreement of the chair of governors, will have delegated powers to this effect. This may take account of:

- the requirements of the post;
- any specialist knowledge required for the post;
- the experience required to undertake the specific duties of the post;
- the wider school context.

8.2 Pay determinations for existing main-scale teachers

The governing body will follow the provisions of the Document **2014** and award one full point on the main-scale pay range, unless the teacher has been notified that their service has been of significant concern for the previous academic year. The pay committee will only exercise the discretion of withholding pay progression where a significant performance concern exists, despite the concern having been identified, raised with the member of staff and additional support having been provided during the year.

Where the teacher is subject to the Appraisal Regulations 2012, the pay committee will award one additional point provided the teacher's performance in the previous school year was excellent, having regard to the results of the most recent appraisal.

Where the teacher is not subject to the Appraisal Regulations 2012 (eg: NQTs), the pay committee will award one additional point where the teacher's performance in the previous 12 months was excellent having regard to all aspects of his/her professional duties and the Teachers' Standards, but in particular classroom teaching, in accordance with part 3.

8.3 Pay determinations for existing main pay range teachers, effective from 1 September 2014

The pay committee will use reference points. Therefore the pay scale for main pay range teachers in this school is: £22023 - £32187(11 points)

Point 1	£22023
Point 1a	£22665
Point 2	£23528
Point 2a	£24474
Point 3	£25420
Point 3a	£26397
Point 4	£27376
Point 4a	£28454
Point 5	£29533
Point 5a	£30700
Point 6	£32187

Upper pay Spine £34869 - £37496

To move up the main pay range, one annual point at a time, teachers will need to have made at least good progress towards their objectives and have shown that they are competent in all elements of the Teachers' Standards. Teaching should be at least 'good', as defined by Ofsted. Performance assessment judgements must be based on a broad evidence base, taking into account all aspects of the teacher's performance.

To be clear, individuals meeting all the requirements of the appraisal will progress by one full point, however, schools can award more than this for outstanding performance.

If the overall assessment of performance as per the appraisal targets, demonstrates that a teacher has shown exceptional performance, the pay committee, on the advice of the Headteacher, may award enhanced pay progression of an additional incremental point. In such cases, pupil progress will be judged to be better than similar learners nationally and teaching should be 'outstanding', as defined by Ofsted.

Judgments will be properly rooted on a broad evidence base. As a teacher moves up the main pay range, this broad evidence base should show:

- an increasing positive impact on pupil progress
- an increasing impact on wider outcomes for pupils
- improvements in specific elements of practice identified to the teacher, eg behaviour management or lesson planning
- an increasing contribution to the work of the school
- an increasing impact on the effectiveness of staff and colleagues

Decisions to progress a teacher to the Upper Pay Range will need to be based on a broad evidence base taking into account the teacher's level of performance, which must fully meet the Teacher Standards and include two consecutive successful performance management / appraisal reviews. Teacher's performance should be assessed against the expectations of a UPS teacher – please see Appendix 1 for guidance in this respect.

Further information, including sources of evidence is contained in the school's appraisal policy.

The pay committee will be advised by the head teacher in making all such decisions. Any increase (ie: no movement, one point, more than one point) will

be clearly attributable to the performance of the teacher in question. The pay committee will be able to justify its decisions.

8.4 Classroom Teachers' Pay Spine 2014 - Qualifications Appointment of a Qualified Teacher

The structure comprises levels labelled 1 to 6 inclusive. The scale is detailed in Appendix 2.3.

Qualifications

Governors will pay newly qualified teachers point 1 of the classroom teachers' spine unless the teacher has relevant experience which the Governing Body wishes to recognise and reward (see below).

8.5 Experience

For newly qualified teachers, Governors can recognise experience other than employment as a teacher which they consider to be relevant and therefore start the teacher on a salary above point 1 eg a Governing Body may credit a teacher who has worked in a relevant establishment overseas with additional years. Governors should be aware that if they exercise such discretion, any point(s) awarded are permanent (even if a teacher moves to another school). Consistency in the application of this discretion is important.

For those teachers who are **not** newly qualified, Governors need to recognise previous experience including service at other maintained Schools in England and Wales, service at MOD Schools and the CPR Success Zone. Essentially, the progression is one point per year in any such organisation(s) providing the teacher has worked twenty six weeks or more in any one academic year.

8.6 Progression up the Classroom Teachers Spine

Pay progression is linked to the teachers performance which is managed through the School "Performance Management Scheme" which includes the new Professional Standards as issued by Teaching Agency for Schools' (TA) and agreed objectives. .

Professional standards are statements of a teacher's professional attributes, professional knowledge and understanding, and professional skills.

8.7 Performance Points

The Governing Body has the discretion to award existing classroom teachers an additional half or full point on the main scale to recognise the excellent performance of the teacher over the previous academic year. The award is permanent and pensionable and will count towards a teacher's eligibility for threshold assessment.

9.0 Upper Pay Range teachers

9.2 Applications to be Paid on the Upper Pay Range

From 1 September 2014, any qualified teacher can apply to be paid on the Upper Pay Range. If a teacher is simultaneously employed at another school(s), they may submit separate applications if they wish to apply to be paid on the UPR in

that school(s). This school will not be bound by any pay decision made by another school.

All applications should include the results of appraisals for the 2 previous appraisal cycles under the Appraisal Regulations 2012, including any recommendation on pay. Where such information is not applicable or available, a written statement and summary of evidence designed to demonstrate that the applicant has met the assessment criteria must be submitted by the applicant.

In order for the assessment to be robust and transparent, it will be a broad evidence-based process only. Teachers therefore should ensure documentary evidence supporting the summary in the written application is available on request in the assessment of the application. Those teachers who are not subject to the Appraisal Regulations 2012, or who have been absent, through sickness, disability or maternity, may cite written evidence from a 3 year period before the date of application, from this school and other schools, in support of their application.

9.3 Process:

One application may be submitted annually. The closing date for applications is normally 31st October each year; however, exceptions will be made in particular circumstances, eg those teachers who are on maternity leave or who are currently on sick leave. The process for applications is:

- Complete the school's application form;
- Submit the application form and supporting evidence to the head teacher by the cut-off date of 31st October.
- The Headteacher will assess each Threshold application within 20 school days will make a recommendation to the governors pay committee;
- The pay committee will make the final decision, advised by the head teacher;
- Teachers will receive written notification within 10 working days of the outcome of this decision. Where the application is unsuccessful, the written notification will include the areas where it was felt that the teacher's performance did not satisfy the relevant criteria set out in this policy (see 'Assessment' below).
- If requested, oral feedback which will be provided by the Headteacher. Oral feedback will be given within 10 school working days of the date of notification of the outcome of the application. Feedback will be given in a positive and encouraging environment and will include advice and support on areas for improvement in order to meet the relevant criteria.
- Successful applicants will move to the minimum of the UPR on 1 September of the following year.
- Unsuccessful applicants can appeal the decision. **The appeals process is set out at section 19 of this pay policy.**

9.4 Assessment:

The teacher will be required to meet the criteria set out in paragraph 19 of the STPCD, namely that:

- the teacher is highly competent in all elements of the Teacher Standards; and
- the teacher's achievements and contribution to the school are substantial and sustained.

This means:

“Highly competent”: the teacher’s performance is assessed as having excellent depth and breadth of knowledge, skill and understanding of the Teachers’ Standards in the particular role they are fulfilling and the context in which they are working.

“Substantial”: the teacher’s achievements and contribution to the school are significant, not just in raising standards of teaching and learning in their own classroom, or with their own groups of children, but also in making a significant wider contribution to school improvement, which impacts on pupil progress and the effectiveness of staff and colleagues.

“Sustained”: the teacher must have had two consecutive successful appraisal reports in this school and have made good progress towards their objectives during this period (see exceptions in the introduction to this section). They will have been expected to have shown that their teaching expertise has grown over the relevant period and is consistently good to outstanding.

Further information, including information on sources of evidence is contained within the school’s appraisal policy.

9.5 Pay determinations effective from 1 September 2014

The pay committee will determine whether there should be any movement on the Upper Pay Range. In making such a determination, it will take into account:

- paragraph 19 of the Document 2014;
- the evidence base, which should show that the teacher has had a successful appraisal and has made good progress towards objectives;
- evidence that the teacher has maintained the criteria set out in paragraph 18, namely that the teacher is highly competent in all elements of the relevant standards; and that the teacher’s achievements and contribution to the school are substantial and sustained. The meaning of these criteria is set out in the section of this policy entitled, “Applications to be paid on the Upper Pay Range”.

Pay progression on the Upper Pay Range will be clearly attributable to the performance of the individual teacher. Performance assessment judgements must be based on a broad evidence base, taking into account all aspects of the teacher’s performance and should be assessed against the expectations of a UPS teacher – please see Appendix 2 for guidance in this respect. The pay committee will be able to objectively justify its decisions.

Where it is clear from the evidence that the teacher’s performance is exceptional, in relation to the criteria set out above (see ‘Applications to be Paid on the Upper Pay Range’), and where the teacher has met or exceeded their objectives, the pay committee will use its flexibility to decide on enhanced progression from the minimum to the maximum of UPR. Teaching should be ‘outstanding’ as defined by Ofsted.

Further information, including sources of evidence is contained within the school’s appraisal policy.

The pay committee will be advised by the Headteacher in making all such decisions.

Further useful information is available from the NASUWT/NUT document which is appended to this document.

9.7 Pay Scale for Post-Threshold Teachers

As outlined above, the Performance Management Scheme coupled with the Professional Standards for Teachers will provide the basis for decisions regarding the pay progression for all teachers including Headteachers.

Any eligible teacher to be considered for threshold assessment will complete an application form and submit it to the Headteacher. Applicants must meet the criteria under paragraph 19 of the STP&CD 2014. Headteachers/Principals will consider the application form and decide whether or not to pass the individual's application.

The Governing Body should delegate the receipt and assessment of threshold applications to the Headteacher (or the person with management responsibility in the case of unattached teachers). Point 1 on the Upper Pay Scale is the threshold. Threshold assessment is a voluntary process and entirely a matter of choice for the classroom teacher. The individual is responsible for applying and they must provide the Headteacher/Principal with adequate evidence, in the form of actual examples, to illustrate their experience in respect of each threshold criteria.

Headteachers/Principals should promptly notify the teacher applying to pass threshold of the outcome of the assessment no later than twenty working days of informing the Governing Body of the decision. The original application form should be returned to the teacher.

The applying teacher should receive verbal feedback from the Headteacher/Principal on each standard and the reasons for the outcome of their application. They should also receive advice on aspects of their performance that would benefit from further development.

Unsuccessful applicants should also be given written feedback within twenty working days of informing the Governing Body of the decision.

Unsuccessful teachers have the right of appeal. Headteachers/Principals should provide, in writing, an explanation for their decision to the candidate. Teachers may then formally appeal, in writing, to the Chair of Governors for the decision to be reviewed.

Feedback to successful and unsuccessful applicants should be sensitive, informative and developmental. Feedback should link effectively to the School's Performance Management arrangements and should enable the teacher and his/her manager to identify clear priorities for professional development. The unsuccessful applicant has the right of appeal to the Personnel Appeals Committee.

Applying teachers who work at two or more schools should apply to the school at which they work at for the majority of their time. If the balance between two schools is equal then the application should be made to the school where they have worked the longest. The teacher can only make one application per round.

Increases in pay for the successful candidates will take effect on 1st September in the year of application.

Further progression on the upper pay spine will be at the discretion of the Governing Body to recognise "substantial and sustained performance". Under the current ruling, a teacher can progress (at the discretion of Governors) a maximum of one point every two years. The current post-threshold pay scale is provided at Appendix 2.3.

The School Teachers' Pay & Conditions Document established the criteria to be used to determine whether or not an eligible classroom teacher was to progress on the upper pay spine. Paragraph 19.2 states:

"Save in exceptional circumstances, there must be no movement up the pay scale set out in sub paragraph 2 prior to the second annual determination after the date on which the post-threshold teacher was first placed on that scale or the date on which the teacher was last awarded an additional point on that scale and unless:

- (a) in the case where the post-threshold teacher is not subject to the 2002 Regulations or the 2006 Regulations, there has first been a review of performance and the relevant body is satisfied that the teacher's achievements and contribution to the school, or to the school or schools in which the teacher previously worked, have been substantial and sustained; or
- (b) in the case where the post-threshold teacher is subject to the 2002 Regulations or the 2006 Regulations, the relevant body is satisfied that the teacher's achievements and contribution to the school, or to the school or schools in which the teacher previously worked, have been substantial and sustained, having regard to the results of the two most recent appraisals or reviews carried out in accordance with the 2001 Regulations, the 2002 Regulations or the 2006 Regulations, as the case may be."

Based on these statements it is the Governing Body who after hearing recommendations from the Headteacher will decide whether a classroom teacher will be allowed to progress on the upper pay spine.

What is meant by "substantial and sustained?"

The DFE with the Headteacher Trade Union has issued the following guidance:-

- Governing Bodies should seek the advice and recommendations of their Headteachers;
- The Governing Body and Headteacher should use any information arising from any statutory reviews, such as Ofsted reports, and from the teacher appraisal reviews currently being undertaken in schools;
- Governing Bodies and Headteachers should refer to the existing eight threshold standards established to consider the totality of a teacher's work and it is expected that a classroom teacher should demonstrate a greater breadth and depth in these standards than at the initial threshold level;
- Objectives or targets for action arising from the School Development Plan should be considered. However, there is no automatic link between achieving objectives or targets and pay progression.

Using these broad guidelines, Headteachers/Principals will be able to form a recommendation to Governors concerning teachers' progression to the second level on the upper pay spine.

The Process

All teachers should receive a statement which details their salary entitlement on 1 September each year. As part of that process, Headteachers/Principals will be aware of which teachers are eligible for progression. An application by the teacher is not necessary.

The Headteacher/Principal will consider the available information from the performance management of the school and review each teacher. If there is documented evidence that a teacher has not maintained the standards of performance over the two year period since passing threshold then the individual teacher should be given the opportunity to discuss the Headteacher's/Principal's concerns before any recommendations are made to the Governing Body.

The Headteacher/Principal and/or the Governing Body should give the teacher and/or his/her representative the opportunity to present evidence to support identified, perceived and supposed shortcomings in relation to the performance standards.

The Headteacher/Principal will review the application and make recommendations to the Governing Body. In exceptional cases the Headteacher/Principal may wish to interview the classroom teacher in order to clarify specific items of information.

The Governing Body may decide to review the information or accept the Headteacher's/Principals recommendation, either way the Governing Body will then make a decision concerning the individual classroom teacher's application. Teachers who disagree with the Governing Body decision have the right of appeal as outlined in paragraph 5.2.

If the Governing Body accepts the application then the Headteacher/Principal will inform the classroom teacher of the decision and the increase in salary will be implemented. The effective date of implementation will be 1 September 2014.

There is an expectation that the majority of teachers who are eligible will progress up the upper pay spine.

Progression to should be based upon a review of the performance of the teacher over the two years since passing the threshold.

The Governors and Headteacher/Principal will need to assess that the teacher's achievements and contribution to the school have been substantial and sustained. In cases where the evidence does not show continued achievement of the threshold standards the Governing Body may refuse the award of UPS 2 until such time in the future as the teacher does reach those standards.

Therefore, Headteachers/Principals are advised to have available evidence concerning the individual teachers including any relevant data, records of classroom observations, any other evidence such as any capability or disciplinary issues during the relevant period, parental complaints, Ofsted reports etc.

Judgements should be rooted in evidence. Teachers cannot be expected to produce a portfolio of evidence but it may be helpful to the process if the teacher were given the opportunity to contribute towards the review process by also providing evidence.

10 Performance Management

As per regulations introduced in September 2012.

Revised appraisal arrangements came into force with effect from 1 September 2012. They are set out in the Education (School Teachers' Appraisal) (England) Regulations 2012 (the Appraisal Regulations) which replace the Education (School Teacher Performance Management) (England) Regulations 2006 (the 2006 Regulations). The 2006 Regulations continue to apply to any performance management cycle which is in progress on 1 September 2012, unless the governing body or local authority decides to end that cycle early and to begin a new appraisal period starting on or after that date.

The Appraisal Regulations set out the principles that apply to teachers in all maintained schools and unattached teachers employed by a local authority, in each case where they are employed for one term or more. They retain the key elements of the 2006 Regulations but allow schools more freedom to design arrangements to suit their own individual circumstances. They provide the minimum national framework within which schools should operate and say nothing, or very little, on many subjects on which the 2006 Regulations made detailed provision. If they wish, schools may include in their own policies details that are no longer covered by the Appraisal Regulations.

Schools and Local Authorities must stay within the legal framework set out in the Appraisal Regulations and in other relevant legislation that affects all employers (for example legislation on equality, employment protection and data protection).

Schools, Academies and Local Authorities must have a performance management policy for teachers and a policy covering all staff which deals with lack of capability. This model policy applies to teachers, including Headteachers/principals, and to all support staff employed at the school. It has been written in the context of schools, but the same principles apply to unattached teachers. It is good practice for schools to consult staff on their performance management and capability policies.

These policies are recommended for adoption to all schools & academies in Cornwall. Should schools or academies choose to develop different arrangements to those outlined in this document; they will need to re-open trade union negotiations on an individual basis.

Decisions relating to future objectives should be discussed in the light of the new Teachers Standards, the Schools development plan and any other teaching and learning based objective applicable to the academy.

As a consequence future reviews, mid year, termly or in September 2013 should be based upon the new regulations.

Stepping Down Arrangements

Headteachers and Deputy Headteachers appointed before September 2000 and Headteachers/Principals, Deputies and Assistant Headteachers/Principals appointed after that date and who have been in post for more than 1 year are eligible to be paid on Point 1 of the upper pay spine if they revert to being a classroom teacher on the main scale. Headteachers/Principals, Deputies and Assistant Headteachers/Principals who step back from the leadership scale to being classroom teachers with less than 1 year's service in post will revert to point 6 on the main scale. Headteachers/Principals, Deputies and Assistant Headteachers/Principals appointed after 1 September 2003 who have already been awarded UPS 2 or UPS 3 will revert to that level if they step down from their post to be a classroom teacher. Governors do have the discretion to revert a Head/Principal, Deputy or Assistant Head/Principal to a point higher than they

were previously on if they have a) sufficient service and b) if their performance justifies the increase.

11 Teaching and Learning Responsibility Payments (TLRs)

Governing bodies have the option of awarding a teacher a **temporary TLR3 between the values of £511 - £2551 pa, this can be an open-ended or time limited award depending upon the specific work requirements. The existing** TLRs 1 and 2 remain permanent awards whilst the teacher remains in post. They can only be awarded on a temporary basis if the teacher is temporarily covering a post on the school staffing structure where the holder of that post is absent eg on maternity leave or away on a secondment.

TLR 1 must include all the duties/responsibilities 1 – 5 listed below (a) to (e) eg a Head of Faculty;

TLR 1 ranges from £7,471 up to £12,643 (from 1st September 2014)

TLR 2 must cover (a) to (d) ie not the line management of staff

TLR 2 ranges from £2,587 up to £6,322 (from 1st September 2014)

The Governing Body with the Headteacher should determine the management structure. The structure must be discussed by each school with their staff and relevant trade unions and published as part of the WSPP therefore the duties and responsibilities and payments will need to be clear and defined. The Governing Body with the Headteacher will then allocate the appropriate TLR level and payment in accordance with the guidance set out in the Document.

The levels would be distinctive and specific to the post and therefore unless there were changes to the responsibilities, progression up the levels would not be available.

- (a) the annual value of a TLR1 shall be no less than £7,471 and no greater than £12,643;
- (b) the annual value of a TLR2 shall be no less than £2,587 and no greater than £6,322; and
- (c) **the Governing body may decide upon the level of payment within the TLR minimum and maximums taking into account the different levels of responsibility and equality issues.**

The pay committee may award a TLR to a classroom teacher in accordance with paragraph 20 of the STPCD. TLR 1 or 2 will be for clearly defined and sustained additional responsibility in the context of the schools staffing structure for the purpose of ensuring the continued delivery of high quality teaching and learning. All job descriptions will be regularly reviewed and will make clear, if applicable, the responsibility or package of responsibilities for which a TLR is awarded, taking into account the criterion and factors set out at paragraph 20.

The pay committee may award a TLR3 of between £511 to £2551 for clearly time-limited school improvement projects, or one-off externally driven responsibilities as set out in paragraph 25.1. The Headteacher on behalf of governors, will set out in writing to the teacher the duration of the fixed term, and the amount of the award will be paid in monthly instalments. No pay protection will apply in relation to an award of a TLR3

Holders of a TLR 1 or 2 allowance may also be paid a TLR3 payment as a temporary addition to their substantive duties.

Before awarding a TLR the relevant body must be satisfied that the teacher's duties include a significant responsibility that is not required of all classroom teachers and that:-

- (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.

In addition, before awarding a TLR1, the Governing Body must be satisfied that the significant responsibility referred to above includes line management responsibility for a significant number of people and this is defined as at least 3 members of staff.

12 Recruitment and Retention Incentives and Benefits

The Governing Body, and where they are the teacher's employers the Authority, may as an incentive for the recruitment of new staff and the retention in their service of existing teachers make payments or provide other financial assistance, support or benefits to a teacher. These payments may be made in relation to:

- the provision of housing;
- relocation expenses;
- travel expenses incurred in journeys to and from work;
- a recruitment or retention allowance. (With effect from 1st September 2014, such payments are not bound by the previous three year limitation rule. The governing body will make clear at the outset the expected duration of any such incentives and benefits, and the review date after which they will be withdrawn.)

Any award to a headteacher/principal including non-monetary benefits (for which a notional monetary value must be given), is subject to the overall 25% limit on discretionary payments and should not result in the headteacher/principal being paid an amount in respect of the same circumstance or reason.

In each and every case where a Governing Body is considering making such a payment, it is strongly recommended that the Governing Body seeks advice from HR and/or the County Treasurer to ensure compliance with the Council's financial regulations.

To be clear, where the Governing Body has agreed to pay recruitment and retention allowances it must conduct regular formal reviews of all such awards.

13 Special Educational Needs (SEN)

The pay committee will award an SEN spot value allowance on a range of between £2043 and £4034 to any classroom teacher who meets the criteria as set out in paragraph 26 of the Document.

When deciding on the amount of the allowance to be paid, the governing body will take into account the structure of the school's SEN provision, whether any mandatory qualifications are required for the post (for example, the School's SEN Co-ordinator is required to hold QTS, to have completed the Induction Period and to have undertaken the National Award for SEN Coordination), the qualifications or expertise of the teacher relevant to the post, such as autism; and the relative demands of the post (paragraph 27.3 of the Document). The governing body will also establish differential values in relation to SEN roles in the school in order to reflect significant differences in the nature and challenge of the work entailed so that the different payment levels can be objectively justified. The governing body will take account of paragraphs 38 to 43 of the section 3 guidance.

An SEN allowance of no less than £2,043 and no more than £4034 per annum which is payable in accordance with the following:

The Governing Body must award a SEN allowance to a classroom teacher:-

- (a) in any SEN post that requires a mandatory SEN qualification;*
- (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 short stay school in England) that is similar 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 or service.*

Where a SEN allowance is to be paid, the Governing 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.*

The Governing Body must set out in its pay policy the arrangements for rewarding classroom teachers with SEN responsibilities.

14 Safeguarding

General Safeguarding

General circumstances in which safeguarding applies to all teachers;

14.1 Paragraphs 31 to 38 apply to a teacher in the following circumstances:

- (a) The teacher loses a post as a result of:**
 - (i) a reorganisation of a school; or**

- (ii) the closure or reorganisation of any other educational establishment or service, and takes up a new post on or after 1 January 2006 and is employed by the same authority or at a school maintained by the same authority, and in the case of a teacher within sub-paragraph (ii) the new post is at a different school;
- (b) The governing body determines, whether as a result of a change to their pay policy or to the school's staffing structure, that the duties for which the teacher was awarded a TLR1 or TLR2 or an unqualified teacher's allowance are no longer to include the responsibility for which the respective allowance was awarded or are to include a different responsibility, or the responsibility (whether or not it has changed) merits an allowance of a lower annual value; or,
- (c) The governing body determines to reduce the number of members of the leadership group or teachers paid on the range for leading practitioners; or
- (d) to lower a pay range applicable to a member of the leadership group or a teacher on the pay range for leading practitioner

14.2 A teacher who falls within 14.1,

- (a) shall be paid the amount (if any) by which the pre-safeguarding salary payable to the teacher immediately before the circumstances in paragraph 14.1 took effect exceeds the salary payable to the teacher in to the new post;
- (b) shall be paid the amount (if any) by which TLR1 or TLR2 payable to the teacher immediately before the circumstances in paragraph 14.1 took effect exceeds the teacher's TLR payment in the new post (if any);
- (c) shall be paid the amount (if any) by which any SEN allowance payable to the teacher immediately before the circumstances in paragraph 14.1 took effect exceeds the teacher's SEN allowance in the new post (if any); and

14.3 A teacher falling within paragraph 14.2 shall be paid the difference between an allowance to which they were entitled prior to the event or events in 14.2 occurring and any lower allowance of the like kind which the teacher is to receive to take account of the event or events. TLR1s and 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 the post ceases to be occupied.

14.4 Each payment made in accordance with paragraphs 14.1 to 3 shall be known as a safeguarded sum and a teacher falling within more than one of those paragraphs is entitled to a safeguarded sum under each paragraph.

Notification of safeguarding

14.5 Where a safeguarded sum is payable as a result of a circumstance described above, the governing body must notify the teacher in writing, within one month of taking the decision the effect of which is that the safeguarded sum is payable ("the decision") or (if earlier) when making a notification in accordance with paragraph 14.1, of –

- (a) the reason for the decision;

- (b) the date on which the decision will take effect (if known);
- (c) the value of the teacher's pre-safeguarding salary
- (d) the value of any allowances to which the teacher was entitled before the said circumstance took effect;
- (e) the safeguarded sum or (if not then known) such information as it is reasonably possible to provide in order to determine the maximum amount of the safeguarded sum;
- (f) the date or, if applicable, the latest date on which the safeguarding period (as defined in paragraph 14) will end, or the circumstance the occurrence of which will result in payment of the safeguarded sum ending;
- (g) where a copy of the school's staffing structure and pay policy may be inspected.

The safeguarding period

14.5 Unless otherwise provided for in this document, the governing body must pay the safeguarded sum until –

- (a) the date on which the safeguarding period ends, being the third anniversary of the date on which a teacher subject to the teacher starting work in a new post ;
- (b) where a safeguarded sum is paid in respect of an allowance awarded to a teacher or a post held by a teacher for a fixed period or to a teacher employed under a fixed term contract, the date on which that fixed period or fixed term contract expires;
- (c) where a safeguarded sum is awarded in respect of a payment or allowance awarded to a teacher whilst occupying another post in the absence of the post-holder, the date on which the entitlement to the allowance would have ended but for the circumstances which gave rise to the entitlement to the safeguarded sum;
- (d) in the case of a teacher who is paid a safeguarded sum, the teacher is awarded an increased salary the value of which exceeds the combined value of the pre-safeguarding salary and any one or more of the safeguarded sums so payable.
- (e) in the case of a teacher who is paid a TLR safeguarded sum;
 - (i) the teacher is awarded a TLR1 or TLR2 or an unqualified teacher's allowance which equals or exceeds the total of the said safeguarded sum and the reduced allowance (if any) by reason of which the said safeguarded sum is paid; or
 - (ii) the teacher is awarded a salary which, combined with the value of any new payment, equals or exceeds the total of the pre-safeguarding salary and the safeguarded sum.
- (f) in the case of a teacher who is paid a safeguarded sum as a result of a circumstance described in paragraph 14.1.(d), the teacher is awarded a

higher salary or a TLR or SEN allowance, such that the combined value of the teacher's resulting salary, TLR and / or SEN allowance is equal to or exceeds the teacher's pre-safeguarding salary.

- (g) in the case of a teacher who is paid a safeguarded sum as a result of a circumstance described in paragraph 14.2, the teacher is awarded a salary which equals or exceeds the teacher's pre-safeguarding salary.
- (h) the teacher ceases to be a classroom teacher or their employment ends other than in circumstances to which paragraph 14.1 applies;

whichever is the first to occur.

14.6 For the purposes of calculating the third anniversary of the relevant date as referred to in paragraph 34.1(a), the relevant date is as follows –

- (a) In respect of a decision taken between 1 September and 31 December, the following 1 January;
- (b) In respect of a decision taken between 1 January and 31 March, the following 1 April; and
- (c) In respect of a decision taken between 1 April and 31 August, the following 1 September.

14.7 Suspension and partial reduction of the safeguarded sum

- (a) In the event that a safeguarded sum or any part thereof is payable in respect of the loss of or a reduction to an allowance and the teacher subsequently becomes entitled to an allowance or an increased allowance of the like kind during the safeguarding period, the said safeguarded sum must be reduced by the amount of the allowance, or the increase therein, as the case may be, for as long as the teacher is entitled to the new or increased allowance.
- (b) A TLR/SEN safeguarded sum shall be reduced by the value of any subsequent TLR or SEN allowance awarded to the teacher for as long as the teacher is entitled to the TLR or SEN allowance.

Additional duties

14.8 If the total of all safeguarded sums payable to a teacher from time to time exceeds £500, the governing 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 safeguarded sums which in total exceed £500.

14.9 The teacher shall not be paid any safeguarded sums if the teacher unreasonably refuses to carry out such additional duties, provided that the teacher is notified of the relevant body's decision to cease paying the safeguarded sums at least one month before it is implemented.

For further detailed guidance Headteachers should refer to the STPCD 2014 Part 5.

15 LEADING PRACTITIONERS

The governing body will take account of paragraph 16 of the Document when determining the role of leading practitioner in this school. Additional duties will be set out in the job description of the leading practitioner and will include:

- a leadership role in developing, implementing and evaluating policies and practices in the school that contribute to school improvement;
- the improvement of teaching schools within school [and within the wider school community] which impact significantly on pupil progress;
- improving the effectiveness of staff and colleagues, particularly in relation to specific areas of pedagogy and practice

15.1 Pay on appointment

The pay committee will determine a pay range of £38215 - £58096 pa for each leading practitioner post in accordance with paragraph 16 of the Document.

15.2 Pay determinations with effect from 1 September 2014

The head teacher will agree appraisal objectives for the leading practitioner.

The pay committee shall have regard to the results of the leading practitioner's appraisal, including the pay recommendation, when exercising any discretion in relation to their pay, in accordance with paragraph 16 of the STPCD.

The pay committee will take account of other evidence. The evidence should show the leading practitioner:

- has made at least good progress towards their objectives;
- is an exemplar of teaching skills, which should impact significantly on pupil progress, within school and within the wider school community, if relevant;
- has made a substantial impact on the effectiveness of staff and colleagues, including any specific elements of practice that have been highlighted as in need of improvement;
- is highly competent in all aspects of the Teachers' Standards;
- has shown strong leadership in developing, implementing and evaluating policies and practice in their workplace that contribute to school improvement.

"Highly competent", "substantial" are defined in the section entitled, "Applications to be paid on the Upper Pay Range".

The pay committee will determine pay progression such that the amount is clearly attributable to the performance of the leading practitioner. The pay committee will be able to objectively justify its decision.

Where it is clear from the evidence that the teacher's performance is exceptional, the pay committee may award enhanced pay progression.

Further information, including sources of evidence is contained within the school's appraisal policy.

The pay committee will be advised by the Headteacher in making all such decisions

16 UNQUALIFIED TEACHERS

Maintained schools

16.1 Pay on appointment

The pay committee will pay any unqualified teacher in accordance with paragraph 18 of the STPCD. The pay committee will determine where a newly appointed unqualified teacher will enter the scale, having regard to any qualifications or experience s/he may have, which they consider to be of value. The pay committee will consider whether it wishes to pay an additional allowance, in accordance with paragraph 18 and 19.

16.2 Pay determinations effective from 1 September 2014

In order to progress up the unqualified teacher range, unqualified teachers will need to show that they have made good progress towards their objectives.

If the evidence shows that a teacher has exceptional performance, the governing body may award enhanced pay progression.

Judgments will be properly rooted in evidence. As unqualified teachers move up the scale, this evidence should show:

- an improvement in teaching skills
- an increasing positive impact on pupil progress
- an increasing impact on wider outcomes for pupils
- improvements in specific elements of practice identified to the teacher
- an increasing contribution to the work of the school
- an increasing impact on the effectiveness of staff and colleagues

Information on sources of evidence is contained within the school's appraisal policy.

The pay committee will be advised by the head teacher in making all such decisions. Pay progression on the unqualified teacher range will be clearly attributable to the performance of the individual teacher. The pay committee will be able to objectively justify its decisions.

The Education (Specified Work and Registration) (England) Regulations 2003 states that only the following individuals are allowed to undertake "specified work" in maintained schools, non-maintained special schools and pupil referral units in England:

- Teachers with QTS;
- Student teachers, trainee teachers who have yet to pass the skills test and those undertaking employment based teacher training leading to QTS;
- Persons granted a licence under the provisions of Part II of Schedule 2 to the Education (Teachers) Regulations 1993;
- Overseas Trained Teachers (OTT);
- Instructors 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; and

- 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.

As a consequence, unqualified teacher status may only apply to staff who are currently undertaking QTS training. Unqualified teachers who are not studying for QTS will need to be transferred to become Instructors.

A separate pay scale applies to unqualified classroom teachers from £16136 - £25520 pa. The Governors should take into account relevant qualifications and experience when appointing an unqualified teacher, or an overseas-trained teacher, to the unqualified teachers salary scale.

Progression is the same as qualified teachers although Governors have discretion to award an extra increment(s) if they wish.

Governors may also pay an additional allowance as they consider appropriate, having regard to the qualifications and experience of the teacher and/or the responsibilities of the post.

If an unqualified teacher becomes qualified, Governor body will pay him/her on the next point up on the classroom teachers' spine unless the Governors exercise discretion to pay a higher salary on the classroom teachers' spine.

Unqualified teachers' pay points are permanent whether they remain in the same post or take up a new one.

Unqualified teachers may not hold TLRs or SEN allowances.

Academies - The *Education (School Teachers) (Qualifications and Specified Work) (Miscellaneous Amendments) (England) Regulations 2012* amend the 2003 regulations to allow academies the flexibility to appoint unqualified teachers/instructors who do not hold QTS

17. Other Teacher Conditions

17.2 Part Time Teachers and Supply Teachers

Following a School Teachers' Review Body (STRB) report, the 2008 School Teachers' Pay & Conditions Document introduced a new and consistent approach to the calculation of a part time teachers contracted hours and pay (see below).

How is part time teachers' pay and working time to be calculated?

Each school will calculate the proportion of time a part time teacher works against the school's timetabled teaching week (STTW). The STTW refers to the school session hours that are timetabled for teaching, including PPA time and other non-contact time but excluding:

- break times;
- registration; and
- assemblies.

The STTW of a full time classroom teacher is to be used as the figure for calculating the percentage of the STTW for a part time teacher at the school.

For example, if the school day, excluding registration and assembly, runs from 9.00am to 12.15pm and again from 1.15pm to 3.30pm with one 15 minute break in the morning session and one 15 minute break in the afternoon session, the school's timetabled teaching week would be calculated as; morning session = 3 hours, afternoon session = 2 hours, whole day = 5 hours, STTW = 25 hours.

If a part time classroom teacher in the example above (including excellent teachers and unqualified teachers) were employed at the school in question for mornings only, working 9.00am to 12.15pm every day, their percentage of the STTW would be calculated as 15 hours per week, 60% of full-time (15/25). Such a part time teacher on M5 (proposed England and Wales full time salary rate of £29,240 from September 2010) working at 60% of full time would be entitled to a part time salary of £17,544 (60% of £29,240). The same percentage is used to calculate the 'directed time' hours, so 60% of the 1265 directed time hours of a full time teacher amounts to 759 hours directed time for the part time teacher. A straightforward deduction of the 'directed time' hours required for the STTW across the school year (585 hours, or 15 hours per week multiplied by 39 weeks) provides the remaining available 'directed time' for the part time teacher in the school year (759-585 = 174 hours).

Supply Teachers working for less than 1 day will be paid on the basis of the number of hours actually worked based upon their hourly rate using their qualifications and experience to determine the appropriate point on the classroom teachers' scale. If they work for more than 1 day or more they will be paid at the daily rate calculated on the assumption that a full working day is 6.487 hours using their qualifications and experience to determine the appropriate point on the classroom teachers' scale. If a supply teacher is employed for more than 4 weeks they should be offered a contract of employment with their salary being adjusted from their start date in line with their contracted counterparts.

In addition, a days employment at a school is defined as 6.487 hours and as such a supply teacher who attends a school for a full day must be paid 6.487 hours. This will include an element of non-contact time and as such the Headteacher may direct the teacher to undertake other reasonable duties within these hours.

INSET for Part time Teachers

With effect from 1 September 2008, no teacher employed part time may be required to work on any day of the week, or part of a day, that they do not normally work.

Also see bulletin issued August 2008.

17.3 Residential Duties

Any payments to teachers for residential duties shall be determined by the Governing Body. Where a headteacher receives a payment for residential duties which are a requirement of the post, that does not count towards the 25% limit on discretionary payments.

17.4 Additional Payments

The Governing Body may make payments to teachers, including those on the Leadership Spine and Lead Practitioners, 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 that has been agreed between the teacher and head or between the head and the Governing Body;
- (d) additional responsibilities and activities due to, or in respect of, the provision of services by the Headteacher/Principal relating to the raising of educational standards to one or more additional schools.

In order to avoid unnecessary confusion and arguments regarding the payment of additional payments, Headteachers/Principals and Governors should consider the following guidance:

- Payments over £1,000 – these may be submitted on an EP3 payroll form and must be authorised by either the Headteacher/Principal or a Governor – such payments should be recorded in the Governing Body minutes, which should be kept available at the school for audit purposes;
- Payments for less than £1,000 – these may be submitted on an EP3 payroll form and must be authorised by either the Headteacher/Principal or a Governor;
- In all cases schools should identify whether the payment is for CPD, ITT, OSLA or HDS by ticking the appropriate box. Additional space has been provided on the EP3 payroll form for schools to add any additional information for their own use.

Additional payments should not be used to reward additional hours worked (an increase in hours using an EP1 form or completion of an FP8 form should be used – paying the teacher his/her current hourly rate); they should not be used to recognise regular work (this should be incorporated into the persons job description and a new EP1 form submitted); they should not be used to recognise long service or performance within the persons main job (it is a basic assumption that all staff perform well and work hard and therefore to differentiate in this way is unfair to the majority of staff who do not receive such payments).

17.5 Continuing Professional Development (CPD)

The Governing Body should decide which CPD activities teachers may be paid for and set an appropriate level of payment in their pay policy. Some teachers may not wish, or be able, to attend training courses in the evenings, at weekends or during holidays. Heads/Principals and School Governors should respect the right of individuals to make their own choice and take proper account of equal opportunities and contractual requirements for reasonable work-life balance. Payments to full time classroom teachers should only be made in respect of those activities undertaken outside the 1,265 hours of directed time.

17.6 Initial Teacher Training Activities (ITT)

The Governing Body 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. The Governing Body should set an appropriate level of payment for ITT activities in their pay policy.

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' competences.

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.

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 judgement 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.

17.7 Out of School Hours Learning Activities (OSLA)

The Governing Body 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 full time classroom teachers should only be made in respect of those activities undertaken outside the 1,265 hours of directed time. 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.

17.8 Salary Sacrifice Arrangements

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 his/her gross salary in return for the employer's agreement to provide him/her with a benefit-in-kind under the following schemes:—

- (a) a child care voucher or other child care benefit scheme;
- (b) a cycle or cyclist's safety equipment scheme;
- (c) a mobile telephone scheme; and

that benefit in-kind is exempt from income tax.

Where the employer operates a salary sacrifice arrangement, the teacher may participate in any such arrangement and his/her gross salary may be reduced accordingly for the duration of his/her participation in it.

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