

School Teachers' Pay and Conditions Document 2002

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 and Skills in anticipation of a pay and conditions order being made by her under section 2 of the School Teachers' Pay and Conditions Act 1991 ("the Act") ⁽¹⁾ referring to this Document and directing that its provisions shall have effect in accordance with that order. The anticipated order will be the Education (School Teachers' Pay and Conditions) (No.2) Order 2002 ("the Order").

The Document relates to teachers employed by a local education authority or the governing body of a foundation, voluntary aided, or foundation special school (other than a school to which an order made under section 3(4) of the Act ⁽²⁾ 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, this Document will from 1st September 2002 replace the 2001 Document given effect by the Education (School Teachers' Pay and Conditions) (No.5) Order 2001 ⁽³⁾ and amended by the Education (School Teachers' Pay and Conditions) (No.6) Order 2001 ⁽⁴⁾, the Education (School Teachers' Pay and Conditions) (No.7) Order 2001 ⁽⁵⁾ and the Education (School Teachers' Pay and Conditions) Order 2002 ⁽⁶⁾.

⁽¹⁾ 1991 c.49.

⁽²⁾ A new section 3 was substituted by section 13 of the School Standards and Framework Act 1998 (c. 31) but by virtue of paragraph 7 of Schedule 32 to that Act that amendment did not affect orders in force. S.I. 1998/2115 permitted orders to be made under section 3 as in force immediately before it was so amended where the application was made before 31st March 1999.

⁽³⁾ S.I. 2001/2962.

⁽⁴⁾ S.I. 2001/3243.

⁽⁵⁾ S.I. 2001/3435.

⁽⁶⁾ S.I. 2002/838.

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Department for Education and Skills
Sanctuary Buildings
Great Smith Street
London SW1P 3BT

Tel: 020 7925 5000

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PART I - COMMENCEMENT AND INTERPRETATION

Commencement and interpretation

1.1 The provisions of this Document take effect from 1st September 2002.

1.2 In this Document:

“the Act” means the School Teachers’ Pay and Conditions Act 1991⁽⁷⁾;

“advanced skills teacher” means a qualified teacher who-

- (a) on or before 31st July 2000 was certified by an assessor appointed by the Secretary of State for Education and Employment as eligible for appointment to an advanced skills teacher post;
- (b) has been certified as eligible for appointment to an advanced skills teacher post in accordance with paragraph 30.5 or paragraph 31.6; or
- (c) has been certified by an assessor as eligible for appointment to an advanced skills teacher post while he was employed in a teaching post other than as a teacher (as defined in paragraph 1.2),

and who has been appointed to an advanced skills teacher post;

“assessor” in relation to threshold assessments means an assessor appointed under arrangements made by the Secretary of State on such terms and

⁽⁷⁾ 1991 c.49.

conditions as the Secretary of State thinks fit for the purposes set out in paragraphs 19 to 22;

"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 education authority in England and Wales; and in relation to a school means the authority by which the school is maintained;

"classroom teacher" means a teacher other than a member of the leadership group, an advanced skills teacher, an unqualified teacher, a licensed teacher, a graduate teacher or a registered teacher;

"EEA Agreement" means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992⁸ as adjusted by the Protocol signed at Brussels on 17 March 1993⁹;

"Employment-based teacher training scheme" means the scheme established by the Secretary of State under paragraph 19 Schedule 2 to the Teachers' Qualifications and Health Standards Regulations;

"European Economic Area" means the European Community and, 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;

"fast track teacher" means a teacher who has been recognised as a fast track teacher in accordance with paragraph 35.2 and has not ceased to be recognised as such in accordance with paragraphs 35.3 and 35.4;

⁸ Cmnd 2073

⁹ Cmnd2183

"good honours graduate" means a classroom teacher who has obtained:

- (a) a first or second class honours degree or a higher degree, whether obtained as a result of examination or as a result of research work, of a university or other institution authorised to award its own degrees in the United Kingdom or in the Republic of Ireland or of the Council for National Academic Awards; or
- (b) any other qualification, whether obtained in the United Kingdom or abroad, which the authority regard as being of equivalent standard to a degree of the kind described in sub-paragraph (a) above;

"graduate teacher" means a teacher who has been granted an authorisation under the provisions of Part II of Schedule 2 to the Teachers' Qualifications and Health Standards Regulations;

"head teacher" and "deputy head teacher" mean a qualified teacher appointed to the post of head teacher and deputy head teacher respectively in a school, and include a teacher appointed as acting head teacher or acting deputy head teacher pursuant to section 54 or 55 of, or paragraph 4 of Schedule 16 or paragraph 5 of Schedule 17 to, or regulations under section 72 of, the School Standards and Framework Act 1998⁽¹⁰⁾ but not a teacher who is assigned and carries out duties of a head teacher or deputy 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 10;

"Induction Regulations" means the Education (Induction Arrangements for School Teachers) (Consolidation) (England) Regulations 2001⁽¹¹⁾;

⁽¹⁰⁾ 1998 c.31.

⁽¹¹⁾ S.I. 2001/2897.

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

"key stage one" means the first key stage as defined in section 355(1) of the Education Act 1996⁽¹²⁾;

"key stage two" means the second key stage as defined in section 355(1) of the Education Act 1996;

"key stage three" means the third key stage as defined in section 355(1) of the Education Act 1996;

"key stage four" means the fourth key stage as defined in section 355(1) of the Education Act 1996;

"key stage five" means any period of schooling after the completion of key stage four;

"licensed teacher" means a teacher who was granted a licence under the provisions of Part II of Schedule 2 to the Education (Teachers) Regulations 1993⁽¹³⁾, as they applied before amendment by the Education (Teachers) (Amendment) (No.2) Regulations 1997⁽¹⁴⁾;

"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, Worksop;

"ordinary school" means a school other than a special school;

⁽¹²⁾ 1996 c.56.

⁽¹³⁾ S.I. 1993/543.

⁽¹⁴⁾ S.I. 1997/2679.

"performance threshold standards" means the professional standards set out in Annex 1;

"post-threshold teacher" means a classroom teacher who:

(a) has passed the performance threshold in accordance with paragraphs 20 to 22 or previous equivalent provisions;

(b) at any time prior to his employment as such was employed as a head teacher, deputy head teacher or assistant head teacher and in the case of a teacher who was first appointed to a post as a head teacher, deputy head teacher or assistant head teacher on or after 1st September 2000, occupied such a post or posts for an aggregate period of one year or more;

(c) has previously held an advanced skills teacher post;

(d) has been certified by an assessor appointed by the Secretary of State as eligible for appointment to an advanced skills teacher post but who has not been so appointed, and would otherwise have been placed on point M6 of the new pay scale;

(e) who at any time has been employed in a teaching or educational advisory post other than as a teacher and whilst in such a post was assessed as meeting the threshold standards throughout the relevant period as described in paragraph 20.2, whichever applies, which assessment has been approved by an assessor;

(f) is appointed as such at a school and has previously been employed for not less than one year by a local education authority as an education adviser or inspector and paid on the Soulbury pay spine;

(g) has been assessed as meeting the sixth form college professional standards;

(h) has been assessed as meeting the Northern Ireland threshold standards;

"pre-key stage one pupil" means a pupil who has not attained compulsory school age;

"pupil referral unit" has the meaning given to that expression in section 19(2) of the Education Act 1996;

"qualified teacher" means a teacher qualified as mentioned in Schedule 3 to the Teachers' Qualifications and Health Standards Regulations;

"registered teacher" means a teacher who has been granted an authorisation under the provisions of Part III of Schedule 2 to the Teachers' Qualifications and Health Standards Regulations;

"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 he is employed;

"relevant period" in relation to an application for threshold assessment means the relevant period described in paragraph 20.2;

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

"school" means a school maintained by an authority;

"school which has a delegated budget" means a school which has a delegated budget within the meaning of Part II of the School Standards and Framework Act 1998, and "school without a delegated budget" shall be construed accordingly;

"school year" means a period of 12 months commencing on 1st September unless the school's academic year begins in August in which case it means a period of 12 months commencing on 1st August;

"Soulbury pay spine" means the pay spine agreed nationally in respect of education advisers and inspectors;

"special school" means a special school maintained by an authority;

"the Teachers Qualifications and Health Standards Regulations" means the Education (Teachers' Qualifications and Health Standards) (England) Regulations 1999⁽¹⁵⁾ in relation to England and the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999⁽¹⁶⁾ in relation to Wales;

"teacher" means, except where otherwise stated, a teacher employed by an authority or the governing body of a foundation, voluntary aided or foundation special school (other than a school to which an order made under section 3(4) 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);

"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 education authority for the purposes of their functions relating to further and higher education,

⁽¹⁵⁾ S.I. 1999/2166, amended by S.I. 2000/2704, 2001/1391, 2001/2896, 2001/3737 and 2002/1434.

⁽¹⁶⁾ S.I. 1999/2817.

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

"teacher who has met the Northern Ireland threshold standards" means a teacher who was entitled to be paid on the teachers' upper salary spine as determined by the Department of Education of Northern Ireland under article 69(1) and (6) of the Education and Libraries (Northern Ireland) Order 1986;

"teacher who has met the sixth form college standards" means a teacher who was entitled to the Professional Standards Payment managed by the Sixth Form College's Employers' Forum and funded by the Learning and Skills Council;

"teacher who has passed the threshold" means a teacher whom an assessor has certified has passed the threshold under paragraph 20.5, 21.5.5 or 22.7;

"the 1983 Document" means the document published by Her Majesty's Stationery Office entitled "Scales of Salaries for Teachers: Primary and Secondary Education, England and Wales 1983"⁽¹⁷⁾ as amended⁽¹⁸⁾;

"the 1987 Document" means the document published by Her Majesty's Stationery Office entitled "School Teachers' Pay and Conditions Document 1987"⁽¹⁹⁾;

"the 1988 Document" means the document published by Her Majesty's Stationery Office entitled "School Teachers' Pay and Conditions Document 1988"⁽²⁰⁾;

⁽¹⁷⁾ ISBN 0 11 270550 2.

⁽¹⁸⁾ The 1983 Document was amended by S.I. 1984/1650, 1986/559, 1987/137, 1987/236, 1987/398 and 1987/650.

⁽¹⁹⁾ ISBN 0 11 270629 0.

⁽²⁰⁾ ISBN 0 11 270654 1.

"the 1989 Document" means the document published by Her Majesty's Stationery Office entitled "School Teachers' Pay and Conditions Document 1989" ⁽²¹⁾ as amended ⁽²²⁾;

"the 1990 Document" means the document published by Her Majesty's Stationery Office entitled "School Teachers' Pay and Conditions Document 1990" ⁽²³⁾;

"the 1991 Document" means the document published by Her Majesty's Stationery Office entitled "School Teachers' Pay and Conditions Document 1991" ⁽²⁴⁾;

"the 1992 Document" means the document published by Her Majesty's Stationery Office entitled "School Teachers' Pay and Conditions Document 1992" ⁽²⁵⁾;

"the 1993 Document" means the document published by Her Majesty's Stationery Office entitled "School Teachers' Pay and Conditions Document 1993" ⁽²⁶⁾ and includes that document as amended by the Education (School Teachers' Pay and Conditions) Order 1994 ⁽²⁷⁾;

"the 1994 Document" means the document published by Her Majesty's Stationery Office entitled "School Teachers' Pay and Conditions Document 1994" ⁽²⁸⁾ and includes that document as amended by the Education (School Teachers' Pay and Conditions) Order 1995 ⁽²⁹⁾;

"the 1995 Document" means the document published by Her Majesty's Stationery Office entitled "School Teachers' Pay and Conditions Document 1995" ⁽³⁰⁾ and includes that document as amended by the

⁽²¹⁾ ISBN 0 11 270672 X.

⁽²²⁾ The 1989 Document was amended by S.I. 1989/1453.

⁽²³⁾ ISBN 0 11 270723 8.

⁽²⁴⁾ ISBN 0 11 270768 8.

⁽²⁵⁾ ISBN 0 11 270798 X.

⁽²⁶⁾ ISBN 0 11 270843 9.

⁽²⁷⁾ S.I. 1994/910.

⁽²⁸⁾ ISBN 0 11 270881 1.

⁽²⁹⁾ S.I. 1995/1015.

⁽³⁰⁾ ISBN 0 11 270914 1.

Education (School Teachers' Pay and Conditions)
Order 1996 ⁽³¹⁾;

"the 1996 Document" means the document published by Her Majesty's Stationery Office entitled "School Teachers' Pay and Conditions Document 1996" ⁽³²⁾ and includes that document as amended by the Education (School Teachers' Pay and Conditions) Order 1997 ⁽³³⁾;

"the 1997 Document" means the document published by Her Majesty's Stationery Office entitled "School Teachers' Pay and Conditions Document 1997" ⁽³⁴⁾ and includes that document as amended by the Education (School Teachers' Pay and Conditions) Order 1998 ⁽³⁵⁾;

"the 1998 Document" means the document published by Her Majesty's Stationery Office entitled "School Teachers' Pay and Conditions Document 1998" ⁽³⁶⁾ and includes that document as amended by the Education (School Teachers' Pay and Conditions) Order 1999 ⁽³⁷⁾;

"the 1999 Document" means the document published by Her Majesty's Stationery Office entitled "School Teachers' Pay and Conditions Document 1999" ⁽³⁸⁾ and includes that document as amended by the Education (School Teachers' Pay and Conditions) Order 2000 ⁽³⁹⁾;

"the 2000 Document" means the document published by Her Majesty's Stationery Office entitled "School

⁽³¹⁾ S.I. 1996/1003.

⁽³²⁾ ISBN 0 11 270952 4.

⁽³³⁾ S.I. 1997/755.

⁽³⁴⁾ ISBN 0 11 271012 3.

⁽³⁵⁾ S.I. 1998/903.

⁽³⁶⁾ ISBN 0 11 271038 7.

⁽³⁷⁾ S.I. 1999/917.

⁽³⁸⁾ ISBN 271069 7.

⁽³⁹⁾ S.I. 2000/868.

Teachers' Pay and Conditions Document 2000" ⁽⁴⁰⁾ and includes that document as amended by the Education (School Teachers' Pay and Conditions) (No.3) Order 2000⁽⁴¹⁾, the Education (School Teachers' Pay and Conditions) (No.4) Order 2000⁽⁴²⁾, the Education (School Teachers' Pay and Conditions) Order 2001⁽⁴³⁾, the Education (School Teachers' Pay and Conditions) (No.2) Order 2001⁽⁴⁴⁾ and the Education (School Teachers' Pay and Conditions) (No.3) Order 2001⁽⁴⁵⁾;

"the 2001 Document" means the document published by Her Majesty's Stationary Office entitled "School Teachers' Pay and Conditions Document 2001"⁴⁶ and includes that document as amended by the Education (School Teachers' Pay and Conditions) (No.6) Order 2001⁴⁷, The Education (School Teachers' Pay and Conditions) (No.7) Order 2001⁴⁸ and the Education (School Teachers' Pay and Conditions) Order 2002⁴⁹.

"threshold assessment" means an assessment carried out under paragraph 20 or 21 of whether a teacher has passed the threshold;

"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 II to VII, a teacher at a pupil referral unit (including a teacher in charge of a unit);

"unqualified teacher" means a teacher whose employment is authorised under Part I of Schedule 2

⁽⁴⁰⁾ ISBN 011 2710905.

⁽⁴¹⁾ S.I. 2000.2321.

⁽⁴²⁾ S.I. 2000/3106.

⁽⁴³⁾ S.I. 2001/720.

⁽⁴⁴⁾ S.I. 2001/1254.

⁽⁴⁵⁾ S.I. 2001/1284.

⁴⁶ ISBN 011 2711073.

⁴⁷ S.I. 2001/3243.

⁴⁸ S.I. 2001/3435.

⁴⁹ S.I. 2002/838.

to the Teachers' Qualifications and Health Standards Regulations;

"unlawful discrimination" means any discrimination against a teacher by an assessor in relation to threshold assessments, fast track teacher assessments or advanced skills teacher assessments which if the assessor were the teacher's employers would constitute unlawful discrimination, and "unlawfully discriminate" shall be construed accordingly; and

"visually impaired" means blind or partially sighted.

1.3 The Interpretation Act 1978⁽⁵⁰⁾ shall apply for the interpretation of this Document as if it were an Order made under the Act.

1.4 In this Document:

(a) except where otherwise stated, references in Parts I to XII to a paragraph are references to a paragraph in those Parts and references in any paragraph to a sub-paragraph are references to a sub-paragraph of that paragraph;

(b) references to a Part are references to a Part of this Document.

1.5 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⁽⁵¹⁾ effected by an order made under section 17 of that Act, 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 shall, in this Document, be regarded as the same authority.

⁽⁵⁰⁾1978 c.30.

⁽⁵¹⁾ 1992 c.19.

1.6 Where, by virtue of the Local Government (Wales) Act 1994⁽⁵²⁾, the functions under the Education Acts of an abolished authority ("the old authority") 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 shall, in this Document, be regarded as the same authority.

⁽⁵²⁾ 1994 c.19.

PAY

PART II - GENERAL

Entitlement to salary and allowances

- 2.1 Subject to paragraph 43 (unattached teachers), paragraph 44 (general safeguarding), and paragraph 45 (part-time teachers and teachers employed on a short notice basis):
- (a) a qualified teacher in full-time service shall be entitled to remuneration consisting of a salary determined under Part III or IV and any allowances payable to him under Part IV, VI or VII; and
 - (b) an unqualified teacher in such service shall be entitled to remuneration consisting of a salary determined under Part V and any allowances payable to him under that Part or Part VI or VII.
- 2.2 The relevant body may determine that a licensed teacher shall:
- (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.
- 2.3 The relevant body may determine that a graduate teacher, a registered teacher or a teacher on the employment-based teacher training scheme shall:
- (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.
- 2.4 A teacher in part-time service shall be entitled to remuneration consisting of a salary and any allowances to which he is entitled calculated in accordance with paragraph 45.

2.5 A teacher in a school which has a delegated budget shall be entitled to be paid by the authority any remuneration to which he is entitled by virtue of the provisions of this Document or any determinations made hereunder.

Timing of salary determination and notification

- 3.1 Subject to paragraph 3.2, the determination of the remuneration of a qualified teacher shall be made:
- (a) annually on or after 1st September with effect from 1st September;
 - (b) whenever a teacher takes up a new post (including taking up a post in the leadership group or as an advanced skills teacher) on a date other than 1st September, with effect from his taking up that post; or
 - (c) where a teacher passes the threshold and he is entitled to be paid as a post-threshold teacher pursuant to paragraph 17; or
 - (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 Where the relevant body determine to reduce a qualified teacher's remuneration, that determination shall take effect from a date no earlier than the date when it was actually made.
- 3.3 When the relevant body have determined the remuneration of a qualified teacher, they shall ensure that the teacher is notified in writing of that determination and:
- (a) in the case of a member of the leadership group, or an advanced skills teacher, of the basis on which his remuneration has been determined and the criteria (including performance objectives) on which his salary will be reviewed in the future;

- (b) in the case of a classroom teacher, of the number of points awarded under paragraph 15 under each criterion set out in paragraph 16 and the nature and value of any allowance awarded to him under paragraph 23, 24 or 25;
- (c) in the case of a post-threshold teacher, of his position on the post-threshold scale determined under paragraph 17 and the nature and value of any allowance awarded to him under paragraph 23, 24 or 25.

3.4 In paragraph 3, "remuneration" means salary plus any allowances but does not include any sum paid under paragraph 46, 47 or 48.

PART III QUALIFIED TEACHERS : LEADERSHIP GROUP

Pay spine for the leadership group

- 4.1 From 1st April 2002 a head teacher shall be paid such salary based upon the leadership group pay spine set out in paragraph 4.5 as the relevant body shall determine in accordance with paragraph 5.
- 4.2 From 1st April 2002 a deputy head teacher shall be paid such salary based upon the leadership group pay spine set out in paragraph 4.5 as the relevant body shall determine in accordance with paragraph 11.
- 4.3 From 1st April 2002 an assistant head teacher shall be paid such salary based upon the leadership group pay spine set out in paragraph 4.5 as the relevant body shall determine in accordance with paragraph 13.
- 4.4 The number of teachers in a school who shall be paid as deputy or assistant head teachers shall be determined by the relevant body.
- 4.5 The pay spine for members of the leadership group is:

Pay Spine from 1st April 2002

| Spine point | Annual Salary |
|--------------------|----------------------|
| | £ |
| L1 | 30,531 |
| L2 | 31,296 |
| L3 | 32,079 |
| L4 | 32,880 |
| L5 | 33,699 |
| L6 | 34,542 |
| L7 | 35,478 |
| L8 | 36,291 |
| L9 | 37,197 |
| L10 | 38,154 |
| L11 | 39,144 |
| L12 | 40,047 |
| L13 | 41,049 |
| L14 | 42,069 |

| | |
|-----|--------|
| L15 | 43,116 |
| L16 | 44,265 |
| L17 | 45,285 |
| L18 | 46,422 |
| L19 | 47,571 |
| L20 | 48,753 |
| L21 | 49,959 |
| L22 | 51,198 |
| L23 | 52,467 |
| L24 | 53,769 |
| L25 | 55,101 |
| L26 | 56,469 |
| L27 | 57,867 |
| L28 | 59,301 |
| L29 | 60,774 |
| L30 | 62,283 |
| L31 | 63,825 |
| L32 | 65,412 |
| L33 | 67,035 |
| L34 | 68,694 |
| L35 | 70,401 |
| L36 | 72,144 |
| L37 | 73,938 |
| L38 | 75,768 |
| L39 | 77,613 |
| L40 | 79,554 |
| L41 | 81,540 |

Additional Spine Points from 1st September 2002

4.6 From 1st September 2002 the following spine points shall be added to the end of the pay spine in paragraph 4.5:

| | |
|-----|----------|
| L42 | £83,580 |
| L43 | £85,671. |

Annual Determination of head teachers' salary

5.1 Paragraph 5 applies for the purpose of the determination of a head teacher's salary.

5.2 For the purpose of determining the salary of a serving head teacher:

5.2.1 the relevant body and the head teacher shall seek to agree performance objectives relating to school leadership and management and pupil progress, and

in default of agreement the relevant body shall set such performance objectives; and

- 5.2.2 the relevant body shall review the performance of the head teacher taking account of the performance objectives agreed or set under paragraph 5.2.1.
- 5.3 The relevant body shall determine the salary of a head teacher in accordance with the following criteria:
- (a) subject to sub-paragraph (f), a head teacher's salary shall not be less than the minimum of the individual school range and nor shall it exceed the maximum of the individual school range;
 - (b) 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, there shall not be any movement up the pay spine unless:
 - (i) there has first been a review of the performance of the head teacher under paragraph 5.2.2, and
 - (ii) there has been a sustained high quality of performance by the head teacher taking account of the performance objectives agreed or set under paragraph 5.2.1;
 - (c) 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 shall not be increased by more than two points in the course of the year ending 31st August 2003;
 - (d) a newly appointed head teacher shall not on his appointment be paid at a point exceeding the third point above the minimum of the individual school range;
 - (e) in the case of a new appointment the relevant body shall have regard to:
 - (i) the responsibilities of the post,

- (ii) the social, economic and cultural background of the pupils attending the school, and
 - (iii) whether the post is difficult to fill;
- (f)
- (i) except as provided for in paragraph (ii) where the relevant body determine to reduce the individual school range, the head teacher's pay shall not exceed the maximum of the revised individual school range,
 - (ii) where paragraph (i) would lead to a reduction in a head teacher's salary, the head teacher shall remain on the same point until the individual school range is increased;
- (g) where the relevant body set a higher individual school range, any performance points awarded by the relevant body for the previous year shall be calculated on the basis of the lower individual school range before the head teacher's pay is assimilated onto the higher range;
- (h) where in accordance with paragraph 10.2.8 the relevant body determine an individual school range the maximum of which exceeds the highest point on the leadership group pay spine, they shall determine the value of each point above the highest point;
- (i) where a head teacher is temporarily seconded to a leadership post in a school and the relevant body of the receiving school considers that he merits a performance point or points, that relevant body may pay the head teacher upon his return to his original school or as soon as practicable thereafter a lump sum payment which shall be the value of the additional point or points on that school's individual school range, if the head teacher would otherwise not receive the full value of the point or points as a result of his return to his original school.

Determination of the school's head teacher group

- 6.1 The relevant body shall assign their school to a head teacher group for the purposes of paragraph 10 in accordance with paragraphs 6 (ordinary and special schools), 7 (ordinary schools), 8 (special schools) and 9 (particular cases).
- 6.2 A school shall be assigned to a head teacher group:
- (a) whenever it is proposed to appoint a new head teacher;
 - (b) in any event, not more than three years after the school was last assigned to a head teacher group; and
 - (c) whenever the relevant body see fit, or where representations have been made to them by the governing body (if they are not the relevant body) or the head teacher of the school, whenever they see fit having regard to such representations.
- 6.3 The head teacher groups, and pay ranges in relation thereto, are as follows:

| Group | Range of spine points | Salary range |
|--------------|------------------------------|---------------------|
| | | £ |
| 1 | L6 - L18 | 34,542 - 46,422 |
| 2 | L8 - L21 | 36,291 - 49,959 |
| 3 | L11 - L24 | 39,144 - 53,769 |
| 4 | L14 - L27 | 42,069 - 57,867 |
| 5 | L18 - L31 | 46,422 - 63,825 |
| 6 | L21 - L35 | 49,959 - 70,401 |
| 7 | L24 - L39 | 53,769 - 77,613 |
| 8 | L28 - L43 | 59,301 - 85,671 |

Unit totals and head teacher groups - ordinary schools

- 7.1 Subject to paragraph 9, an ordinary school shall be assigned to a head teacher group in accordance with

the following table by reference to its total unit score calculated in accordance with paragraph 7.2:

| Total unit score | School group |
|-------------------------|---------------------|
| 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 |

7.2 Subject to paragraph 7.3, the total unit score shall be determined in accordance with the number of pupils on the school register calculated as follows:

| Key Stage | Units per pupil |
|-------------------------------------------------------------------------|------------------------|
| For each pre-key stage one pupil and each pupil at key stage one or two | 7 units |
| For each pupil at key stage three | 9 units |
| For each pupil at key stage four | 11 units |
| For each pupil at key stage five | 13 units |

- 7.3
- (a) The number of pupils on the school register, and the number of pupils at each key stage, shall be determined by the numbers as shown on the most recent return of the Department for Education and Skills Annual School Census, or the most recently available National Assembly for Wales Form STATS 1 ⁽⁵³⁾, submitted to the Department for Education and Skills or National Assembly for Wales respectively on behalf of the school;
 - (b) each pupil with a statement of special educational needs shall, if he is in a special class consisting wholly or mainly of such pupils, count three units more than he would otherwise count by virtue of paragraph 7.2, and if he is not in such a special class count three such units only where the relevant body so determine;
 - (c) each pupil who attends for no more than half a day on each day for which he attends the school shall count half as many units as he would otherwise count under paragraph 7.2 or sub-paragraph (b).

Unit totals and head teacher groups - special schools

⁽⁵³⁾ This form relates to schools in Wales.

8.1 Subject to paragraph 9, a special school shall 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 paragraphs 8.2 to 8.5:

| Modified total unit score | School group |
|----------------------------------|---------------------|
| 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 |

8.2 The relevant body shall 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 non-teaching staff weighted as provided in paragraph 8.2.1, and B is the number of pupils at the school weighted as provided in paragraph 8.2.2.

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

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

8.3 The relevant body shall calculate the staff:pupil ratio modifier in accordance with the following table by reference to the staff:pupil ratio determined in accordance with paragraph 8.2:

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

8.4 The relevant body shall determine the school's total unit score in accordance with the number of pupils on the school register calculated as follows:

| Key Stage | Units per pupil |
|----------------------------------------|------------------------|
| For each pre-key stage one pupil | 10 |
| For each pupil at key stage one or two | 10 |
| For each pupil at key stage three | 12 |
| For each pupil at key stage four | 14 |
| For each pupil at key stage five | 16 |

8.5 The relevant body shall determine the school's modified total unit score by multiplying the school's total unit score determined under paragraph 8.4 by the staff:pupil ratio modifier calculated under paragraph 8.3.

8.6 In paragraph 8:

- (a) the number of pupils on the school register shall be determined by the numbers as shown on the most recent return of the Department for Education and Skills Annual School Census, or the most recently available National Assembly

for Wales Form STATS 2 ⁽⁵⁴⁾, submitted to the Department for Education and Skills or National Assembly for Wales respectively on behalf of the school; and

(b) "non-teaching 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

9.1 Expected changes in number of registered pupils and teaching establishments

9.1.1 Subject to paragraph 9.1.2, 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.

9.1.2 Where the relevant body are the governing body of a school which has a delegated budget, no assignment shall be made until the authority have been consulted.

9.2 New schools

⁽⁵⁴⁾ This form relates to schools in Wales.

- 9.2.1 Subject to paragraphs 9.2.2 and 9.2.3, in the case of a school which is newly opened or not yet open the relevant body shall 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.
- 9.2.2 The relevant body shall, as necessary, revise their assignment as their expectations on which their calculation was based change.
- 9.2.3 Where the relevant body are the governing body of a school which has a delegated budget, no assignment shall be made until the authority have been consulted.

Determination of a school's individual school range

- 10.1.1 The relevant body shall determine a school's individual school range in accordance with paragraph 10.2.
- 10.1.2 The individual school range shall consist of 7 consecutive spine points, and where the maximum of the individual school range exceeds the maximum of the leadership group pay spine, the relevant body shall determine the level of any pay points above the spine maximum.
- 10.1.3 The relevant body shall determine the individual school range-
- (a) when it is proposed to appoint a new head teacher;
 - (b) when they determine that the school has moved into a different head teacher group; or
 - (c) if they determine to set a deputy or assistant head teacher pay range the maximum of which equals or exceeds the minimum of the individual school range.
- 10.1.4 The relevant body may determine the individual

school range-

- (a) as of 1st September 2002; or
- (b) at any time if they consider it to be necessary in order to retain a head teacher.

10.1.5 The individual school range shall not be re-determined except as provided for in paragraphs 10.1.3 and 10.1.4.

10.2.1 The individual school range shall be determined on the basis of the school's size and circumstances, and the relevant body may in particular take account of-

- (a) any difficulties there may be in recruiting and retaining a head teacher;
- (b) whether there has been a significant change in the responsibilities of a serving head teacher; and
- (c) the appropriate positioning of the pay range of any deputy or assistant head teacher at the school.

10.2.2 The relevant body shall not take account of the salary of the serving head teacher in determining the individual school range.

10.2.3 The minimum of the individual school range shall not be less than the minimum of the range specified in paragraph 6.3 in relation to the school's head teacher group ("the head teacher group range").

10.2.4 Subject to paragraphs 10.2.5, 10.2.6, 10.2.7, and 10.2.8, the maximum of the individual school range shall not exceed the maximum of the head teacher group range.

10.2.5 The relevant body shall secure that the minimum of the individual school range:

- (a) 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

(b) shall not be less than the next leadership group pay spine point above the salary of the highest paid classroom teacher (calculated in accordance with paragraph 10.3).

10.2.6 Where the relevant body are required to increase an individual school range by virtue of paragraph 10.2.5, they shall increase such range by no more than is necessary to secure that the minimum of the individual school range 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).

10.2.7 The relevant body may determine the individual school range in accordance with paragraph 10.2.8 where:

(a) section 15 of the School Standards and Framework Act 1998⁽⁵⁵⁾ applies to the school by virtue of subsection (1) (school subject to a formal warning), (4) (school with serious weaknesses) or (6) (school requiring special measures), or

(b) if the maximum of the individual school range did not exceed the maximum of the head teacher group range, the relevant body consider the school would have substantial difficulty filling the vacant head teacher post, or

(c) if the maximum of the individual school range did not exceed the maximum of the head teacher group range, the relevant body consider the school would have substantial difficulty retaining the existing head teacher.

10.2.8 In the circumstances described in paragraph 10.2.7 the relevant body may determine an individual school range which exceeds the head teacher group range, but the maximum of the individual school range so determined shall not exceed the maximum of the second head teacher group range above the appropriate head teacher group range. If the

⁽⁵⁵⁾ 1998 c.31.

appropriate head teacher group is group 7 or 8, the individual school range shall be such as the relevant body determine, and its maximum may exceed the highest point on the leadership group pay spine.

10.3.1 For the purpose of determining the individual school range, a deputy head teacher pay range or an assistant head teacher pay range, the relevant body shall calculate the salary of the highest paid classroom teacher in accordance with paragraph 10.3.2.

10.3.2 The salary of the highest paid classroom teacher is the sum of-

(a) the value of point 1 on the upper pay scale

(b) the value of any management allowance awarded to the highest paid classroom teacher at the school under paragraph 23; and

(c) the value of any special education needs allowance awarded to the highest paid classroom teacher at the school under paragraph 25.

10.3.3 When calculating the salary of the highest paid classroom teacher the relevant body may, in addition to the sums referred to in sub-paragraphs (a) to (c) of paragraph 10.3.2, include the value of any recruitment and retention allowance awarded to the highest paid classroom teacher at the school under paragraph 24.

10.3.4 In paragraphs 10.3.2 and 10.3.3, the highest paid classroom teacher at the school is the classroom teacher with the highest allowance total, being the total value of any special educational needs or management allowance awarded to him.

10.3.5 The calculation of the salary of the highest paid classroom teacher for the purpose of Part III is a notional calculation and shall not affect the salary entitlement of such a teacher.

Annual determination of deputy head teachers' salary

- 11.1 Paragraph 11 applies for the purpose of determining a deputy head teacher's salary.
- 11.2 For the purpose of determining the salary of a serving deputy head teacher:
- 11.2.1 the relevant body and the deputy head teacher shall seek to agree performance objectives relating to school leadership and management and pupil progress, and in default of agreement the relevant body shall set such performance objectives; and
- 11.2.2 the relevant body shall review the performance of the deputy head teacher taking account of the performance objectives agreed or set under paragraph 11.2.1.
- 11.3 The relevant body shall determine the salary of a deputy head teacher in accordance with the following criteria:
- (a) save to the extent that a movement up the pay spine is necessary to ensure that the salary of the deputy head teacher equals the minimum of his deputy head teacher pay range, there shall not be any movement up the pay spine unless:
- (i) there has first been a review of the performance of the deputy head teacher under paragraph 11.2.2, and
- (ii) there has been a sustained high quality of performance by the deputy head teacher taking account of the performance objectives agreed or set under paragraph 11.2.1;
- (b) a deputy head teacher's salary shall not be less than the minimum of his deputy head teacher pay range and nor shall it exceed the maximum of that range;
- (c) save to the extent that a movement up the pay spine is necessary to ensure that the salary of the deputy head teacher equals the minimum of his deputy head teacher pay range, his salary shall not be increased by more than two

points in the course of the year ending 31st
August 2003;

- (d) where the relevant body increase a deputy head teacher pay range, any performance points awarded by the relevant body for the previous year shall be calculated on the basis of the lower pay range before the deputy head's teacher's pay is assimilated onto the higher range.

11.4 A newly appointed deputy head teacher shall not on his appointment be paid at a point exceeding the second point above the minimum of his deputy head teacher pay range.

Annual determination of a deputy head teacher pay range

- 12.1.1 The relevant body shall determine a deputy head teacher pay range for each deputy head teacher in accordance with paragraph 12.2.
- 12.1.2 A deputy head teacher pay range shall consist of 5 consecutive spine points on the leadership group pay spine.
- 12.1.3 The relevant body shall determine a deputy head teacher pay range-
- (a) when it is proposed to appoint a new deputy head teacher; or
 - (b) where there is a significant change in the responsibilities of the post of a serving deputy head teacher.
- 12.1.4 The relevant body may determine a deputy head teacher range-
- (a) as of 1st September 2002;
 - (b) at any time if they consider it to be necessary to retain a deputy head teacher.
- 12.1.5 The deputy head teacher pay range shall not be re-determined except as provided for in paragraphs 12.1.3 and 12.1.4.
- 12.2.1 The relevant body shall determine a deputy head teacher pay range taking account of:
- (a) the responsibilities of the post;
 - (b) the social, economic and cultural background of the pupils attending the school; and
 - (c) whether the post is difficult to fill.
- 12.2.2 When a deputy head teacher pay range is determined pursuant to paragraph 12.1.3, the relevant body shall secure that the minimum of the deputy head teacher pay range shall not be less than the next leadership group pay spine point above-

- (a) the salary of the highest paid classroom teacher (calculated in accordance with paragraph 10.3); and
- (b) the minimum of the assistant head teacher pay range of the highest paid assistant head teacher at the school.

12.2.3 When a deputy head teacher pay range is determined pursuant to paragraph 12.1.3, the relevant body shall secure that the maximum of the deputy head teacher pay range shall not equal or exceed the minimum of the individual school range.

12.2.4 Where there is insufficient space on the leadership group pay spine to accommodate a deputy head teacher 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 shall be increased to the extent necessary to accommodate the deputy head teacher pay range.

12.2.5 Subject to paragraphs 12.2.2 and 12.2.4, the relevant body shall not determine a deputy head teacher pay range at so high a level that they are required by virtue of any other provision of this Document to increase the individual school range beyond the maximum of the head teacher group range.

Determination of an assistant head teacher's salary

13.1 Paragraph 13 applies for the purpose of determining an assistant head teacher's salary.

13.2 For the purpose of determining the salary of a serving assistant head teacher:

13.2.1 the relevant body and the assistant head teacher shall seek to agree performance objectives relating to school leadership and management and pupil progress, and in default of agreement the relevant body shall set such performance objectives; and

- 13.2.2 the relevant body shall review the performance of the assistant head teacher taking account of the performance objectives agreed or set under paragraph 13.2.1.
- 13.3 The relevant body shall determine the salary of an assistant head teacher in accordance with the following criteria:
- (a) save to the extent that a movement up the pay spine is necessary to ensure that the salary of the assistant head teacher equals the minimum of his assistant head teacher pay range, there shall not be any movement up the pay spine unless:
 - (i) there has first been a review of the performance of the assistant head teacher under paragraph 13.2.2, and
 - (ii) there has been a sustained high quality of performance by the assistant head teacher taking account of the performance objectives agreed or set under paragraph 13.2.1;
 - (b) an assistant head teacher's salary shall not be less than the minimum of his assistant head teacher pay range and nor shall it exceed the maximum of that range;
 - (c) save to the extent that a movement up the pay spine is necessary to ensure that the salary of the assistant head teacher equals the minimum of his assistant head teacher pay range, his salary shall not be increased by more than two points in the course of the year ending 31st August 2003;
 - (d) where the relevant body increase an assistant head teacher pay range, any performance points awarded by the relevant body for the previous year shall be calculated on the basis of the lower pay range before the assistant head teacher's pay is assimilated onto the higher range.
- 13.4 A newly appointed assistant head teacher shall not on his appointment be paid at a point exceeding the

second point above the minimum of his assistant head teacher pay range.

Determination of an assistant head teacher pay range

- 14.1.1 The relevant body shall determine an assistant head teacher pay range for each assistant head teacher in accordance with paragraph 14.2.
- 14.1.2 An assistant head teacher pay range shall consist of 5 consecutive spine points on the leadership group pay spine.
- 14.1.3 The relevant body shall determine an assistant head teacher pay range-
- (a) when it is proposed to appoint a new assistant head teacher; or
 - (b) where there is a significant change in the responsibilities of the post of a serving assistant head teacher.
- 14.1.4 The relevant body may determine an assistant head teacher pay range-
- (a) as of 1st September 2002;
 - (b) at any time if they consider it to be necessary in order to retain an assistant head teacher.
- 14.1.5 The assistant head teacher pay range shall not be re-determined except as provided for in paragraphs 14.1.3 and 14.1.4.
- 14.2.1 The relevant body shall determine an assistant head teacher pay range taking account of:
- (a) the responsibilities of the post;
 - (b) the social, economic and cultural background of the pupils attending the school; and
 - (c) whether the post is difficult to fill.
- 14.2.2 When an assistant head teacher pay range is determined pursuant to paragraph 14.1.3, the relevant body shall secure that the minimum of the

assistant head teacher pay range shall not be less than the next leadership group pay spine point above the salary of the highest paid classroom teacher (calculated in accordance with paragraph 10.3).

14.2.3 When an assistant head teacher pay range is determined pursuant to paragraph 14.1.3, the relevant body shall secure that the maximum of the assistant head teacher pay range shall not equal or exceed:

(a) the minimum of the individual school range;
or

(b) where the school has one or more deputy head teachers, the maximum of the deputy head teacher pay range of the lowest paid deputy head teacher.

14.2.4 Where there is insufficient space on the leadership group pay spine to accommodate an assistant head teacher pay range of five points between the salary of the highest paid classroom teacher and the minimum of the individual school range (and where applicable, in addition to accommodate a deputy head teacher pay range of any deputy head teacher at the school in accordance with paragraphs 12.2.2 and 14.2.3(b)) the individual school range shall be increased to the extent necessary to accommodate the assistant head teacher pay range.

14.2.5 Subject to paragraphs 14.2.2 and 14.2.4, the relevant body shall not determine an assistant head teacher pay range at so high a level that they are required by virtue of any other provision of this Document to increase the individual school range beyond the maximum of the head teacher group range.

PART IV - OTHER QUALIFIED TEACHERS

Pay scale for classroom teachers

15.1 This paragraph and paragraph 16 apply to a classroom teacher who is not a post-threshold teacher, and references to "classroom teacher" in this paragraph and paragraph 16 shall be construed accordingly.

15.2 From 1st September 2002 a classroom teacher shall be paid such salary based on the pay scale set out in paragraph 15.3.2 as the relevant body shall determine in accordance with paragraphs 15.4.1, 15.4.2, 15.6 and 39.1 (unqualified teacher becoming qualified).

15.3.1 The previous pay scale for classroom teachers is:

Pay Scale from 1st April 2002

| Scale point | Annual salary £ |
|--------------------|----------------------------|
| 1 | 16,599 |
| 2 | 17,595 |
| 3 | 18,519 |
| 4 | 19,491 |
| 5 | 20,514 |
| 6 | 21,591 |
| 7 | 22,806 |
| 8 | 24,177 |
| 9 | 25,713 |

15.3.2 The new pay scale for classroom teachers is:

Pay scale from 1st September 2002

| Scale Point | Annual salary £ |
|--------------------|----------------------------|
| M1 | 17,595 |
| M2 | 18,984 |
| M3 | 20,514 |
| M4 | 22,092 |
| M5 | 23,835 |
| M6 | 25,713 |

15.4.1 Subject to paragraphs 15.5, 15.6, 27 and 39.1, the relevant body shall determine the point above the minimum point on the previous pay scale in paragraph 15.3.1 on which each individual classroom teacher shall be placed on the basis of the criteria in paragraph 16 only. If a classroom teacher is not entitled to any points on the basis of the criteria in paragraph 16, he shall be placed at the minimum point on the pay scale.

15.4.2 The relevant body shall then determine the point at which the teacher shall be paid on the new pay scale in paragraph 15.3.2 in accordance with the assimilation arrangements in the following table:

| Scale point on previous scale, after award of any additional points in accordance with paragraph 15.4.1 | Scale point on new pay scale to which teacher assimilates |
|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| 1 | M1 |
| 2 | M1 |
| 3 | M2 |
| 4 | M3 |
| 5 | M3 |
| 6 | M4 |
| 7 | M5 |
| 8 | M6 |
| 9 | M6 |

15.5 A classroom teacher who-

- (a) on 31st August 2000 was entitled to receive a half point under paragraph 18.2.1(e) of the 1999 Document (experience); or
- (b) if he was not in service on 31st August 2000, on his last date of service before 31st August 2000 was entitled to receive a half point for experience under paragraph 18.2.1(e) of the 1999 Document or an equivalent provision in an earlier Document,

shall with effect from the date he resumes service receive in place of such half point one full point under paragraph 16.2 (experience).

- 15.6 A classroom teacher who is first appointed as a teacher on or after 1st September 2002 shall be placed on point M1 of the new pay scale unless the relevant body considers that he should be awarded discretionary points under paragraph 16.2.5(b) in which case the relevant body shall determine the point on the new pay scale on which the teacher shall be placed.

The criteria

16. The criteria are:

16.1 **Good honours degree**

- 16.1.1 The relevant body shall award 1 point if the classroom teacher is a good honours graduate.
- 16.1.2 The relevant body shall award 1 point if the classroom teacher for the first time becomes a good honours graduate during the year starting on 1st September 2001 and ending on 31st August 2002 or is awarded a degree after 31st August 2002 in respect of a course of study completed before that date and in the latter case the teacher's position on the previous pay scale shall be re-determined to take account of the additional point and the assimilation exercise carried out again.
- 16.1.3 Subject to paragraph 16.1.4, in the case of a classroom teacher who is not a good honours graduate, the relevant body shall not award a point for the teacher's first year of service which would otherwise qualify for a mandatory experience point under paragraph 16.2.1, or where there are no such years of service, shall not award a point for the first year of service in respect of which a discretionary point would otherwise have been awarded under paragraph 16.2.5.
- 16.1.4 Paragraph 16.1.3 does not apply in the case of a classroom teacher who is not a good honours graduate and who-

(a) is appointed to his first post following his qualification on or after 1st September 1999; or

(b) with effect from 1st September 1999 did not have any points awarded for experience.

16.2 **Experience**

Mandatory Points

16.2.1 The relevant body shall award 1 point for each year of qualifying employment which the classroom teacher has completed.

16.2.2 In paragraph 16.2.1 qualifying employment means:

- (a) service as a teacher in a maintained school, unless the teacher has been notified in writing that his service has not been satisfactory in accordance with paragraph 16.2.4;
- (b) employment as a teacher in an MOD school;
- (c) service as a teacher in the employment of an Education Action Forum;
- (d) in the case of a teacher trained in the European Economic Area other than in England and Wales, periods of employment as a teacher of school age children within state sector schools in that area.

16.2.3 The relevant body shall award a point to a classroom teacher whose first post following his qualification is as a fast track teacher.

16.2.4 Where a classroom teacher remains in service on 1st September in the school in which he has been employed during the previous year, the relevant body in considering whether or not his service has been satisfactory shall seek and take into account advice from the head teacher and where the relevant body consider that the classroom teacher's service has been unsatisfactory it shall notify the teacher in writing before the end of the current school year and before the relevant body makes a determination for the purpose of paragraph 16.2.1.

Discretionary Points

16.2.5

The relevant body may award 1 point:

- (a) to a classroom teacher who has been notified that a year of service has not been satisfactory, in respect of that year;
- (b) for years of experience other than employment as a teacher which the relevant body consider of value to the performance of the classroom teacher's duties;
- (c) for the purposes of the annual determination of a classroom teacher's salary on or after 1st September 2002, where the teacher's performance in the previous school year was excellent having regard to all aspects of his professional duties in particular classroom teaching.

16.2.6

For the purposes of paragraph 16.2.1:

- (a) a teacher has completed a year of qualifying employment if on 1st September he has completed periods of employment as mentioned in paragraph 16.2.2 amounting to at least twenty-six weeks in the aggregate within the previous twelve months. For the purposes of this provision 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, including any holiday periods and any periods of absence from work in consequence of sickness or injury, whether the teacher's service during that period has been full-time or part-time or regular or otherwise;
- (b) where a teacher is absent from work in exercise of her right to maternity leave conferred by section 71 or 73 of the

Employment Rights Act 1996 ⁽⁵⁶⁾ or conferred by her contract of employment or because of her pregnancy and has the right to return to work by virtue of the said section 71 or 73 or by virtue of her contract of employment, or where a teacher is absent from work in exercise of the right to parental leave conferred by section 76 of the Employment Rights Act 1996, the period of absence shall count towards the period of service of at least twenty-six weeks referred to in sub-paragraph (a); and

- (c) where a teacher is absent from work for any reason other than as specified in paragraph 16.2.6(a) or (b), the relevant body may determine that the period of absence shall count as if the teacher was in qualifying employment during it.

⁽⁵⁶⁾ 1996 c.18. A new section 71 was substituted by Part I of Schedule 4 to the Employment Relations Act 1999 (c.26) with effect from 15th December 1999 in relation to employees whose expected week of childbirth began on or after 30th April 2000. The Regulations in force under section 71 are S.I. 1999/3312.

16.3 Points awarded under paragraphs 16.1, 16.2 and 16.3 shall be permanent, whether the classroom teacher remains in the same post, or takes up a new one.

Pay scale for post-threshold teachers

17.1 From 1st April 2002 a post-threshold teacher other than one to whom paragraph 18.1(b) or 18.5 applies shall be paid such salary based on the pay scale set out in paragraph 17.2 as the relevant body shall determine in accordance with paragraphs 17.3 to 17.6.

17.2 The pay scale for post-threshold teachers is:
Pay Scale from 1st April 2002

| Scale point | Annual Salary |
|--------------------|----------------------|
| | £ |
| U - 1 | 27,861 |
| U - 2 | 28,893 |
| U - 3 | 29,961 |
| U - 4 | 31,068 |
| U - 5 | 32,217 |

17.3.1 Where a teacher first becomes entitled to be paid as a post-threshold teacher, the relevant body shall determine that he shall be paid on scale point 1 on the pay scale set out in paragraph 17.2.

17.3.2 A teacher who is a post-threshold teacher by virtue of sub-paragraph (g) of the definition of that term, shall be entitled to be paid as a post-threshold teacher with effect from 1st April 2002 or from the date upon which he became a teacher, whichever is the later.

17.4 In making a determination of the salary of a post-threshold teacher pursuant to paragraph 3.1(a) the

relevant body shall not determine that there has been any movement up the pay scale set out in paragraph 17.2 unless-

- (a) there has first been a review of the performance of the post-threshold teacher; and
- (b) the achievements of the post-threshold teacher and his contribution to the school or to a school or schools in which the teacher has previously worked, have been substantial and sustained.

17.5 Save in exceptional circumstances, the relevant body shall not determine a movement up the pay scale set out in paragraph 17.2 until-

- (a) in the case of a teacher on the first scale point, the second annual salary determination after the date on which the post-threshold teacher was placed on that scale point; or
- (b) in any other case, the second annual salary determination after the date on which the post-threshold teacher's salary was last increased by the award of an additional point on that pay scale.

17.6 A post-threshold teacher's salary shall not be increased by more than one scale point in the course of a single annual salary determination and any such points shall be permanent whether the teacher remains in the same post or takes up a new one.

Eligibility for assessment for the threshold

18.1 A classroom teacher may apply for assessment against the threshold standards if:

- (a) on or before 31st August 2002 he was placed on point 9 of the previous main pay scale; or
- (b) on or after 1st September 2002 he was placed on point M6 of the new main pay scale.

18.2 A classroom teacher to whom paragraph 18.1(a) applies shall submit his application to the head teacher of the school at which he is employed to teach in accordance with paragraph 20.1 not later than 30th September 2002.

18.3 Subject to paragraphs 18.4 and 18.5 a classroom teacher to whom paragraph 18.1(b) applies shall submit his application to the head teacher in accordance with paragraph 20.1 not later than 30th September 2002.

18.4 The head teacher may accept an application from a classroom teacher to whom paragraph 18.1(b) applies after 30th September 2002 if:

(a) he is satisfied that the teacher did not have access to the evidence he reasonably required to support his application because he was absent from school for all or a substantial part of the Summer term of 2002; and

(b) there would be no adverse effect on the assessment and external verification of other applications in the school.

18.5 A classroom teacher to whom paragraph 18.1 applies and who :

(a) is unsuccessful in his application under paragraph 18.2;

(b) does not accrue the minimum 2 years evidence required to support his application until sometime after 30th September 2002 but before 31st July 2003; or

(c) is a teacher to whom paragraph 18.4(a) applies but whose application was not accepted by the head teacher,

may submit his application or further application as the case may be at any time up to the deadline for round four of threshold assessment which has yet to be determined by the Secretary of State but will not be earlier than 31st August 2003.

Assessors in relation to threshold assessments

- 19.1 The Secretary of State shall make arrangements for the allocation of an assessor to every school at which a classroom teacher applies for threshold assessment, and in relation to unattached teachers of one or more assessors to every authority.
- 19.2 Where a classroom teacher seeks a review of a threshold assessment under paragraph 22, the Secretary of State shall make arrangements for the appointment of a review coordinator and for the allocation of an assessor who has not been involved in the assessment of which a review is sought to act as the review officer.
- 19.3 Where a complaint under paragraph 22.8 of unlawful discrimination in relation to a review is upheld, the Secretary of State shall make arrangements for the allocation of an assessor who has not been involved in the assessment or review to act as a replacement review officer.
- 19.4 The Secretary of State may make arrangements for the allocation of a new assessor in place of an existing assessor at any time.
- 19.5 The Secretary of State shall make arrangements for the quality of threshold assessments made by assessors to be monitored, and for the determination of complaints by head teachers against assessors.
- 19.6 An assessor appointed for the purposes of paragraphs 19 to 22 shall exercise his functions without unlawful discrimination.

Threshold assessment

- 20.1 An application submitted to a head teacher by a classroom teacher who is not an unattached teacher shall:

(a) be in writing; and

(b) contain a summary of the evidence the teacher wishes to rely on in order to demonstrate that his performance has met the threshold standards throughout the relevant period as described in paragraph 20.2, whichever applies.

- 20.2.1 Where a teacher has been engaged in the provision of education to children of school age for two years immediately preceding the date of his application for threshold assessment, the relevant period shall be a period of not less than two years and not more than three years, ending with the date of application.
- 20.2.2 Where paragraph 20.2.1 does not apply to a teacher, but he has been engaged in the provision of education to children of school age for an aggregate period of at least two years in the five years preceding the date of his application, the relevant period shall be the most recent period (or aggregate period) of not less than two years and not more than three years ending with the date on which he was last so engaged.
- 20.2.3 In the case of a teacher whose application is accepted in accordance with paragraph 18.4 the date of his application for the purposes of determining the relevant period shall be 30th September 2002.
- 20.2.4 Where a teacher is absent from work in exercise of her right to maternity leave conferred by section 71 of the Employment Rights Act 1996 or conferred by her contract of employment or because of her pregnancy, and has the right to return to work by virtue of the said section 71 or by virtue of her contract of employment, the period of absence shall count towards the relevant period.
- 20.3.1 Having considered the application and such of the evidence mentioned in the application and such other evidence as he thinks appropriate, the head teacher shall determine whether a teacher making an application under paragraph 20-

- (a) has met each of the performance threshold standards throughout the relevant period, and so has passed the threshold; or
- (b) has not met each of the performance threshold standards throughout the relevant period, and so has not passed the threshold.

20.3.2 The head teacher shall record in writing on the application-

- (a) what evidence in addition to that relied upon by the teacher he took into account;
- (b) his assessment of whether or not the teacher has met each of the performance threshold standards throughout the relevant period; and
- (c) his assessment of whether the teacher has passed the threshold.

20.3.3 The head teacher may amend his assessment under paragraph 20.3.2(b) or (c) or his record under paragraph 20.3.2(a) at any time before the assessor issues a certificate under paragraph 20.5.

20.3.4 When the head teacher is satisfied that all the applications made by teachers at his school which meet a deadline specified in paragraphs 18.2 and 18.3 ("a batch") have been received by him and assessments have been recorded by him in relation thereto under paragraph 20.3.2, he shall give the batch of applications to the assessor allocated to the school.

20.3.5 If the head teacher considers he has any connection with a teacher of whom he has made an assessment of a kind which might reasonably be taken to raise doubts about his ability to act impartially in relation to that teacher, he shall promptly inform the assessor of the existence and nature of the connection.

- 20.3.6 A teacher who was eligible to apply for assessment at the date of his application and who has since ceased to be employed as a teacher shall have his application assessed in accordance with this paragraph.
- 20.4.1 Where the assessor receives a batch of applications from the head teacher under paragraph 20.3.4-
- (a) he may discuss with the head teacher the batch of applications and the threshold assessment arrangements at the school, and he may discuss with the head teacher any of the applications in the batch; and
 - (b) he shall make a first assessment of the batch of applications, which he may do by giving detailed consideration to a sample of the applications, and he shall consider any application in relation to which the head teacher has notified him of a connection under paragraph 20.3.5.
- 20.4.2 When the assessor's first assessment of the batch of applications is complete he shall decide whether to approve the head teacher's assessments of applications in the batch, and if he approves those assessments he shall complete his assessment and issue a certificate under paragraph 20.5.
- 20.4.3 Where the assessor decides not to approve the head teacher's assessments of applications in the batch following his first assessment, he shall take one or more of the following steps-
- (a) discuss or further discuss with the head teacher the batch of applications, or any of the applications in the batch, or the threshold assessment arrangements at the school;

- (b) require the head teacher to reconsider the batch of applications, or any of the applications in the batch;
- (c) carry out his own assessment of any of the applications in the batch, and substitute his own assessment for the head teacher's assessment in any case where he has made such an assessment;
- (d) where the head teacher has reconsidered a batch of applications or any of the applications in the batch, carry out a further assessment of the batch.

20.4.4 When the assessor has completed all the steps he decides to take under paragraph 20.4.3 he shall decide whether to-

- (a) complete his assessment and issue a certificate under paragraph 20.5; or
- (b) take the steps set out in paragraph 20.4.5,

and where he decides to complete his assessment under this paragraph he may approve all the head teacher's assessments of applications in the batch, or substitute his own assessments for some or all of the head teacher's assessments.

20.4.5 The steps to be taken by the assessor are to-

- (a) report to the chairman of the governing body of the school his concerns about the threshold assessment arrangements at the school, or the assessments of applications in the batch and the reasons why he is unable to complete his assessment; and
- (b) request the governing body to take action in relation to the threshold assessment arrangements at the school, or the assessments of applications in the batch.

- 20.4.6 A governing body which receives a request under paragraph 20.4.5(b) shall address the assessor's concerns by taking one or more of the following steps-
- (a) securing that the head teacher makes such alterations to the threshold assessment arrangements at the school as they specify;
 - (b) securing that the head teacher repeats his assessments of all the applications in the batch in accordance with any specific directions they give him;
 - (c) where steps are being taken against the head teacher for lack of capability on his part, securing that a deputy head teacher makes assessments of all the applications in the batch in accordance with any specific directions they give him;
 - (d) where steps are being taken against the head teacher for lack of capability on his part and there is no deputy head teacher available to make assessments under sub-paragraph (c), inviting the assessor to make assessments of all the applications in the batch.
- 20.4.7 An assessor shall make the assessments which he is invited to make under paragraph 20.4.6(d).
- 20.4.8 When the alterations and assessments referred to in paragraph 20.4.6 are completed to the satisfaction of the governing body, the assessor shall repeat such of the steps set out in paragraph 20.4 as are appropriate, and when he decides to complete his assessment he shall issue a certificate under paragraph 20.5.
- 20.4.9 When making an assessment or taking further steps under paragraph 20.4 the assessor may do any of the following-

- (a) consider such further evidence as is appropriate;
- (b) consult or seek further information from a teacher whose application was in the batch, his head teacher and any teacher with management responsibility for him who has provided evidence or information in relation to his threshold assessment;
- (c) observe a teacher whose application was in the batch teaching.

20.5 When an assessor completes his assessment of a batch of applications under paragraph 20.4, he shall certify which of the teachers whose applications were in that batch have passed the threshold.

20.6.1 Following the issue of a certificate under paragraph 20.5 the assessor shall promptly send-

- (a) to the chairman of the governing body of the school-
 - (i) notification of the number of teachers whose applications were in that batch who have passed the threshold, and
 - (ii) a report giving his assessment of the effectiveness of the assessment process at the school; and
- (b) to the head teacher-
 - (i) the certificate,
 - (ii) a report giving his assessment of the effectiveness of the assessment process at the school, and
 - (iii) where the assessor substituted his own assessment of a teacher for that of the head teacher, a written statement of the reasons for his decision.

- 20.6.2 When the head teacher has received the certificate issued under paragraph 20.5, he shall promptly inform all of the teachers to whom the certificate relates whether or not they have passed the threshold.
- 20.6.3 The head teacher shall within a reasonable time after receiving a certificate issued under paragraph 20.5-
- (a) explain to each teacher to whom the certificate relates the outcome of his application for threshold assessment and the reasons, including any reasons given by the assessor, why each of the performance threshold standards was, or was not met (as the case may be);
 - (b) give him advice about the aspects of his performance which would benefit from further development;
 - (c) return to him his application; and
 - (d) where applicable, give him a copy of the statement of reasons provided by the assessor under paragraph 20.6.1(b) (iii) together with any written comments the head teacher wishes to add.
- 20.6.4 The head teacher shall provide a teacher who has not passed the threshold with written feedback meeting the requirements of paragraph 20.6.3(a) and where applicable the statement and comments referred to in paragraph 20.6.3(d) within 20 working days of receiving a certificate pursuant to paragraph 20.5.
- 20.7.1 Where a teacher wishing to make an application for threshold assessment is simultaneously employed to teach at two or more schools, a designated head teacher shall be appointed to fulfil the head teacher's functions under paragraphs 20 and 22, who shall be-

- (a) the head teacher of the school at which the teacher is employed for the greatest number of hours;
- (b) where the teacher is employed for the same number of hours at all the schools at which he is employed, the head teacher of the school at which he has been employed for the longest period of time; or
- (c) where the head teachers of all the schools concerned agree, any one of those head teachers.

20.7.2 Before he completes or revises an assessment under paragraph 20.3, the designated head teacher shall consult the head teachers of the other schools at which the teacher is employed.

20.7.3 An application to which paragraph 20.7 relates shall be added to a batch of applications in relation to the designated head teacher's school.

20.7.4 References in paragraphs 20 and 22 to the head teacher of the school shall be read in relation to a teacher simultaneously employed to teach at two or more schools as references to the designated head teacher.

20.8 Where an application for threshold assessment is made by a teacher at a school which does not have a governing body-

- (a) the authority shall fulfil the functions under paragraph 20 of the governing body, and references in that paragraph to the governing body shall be read as references to the authority; and
- (b) the Chief Education Officer shall fulfil the functions under paragraph 20 of the chairman of the governing body, and references in that paragraph to the chairman of the governing body shall be read as references to the Chief Education Officer.

20.9.1 Where under arrangements made by the Secretary of State an assessor allocated to a school is replaced by another assessor as a result of a complaint being upheld against the original assessor-

- (a) the assessor allocated as a replacement shall start the assessment under paragraph 20.4 or 20.14 (as the case may be) afresh; and
- (b) any certificate issued by the original assessor under paragraph 20.5 shall be void.

20.9.2 Except as provided for in paragraph 20.9.1, where an assessor is replaced by another assessor at any time, the replacement assessor may continue the assessment without repeating any steps taken by the original assessor.

20.10 The head teacher shall keep a copy of each teacher's application for threshold assessment and all other documents pertaining to his assessment, and he shall make copies of the application and assessment documents available only to-

- (a) the teacher;
- (b) a member of the leadership group at the school;
- (c) a teacher with management responsibility for the teacher;
- (d) an assessor;
- (e) a person responsible under arrangements made by the Secretary of State for monitoring the quality of threshold assessments or monitoring equal opportunities;
- (f) an authority or school governing body to whom a complaint has been made under paragraph 22.8 by a teacher they employ;

- (g) the head teacher of a school to which an application is transferred under paragraph 20.13.2 and a member of the leadership group at such a school; or
- (h) the designated line manager to whom an application is transferred under paragraph 20.13.3; and
- (i) where applicable a translator.

20.11 For the purposes of the Document a teacher applies for threshold assessment on the date which appears on an application given to a head teacher in accordance with paragraph 20.2.1 or other person to whom the application is required to be given in accordance with paragraph 21 or paragraph 20.14.2 (as the case may be) and which meets the requirements of paragraph 20.2.2.

20.12 Failure by any person to discharge any duty within a time limit specified in paragraphs 20 to 22 shall not relieve him of that duty.

20.13.1 This paragraph applies where a school closes before all the procedures referred to in paragraph 20 or 22 in relation to the threshold assessment of a teacher are completed.

20.13.2 In the case of a teacher who takes up his next post at another school ("the new school"), the head teacher of the closing school, the assessor allocated to the closing school, the head teacher of the new school and the assessor allocated to the new school shall make such arrangements as they see fit for and in connection with-

- (a) the transfer of the teacher's application for threshold assessment and other documents pertaining to his assessment to the new school; and

- (b) the completion of the procedures in relation to the teacher's assessment referred to in paragraphs 20 and 22.

20.13.3 In the case of a teacher who takes up his next post as an unattached teacher, the head teacher of the closing school, the assessor allocated to the closing school, the Chief Education Officer of the authority which will employ the teacher in his new post, any person nominated by the Chief Education Officer to act as the teacher's designated line manager for the purposes of paragraph 21 and the assessor allocated to the authority shall make such arrangements as they see fit for and in connection with-

- (a) the transfer of the teacher's application for threshold assessment and other documents pertaining to his assessment to his designated line manager, and where no designated line manager has been nominated, to the assessor allocated to the authority; and
- (b) the completion of the procedures in relation to the teacher's assessment referred to in paragraphs 20, 21 and 22.

20.14.1 Where paragraph 20 would otherwise operate so as to require a head teacher to make an assessment of his own application for threshold assessment-

- (a) paragraphs 20.14.2 to 20.14.5 shall apply in relation to the assessment of such teacher's application in place of paragraphs 20.2 to 20.4; and
- (b) the other provisions of paragraphs 20 and 22 shall apply in relation to that assessment with the modifications specified in paragraphs 20.14.6 to 20.14.9.

20.14.2 The teacher shall prepare an application for threshold assessment complying with the requirements of paragraph 20.2.2 (subject to paragraph 20.2.3), and he shall give it to

the assessor allocated to the school before 30th September 2002.

- 20.14.3 The assessor shall consider the application and such of the evidence mentioned in the application and such other evidence as he thinks appropriate, and he may-
- (a) consult or seek further information from the teacher who made the application, the previous head teacher of his school or the head teacher of his previous school, and any person with management responsibility for him;
 - (b) observe the teacher teaching.
- 20.14.4 The assessor shall determine whether the teacher-
- (a) has met each of the performance threshold standards throughout the relevant period, and so has passed the threshold; or
 - (b) has not met each of the performance threshold standards throughout the relevant period, and so has not passed the threshold.
- 20.14.5 The assessor shall record in writing on the application-
- (a) what evidence in addition to that relied upon by the teacher he took into account;
 - (b) his assessment of whether or not the teacher has met each of the performance threshold standards throughout the relevant period; and
 - (c) his assessment of whether the teacher has passed the threshold.
- 20.14.6 The assessor shall issue a certificate under paragraph 20.5 in relation to the teacher.

20.14.7 Paragraphs 20.6.1 and 20.6.2 shall not apply, and following the issue of a certificate under paragraph 20.5 the assessor shall promptly send-

- (a) the certificate and the application to the head teacher; and
- (b) notification of whether the teacher has passed the threshold to the chairman of the governing body of the school.

20.14.8 The functions of the head teacher under paragraphs 20.6.3 and 20.6.4 shall be fulfilled by the assessor, and references in those paragraphs to the head teacher shall be read as references to the assessor.

20.14.9 Paragraph 22.3.4 shall not apply.

20.15 The assessor allocated to the school shall at the request of a head teacher first appointed to a post of head teacher on or after 1st September 2002 or of an acting head teacher give him assistance with his function under paragraph 20.3.1.

20.16 In paragraphs 17 to 22 "classroom teacher" includes a head teacher, deputy head teacher or assistant head teacher who was a classroom teacher at the time he made his application for threshold assessment.

Threshold assessment: unattached teachers

21.1 This paragraph applies where an unattached teacher who is a classroom teacher indicates to the authority that he wishes to apply for threshold assessment.

21.2 Except where it is not practicable to do so, the Chief Education Officer of the authority shall nominate a person with management responsibility for the unattached teacher to act as his designated line manager for the purpose of this paragraph.

21.3 Paragraphs 20 and 22 shall apply in relation to the threshold assessment of an unattached

teacher for whom a designated line manager has been nominated with the following modifications-

- (a) the designated line manager shall fulfil the functions under those paragraphs of the head teacher of the school, and references in those paragraphs to the head teacher of the school shall be read as references to the designated line manager;
- (b) the assessor allocated to the authority shall fulfil the functions under those paragraphs of the assessor allocated to the school, and references in those paragraphs to the assessor allocated to the school shall be read as references to the assessor allocated to the authority;
- (c) the Chief Education Officer of the authority shall fulfil the functions under those paragraphs of the governing body of the school and the chairman of the governing body of the school, and references in those paragraphs to the governing body of the school and the chairman of the governing body of the school shall be read as references to the Chief Education Officer of the authority;
- (d) the designated line manager shall where practicable send to the assessor batches of applications received from teachers for whom he is the designated line manager, and for the purposes of his assessment under paragraph 20.4 the assessor may combine such batches of applications with other applications or batches of applications;
- (e) where the assessor receives one or more individual applications, the authority may make arrangements with him for such applications to be combined in batches or added to other batches for the

purposes of his assessment under paragraph 20.4; and

- (f) where the assessor decides to assess an application made by an unattached teacher individually, paragraph 20 shall apply to the individual application as if it were a batch of applications.

21.4 Where it is not practicable for the authority to nominate a designated line manager for an unattached teacher, an assessor allocated to the authority shall assess whether the teacher has passed the threshold in accordance with paragraph 21.5, and paragraph 22 shall apply with the modifications in paragraph 21.6.

21.5.1 The teacher shall prepare an application for threshold assessment complying with the requirements of paragraph 20.2.2 (subject to paragraph 20.2.3), and he shall give it to the assessor before 30th September 2002.

21.5.2 The assessor shall consider the application and such of the evidence mentioned in the application and such other evidence as he thinks appropriate, and he may-

- (a) consult or seek further information from the teacher who made the application, and any teacher with management responsibility for him;
- (b) observe the teacher teaching.

21.5.3 The assessor shall determine whether the teacher-

- (a) has met each of the performance threshold standards throughout the relevant period, and so has passed the threshold; or
- (b) has not met each of the performance threshold standards throughout the relevant period, and so has not passed the threshold.

- 21.5.4 The assessor shall record in writing on the application-
- (a) what evidence in addition to that relied upon by the teacher he took into account;
 - (b) his assessment of whether or not the teacher has met each of the performance threshold standards throughout the relevant period; and
 - (c) his assessment of whether the teacher has passed the threshold.
- 21.5.5 The assessor shall certify whether or not the teacher has passed the threshold.
- 21.5.6 Following the issue of a certificate under paragraph 21.5.5 the assessor shall promptly-
- (a) send the certificate to the Chief Education Officer of the authority; and
 - (b) inform the teacher whether or not he has passed the threshold.
- 21.5.7 The assessor shall within a reasonable time after issuing a certificate under paragraph 21.5.5-
- (a) explain to the teacher the reasons for the outcome of his application for threshold assessment;
 - (b) give him advice about the aspects of his performance which would benefit from further development; and
 - (c) return to him his application.
- 21.5.8 The assessor shall provide a teacher who has not passed the threshold with written feedback meeting the requirements of paragraph 21.5.7(a) within 20 working days of issuing a certificate under paragraph 21.5.5.
- 21.5.9 The assessor shall keep a copy of each teacher's application for threshold

assessment and all other documents pertaining to his threshold assessment, and he shall make copies of the application and assessment documents available only to-

- (a) the teacher;
- (b) a teacher with management responsibility for the teacher;
- (c) a person responsible under arrangements made by the Secretary of State for monitoring the quality of threshold assessments or equal opportunities monitoring;
- (d) another assessor;
- (e) an authority or school governing body to whom a complaint has been made under paragraph 22.8 by a teacher they employ;
or
- (f) where applicable a translator.

21.6 Paragraph 22 applies with the modifications that the Chief Education Officer of the authority shall fulfil the functions under paragraphs 22.3.4, 22.5.1(b) (ii) and 22.6 of the head teacher who made the assessment, and references in those paragraphs to the head teacher who made the assessment shall be read as references to the Chief Education Officer of the authority.

Review of threshold assessment

22.1 A teacher who has not passed the threshold shall no later than the end of the period of 40 working days starting on the day on which he receives written feedback under paragraphs 20.6.4 or 21.5.8 be entitled to seek a review of his threshold assessment upon the grounds set out in paragraph 22.2 (but no other grounds).

- 22.2 The grounds for review are that the teacher would have passed the threshold if the head teacher or assessor who made the assessment-
- (a) had taken proper account of relevant evidence; or
 - (b) had not taken account of irrelevant or inaccurate evidence; or
 - (c) had not been biased or had not discriminated against the classroom teacher in question.
- 22.3.1 An application for review shall be made in writing, and shall contain, or refer to, evidence relating to the grounds upon which review is sought.
- 22.3.2 A teacher may not bring evidence under paragraph 22.3.1 to demonstrate that his performance has met a performance threshold standard throughout the relevant period which-
- (a) was not available during the relevant period; or
 - (b) relates to his performance outside the relevant period.
- 22.3.3 An application for review shall be given to the review coordinator, who shall give it to the allocated review officer.
- 22.3.4 A teacher making an application for review shall promptly give a copy of the application to the head teacher who made the assessment, and the head teacher may submit to the review officer his written comments on the application.
- 22.4.1 Where the review officer is satisfied that the teacher who made the application would have passed the threshold if the head teacher or assessor who made the assessment-
- (a) had taken proper account of relevant evidence; or

- (b) had not taken account of irrelevant or inaccurate evidence; or
- (c) had not been biased or had not discriminated against the teacher in question,

he shall determine that the teacher has passed the threshold.

22.4.2 Where the review officer is not satisfied that the teacher who made the application would have passed the threshold if the head teacher or assessor who made the assessment-

- (a) had taken proper account of relevant evidence; or
- (b) had not taken account of irrelevant or inaccurate evidence; or
- (c) had not been biased or had not discriminated against the teacher in question,

he shall order the threshold assessment to stand.

22.5.1 Before determining a review under paragraph 22.4 the review officer-

- (a) shall consider the application for threshold assessment and the application for review; and
- (b) may-
 - (i) request the head teacher or assessor who made the assessment of which review is sought to provide copies of any of their records in relation to the assessment, and consider such documents as they supply pursuant to his request,
 - (ii) seek comments from the teacher who made the application for review, the head teacher or assessor who

made the assessment of which review is sought and any other teacher with management responsibility for him who provided evidence or information in relation to the assessment of which review is sought, and

(iii) do anything an assessor could do under paragraph 20.4.9.

22.5.2 The head teacher or assessor who made the assessment of which review is sought shall provide to the review officer copies of such of their records in relation to the assessment of the application as he requests.

22.6 The review officer shall notify in writing the teacher who made the application for review and the head teacher and assessor who made the assessment of which review is sought of his decision under paragraph 22.4 and of the reasons for it no later than the end of the period of 70 working days starting on the day on which the review officer received the review application.

22.7 Where the review officer determines that the teacher has passed the threshold, he shall issue a certificate to that effect which shall replace the certificate previously issued under paragraph 20.5 or 21.5.5.

22.8 Paragraphs 22.9 to 22.15 apply where-

(a) the review officer orders that the threshold assessment of a teacher is to stand; and

(b) the teacher complains to the authority or school governing body which employ him that the review officer who carried out the review unlawfully discriminated against him.

22.9.1 A complaint under paragraph 22.8 may be brought no later than the end of the period of 40 working days starting with the day on which the teacher received notification under

paragraph 22.6 of the review officer's decision that his threshold assessment is to stand.

- 22.9.2 A complaint under paragraph 22.8 shall be made in writing and shall contain, or refer to, evidence relating to the discrimination complained of.
- 22.9.3 The teacher who made the complaint under paragraph 22.8 shall give a copy of it to the head teacher who made the assessment.
- 22.10 The teacher who made the complaint under paragraph 22.8, the head teacher or assessor who made the assessment and the review officer shall at the request of that teacher's employers supply them with such records, information or evidence as the employers reasonably request.
- 22.11.1 Where the employers are satisfied that-
- (a) the teacher's complaint under paragraph 22.8 is justified; and
 - (b) the unlawful discrimination may have affected the review officer's decision that the threshold assessment stood,
- they shall refer the case to a replacement review officer for a further review and inform him of their conclusions and the reasons for their decision.
- 22.11.2 The employers shall notify in writing the teacher who made the complaint and the head teacher who made the assessment that they have referred the case to a replacement review officer and of the reasons for their decision.
- 22.12 Where a reference is made to him under paragraph 22.11.1, the replacement review officer shall carry out a further review taking account of the employers' conclusions and the reasons for their decision, and paragraphs 22.3.2 and 22.4 to 22.15 shall apply to the further review.

- 22.13 When the replacement review officer has determined the further review, he shall in addition to fulfilling the requirements of paragraph 22.6 notify the employers in writing of his decision and of the reasons for it.
- 22.14 Where the employers-
- (a) are not satisfied that the teacher's complaint under paragraph 22.8 is justified; or
 - (b) if they are so satisfied, they are not satisfied that the unlawful discrimination may have affected the review officer's decision that the threshold assessment stood,
- they shall dismiss the complaint, and notify the teacher who made the complaint and the head teacher who made the assessment in writing of their decision and the reasons for it.
- 22.15 The employers shall notify the teacher who made the complaint and the head teacher who made the assessment in writing of their decision and the reasons for it under paragraph 22.11.2 or 22.14 (as the case may be) no later than the end of the period of 40 working days starting with the day on which the employers received the complaint under paragraph 22.8.
- 22.16 Nothing in this paragraph shall prevent a teacher who is no longer employed as a teacher seeking a review of his assessment.
- 22.17 In paragraph 22-
- (a) "the head teacher or assessor who made the assessment" includes any deputy head teacher or designated line manager who carried out a threshold assessment of a classroom teacher under paragraph 20 or 21; and

- (b) "working day" means any day other than a Saturday, a Sunday or a day which is a bank holiday.

Allowances for classroom teachers

Management allowance

- 23.1 The relevant body may award a first, second, third, fourth or fifth management allowance to a classroom teacher in accordance with paragraphs 23.2 to 23.4. From 1st April 2002 the annual value of a management allowance shall be determined in accordance with the following table:

Management allowances

| Allowance | Amount |
|------------------|---------------|
| | £ |
| 1 st | 1,593 |
| 2 nd | 3,219 |
| 3 rd | 5,529 |
| 4 th | 7,611 |
| 5 th | 10,275 |

- 23.2 A management allowance may be awarded to a classroom teacher who undertakes significant specified management responsibilities beyond those common to the majority of classroom teachers.
- 23.3 The relevant body shall determine when making an award whether the allowance should be awarded for a fixed period of time or that it is to be retained while the classroom teacher remains in the same post.
- 23.4 Where the relevant body determine that a classroom teacher who holds a management allowance while he remains in the same post should be awarded a higher management allowance which is awarded for a fixed period, that teacher shall retain his original management allowance while he remains in the same post if the higher management allowance is subsequently withdrawn following the expiry of the fixed period.

Recruitment and retention allowance

24.1 The relevant body may award a first, second, third, fourth or fifth recruitment and retention allowance with effect from 1 April 2002 to a classroom teacher in accordance with paragraphs 24.2 to 24.6. From 1 April 2002 the annual value of a recruitment and retention allowance shall be determined in accordance with the following table :

Recruitment and retention allowances

| Allowance | Amount £ |
|-----------------|-------------|
| 1st | 975 |
| 2nd | 1,914 |
| 3rd | 2,901 |
| 4th | 4,041 |
| 5 th | 5,262 |

24.2.1 The relevant body shall determine when making an award under paragraph 24.1 whether the allowance should be awarded for a fixed period of time or that it is to be retained while the classroom teacher remains in the same post.

24.2.2 The relevant body may review the award of an allowance under paragraph 24.1 and paragraph 24.2.1 at any time, but where the review takes place before the expiry of the fixed period of time for which the allowance was awarded or, as the case may be, while the classroom teacher is in the post in respect of which the allowance was awarded, they may not determine that a lower allowance should be awarded under paragraph 24.1 and paragraph 24.2.1 or that the allowance should be withdrawn.

24.2.3 Where the relevant body determines that a classroom teacher who holds a recruitment and retention allowance awarded under paragraph 24.1 and paragraph 24.2.1 while he remains in the same post should be awarded a higher recruitment and retention allowance which is awarded for a fixed period, that teacher shall retain his original recruitment and retention allowance while he remains in the same post if the higher recruitment and retention allowance is subsequently withdrawn following the expiry of the fixed period.

- 24.2.4 Where in accordance with paragraph 21.4 of the 2000 Document the relevant body first review the award of a recruitment and retention allowance which was made under paragraph 21 of that Document, they may determine to withdraw the allowance or to replace it with an allowance or allowances under this paragraph.
- 24.3 The relevant body may for the current or previous pay year award a recruitment and retention allowance, or part of such allowance, in the form of a lump sum.
- 24.4.1 The relevant body may award a classroom teacher a recruitment and retention allowance, or part of such allowance, in the form of a lump sum payable at the end of a period of unbroken employment at the same school or in the case of an unattached teacher with the same authority.
- 24.4.2 The period of unbroken employment referred to in paragraph 24.4.1 shall not-
- (a) start before the beginning of the school term in which the award is made, or
 - (b) exceed three years.
- 24.4.3 An award under paragraph 24.4.1 may if the teacher agrees replace in whole or in part an existing award of a recruitment and retention allowance.
- 24.4.4 The value of a classroom teacher's total recruitment and retention allowance in a pay year including recruitment and retention allowance payments made otherwise than pursuant to an award under paragraph 24.4.1 shall not exceed the annual value in that pay year of the fifth recruitment and retention allowance.
- 24.5.1 Subject to paragraph 24.5.2 the relevant body shall determine the terms and conditions of any award under paragraph 24.4.1.

- 24.5.2 The terms and conditions shall provide that, in the event of the teacher's death or (as the case may be) early retirement on grounds of ill-health before the end of the period covered by the award, he shall be entitled to the proportion of the award that the period before his death or early retirement bears to the period covered by the award.
- 24.6 The relevant body shall not award a recruitment and retention allowance under paragraph 24.3 where they consider that the classroom teacher's service in the previous pay year has not been satisfactory, or make a payment pursuant to an award under paragraph 24.4.1 in respect of a period during which they consider that the teacher's service has not been satisfactory.

Special educational needs allowance

- 25.1 From 1st April 2002, the annual value of a first special educational needs allowance referred to in paragraph 25 is £1,626, and the annual value of a second special educational needs allowance referred to in paragraph 25 is £3,219.
- 25.2 The relevant body shall award a first special educational needs allowance to a classroom teacher:
- (a) in a special school; or
 - (b) in an ordinary school who is engaged wholly or mainly:
 - (i) in teaching pupils with statements of special educational needs in designated special classes; or
 - (ii) in taking charge of special classes consisting wholly or mainly of children who are hearing impaired or visually impaired.
- 25.3 Subject to paragraph 25.4 the relevant body may award a special educational needs allowance to a classroom teacher in an ordinary school.

- 25.4 An allowance may be awarded under paragraph 25.3 only where the relevant body consider that the classroom teacher makes a particular contribution to the teaching of pupils with special educational needs in the school which is significantly greater than that which would normally be expected of a classroom teacher.
- 25.5 The relevant body may award a second special educational needs allowance to a classroom teacher who would otherwise be entitled to, or eligible for, a first special educational needs allowance and who has experience or qualifications or both which the relevant body consider are particularly relevant to the teacher's work.

Assimilation safeguarding

26 A classroom teacher shall continue to be entitled to any sum to which he is entitled under paragraph 28 of the 2000 Document (read, so far as necessary, with paragraphs 24 to 27 of that Document) to the extent that paragraph 29 of that Document (as amended by the Education (School Teachers' Pay and Conditions) (No.2) Order 2001)⁵⁷ provides for the continuing payment of that sum after 31st August 2001.

Second or subsequent appointment

27.1 .1 Subject to paragraph 27.1.2 a classroom teacher taking up an appointment which is his second or subsequent one as a teacher (whether or not after a break in service and whether on a full-time, part-time, regular, day to day or short term basis) on or after 1st September 2002, (but not in circumstances where paragraph 39 applies) shall be placed at a point on the previous main pay scale in paragraph 15.3.1 as determined under paragraph 16 or calculated in accordance with paragraphs 27.2 to 27.5, whichever is the higher, before assimilating onto the new pay scale in accordance with paragraph 15.4.2.

27.1.2 A classroom teacher who has previously been placed at a point on the new pay scale in paragraph 15.3.2 in accordance with the provisions of this document shall be entitled to be placed on that point upon taking up a subsequent appointment unless the operation of paragraph 16 entitles him to be placed at a higher point.

27.2 Subject to paragraphs 27.3 and 27.5, the salary entitlement is:

- (a) if he was last being paid as a qualified teacher under the provisions of a previous School Teachers' Pay and Conditions Document, the equivalent point on the pay scale set out

⁵⁷ S.I. 2001/1254.

in paragraph 15.3 ascertained in accordance with the following table:

| 1993 to 1998 Documents and 1999 Document before its amendment by S.I. 2000/868 (1st September 1999 to 31st March 2000): minimum number of points | 1999 Document after its amendment by S.I. 2000/868 (1st April 2000 to 31st August 2000): minimum number of points | Point on pay scales in 2000 and 2001 Documents; Point on pay scale in paragraph 15.3.1 |
|--------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| 0 | 0 | 1 |
| 1 | 0 | 1 |
| 2 | 1 | 2 |
| 3 | 2 | 3 |
| 4 | 3 | 4 |
| 5 | 4 | 5 |
| 6 | 5 | 6 |
| 7 | 6 | 7 |
| 8 | 7 | 8 |
| 9 | 8 | 9 |

(b) if he was last being paid as a qualified teacher under the provisions of the 1992, 1991, 1990, 1989, 1988 or 1987 Documents, the salary entitlement ascertained in accordance with the following table:

| 1987-1990 Documents: last point on standard scale | 1991-1992 Documents: last point on standard scale | Point on pay scale in paragraph 15.3.1 |
|---------------------------------------------------|---------------------------------------------------|----------------------------------------|
| 1 | - | 1 |
| 2 | 1 | 1 |
| 3 | 2 | 1 |
| 4 | 3 | 2 |
| 5 | 4 | 3 |
| 6 | 5 | 4 |
| 7 | 6 | 5 |
| 8 | 7 | 6 |
| 9 | 8 | 7 |
| 10 | 9 | 8 |
| 11 | 10 | 9 |

(c) if he was last being paid as a qualified teacher under the provisions of the document published by Her Majesty's Stationery Office pursuant to section 2(4) of the Remuneration of Teachers Act 1965⁽⁵⁸⁾ entitled "Scales of Salaries for Teachers: Primary and Secondary Education, England and Wales 1974"⁽⁵⁹⁾ or any subsequent such document⁽⁶⁰⁾, the equivalent point ascertained in accordance with the following table:

| Scales 1974 to 30.9.87 | | | | | | | |
|------------------------|---------|-------------|---------|-------------|---------|----------------------|----------------------------------------|
| Scale 1 | Scale 2 | Scale 2 (S) | Scale 3 | Scale 3 (S) | Scale 4 | Senior Teacher Scale | Point on pay scale in paragraph 15.3.1 |
| 0-4 | 0 | 0 | | | | | 1 |
| 5 | 1 | 1 | | | | | 1 |
| 6 | 2 | 2 | | | | | 2 |
| 7-8 | 3-4 | 3-4 | | | | | 3 |
| 9-10 | 5-6 | 5-6 | 0 | 0 | | | 4 |
| 11-12 | 7-8 | 7 | 1-2 | 1 | | | 5 |
| 13-14 | 9-10 | 8-9 | 3-4 | 2-3 | | | 6 |
| 15 | 11 | 10 | 5 | 4 | 0 | | 7 |
| | 12 | 11 | 6 | 5 | 1 | | 8 |
| | | | 7-10 | 6-9 | 2-8 | 0-8 | 9 |

or (d) if he was last being paid as a qualified teacher under the provisions of a pre-1974 document the equivalent point determined by the relevant

⁽⁵⁸⁾ 1965 c.3.

⁽⁵⁹⁾ ISBN 0 11 270279 1.

⁽⁶⁰⁾ ISBN 0 11 270411 5;
 ISBN 0 11 270453 0;
 ISBN 0 11 270479 4;
 ISBN 0 11 270496 4;
 ISBN 0 11 270549 9;
 ISBN 0 11 270550 2 (the 1983 Document).

body.

27.3 A classroom teacher who:

- (a) at any time on or after 1st September 2000 and prior to his employment as a classroom teacher was employed as a head teacher, deputy head teacher or assistant head teacher; and
- (b) was first appointed to a post of head teacher, deputy head teacher or assistant head teacher on or after 1st September 2000; and
- (c) occupied a post or posts of head teacher, deputy head teacher or assistant head teacher for an aggregate period of less than one year,

shall not be placed at less than point M6 on the pay scale set out in paragraph 15.3.2.

27.4 A post-threshold teacher taking up an appointment which is his second or subsequent one as a teacher (whether or not after a break in service and whether on a full-time, part-time, regular, day to day or short term basis) on or after 1st September 2000, (but not in circumstances where paragraph 39 applies) shall be paid the greater of the salary at the time of appointment determined under paragraph 17 and point 1 on the pay scale for post-threshold teachers set out in paragraph 17.2.

27.5 (a) For the purposes of paragraph 27.2 and 27.3, service on a day to day or short notice basis shall be disregarded unless taking such service into account would result in a higher number of points;

(b) for the purposes of paragraph 27.3 and 27.4 "deputy head teacher" includes a teacher designated as a second master or second

mistress under section 5(2) of the 1983 Document; and

(c) references in paragraph 27 to "salary" do not take account of allowances under paragraphs 23, 24 and 25.

Advanced Skills Teachers

Spine for advanced skills teachers

28.1 From 1st April 2002 an advanced skills teacher shall be paid such salary based on the following pay spine as the relevant body shall determine in accordance with paragraphs 28.2 to 28.8.

Pay spine from 1st April 2002

| Spine Point | Annual Salary |
|--------------------|----------------------|
| | £ |
| 1 | 28,917 |
| 2 | 29,433 |
| 3 | 29,952 |
| 4 | 30,465 |
| 5 | 30,981 |
| 6 | 31,500 |
| 7 | 32,019 |
| 8 | 32,535 |
| 9 | 33,051 |
| 10 | 33,564 |
| 11 | 34,083 |
| 12 | 34,773 |
| 13 | 35,460 |
| 14 | 36,147 |
| 15 | 36,834 |
| 16 | 37,524 |
| 17 | 38,214 |
| 18 | 38,904 |
| 19 | 39,591 |
| 20 | 40,281 |
| 21 | 40,968 |
| 22 | 41,826 |
| 23 | 42,690 |
| 24 | 43,548 |
| 25 | 44,412 |
| 26 | 45,267 |

- 28.2 A relevant body which appoints an advanced skills teacher shall select a pay range consisting of five consecutive points on the pay spine set out in paragraph 28.1 on which the advanced skills teacher shall be paid.
- 28.3 When determining an appropriate five point pay range, the relevant body shall have regard in particular (but not exclusively) to the following criteria:
- (a) the nature of the work to be undertaken, including any work with teachers from other schools;
 - (b) the scale of the challenges to be tackled;
 - (c) the professional competencies required of the postholder;
 - (d) any other recruitment considerations which they consider relevant.
- 28.4 The relevant body may increase the pay range of an advanced skills teacher as of 1st September 2002, and if they do so they shall ensure that his salary is not less than the minimum of the increased pay range.
- 28.5 The salary of a newly appointed advanced skills teacher shall be that corresponding to the lowest point on that five point range.
- 28.6 The relevant body shall agree performance criteria with the advanced skills teacher and review performance against those criteria.
- 28.7 When determining the salary of an advanced skills teacher, the relevant body shall not determine that there shall be any movement up the pay spine unless there has first been a sustained high quality of performance by the advanced skills teacher in the light of the performance criteria previously agreed between the relevant body and the advanced skills teacher.

28.8 In making a determination referred to in paragraph 28.7, the relevant body shall have regard (but not exclusively) to any work the advanced skills teacher has undertaken involving working with teachers from other schools, whether at the school of the advanced skills teacher, at the schools of the other teachers, in higher education institutions, at facilities of the authority, or elsewhere.

Appointment of assessors in relation to the certification of advanced skills teachers

29.1 The Secretary of State shall make arrangements for the appointment of assessors for the purposes of paragraphs 30 and 31.

29.2 Where a teacher seeks a review under paragraph 31 of an assessment under paragraph 30.5, the Secretary of State shall make arrangements for the appointment of a review coordinator and for the allocation of an assessor who has not been involved in the assessment of which a review is sought to act as the review officer.

29.3 Where a complaint under paragraph 31.10 of unlawful discrimination in relation to a review is upheld under paragraph 31, the Secretary of State shall make arrangements for the allocation of an assessor who has not been involved in the assessment or review to act as a replacement review officer.

29.4 The Secretary of State may make arrangements for the allocation of a new assessor in place of an existing assessor at any time.

29.5 The Secretary of State shall make arrangements for the quality of assessments under paragraph 30.5 to be monitored, and for the determination of complaints by head teachers against assessors.

29.6 An assessor appointed for the purposes of paragraph 30 or 31 shall exercise his functions without unlawful discrimination.

29.7 In paragraphs 29 to 31-

“assessor” means an assessor appointed under arrangements made by the Secretary of State for Education and Skills for the purposes set out in paragraphs 30 and 31 on such terms and conditions as the Secretary of State thinks fit;

“completed application” means an application for a certificate of eligibility for

appointment to an advanced skills teacher post which has been prepared by a teacher and completed in accordance with paragraph 30.3.2; and

"line manager" means the person designated by a head teacher's or an unattached teacher's employer as his line manager for the purposes of paragraph 30.

Certification of advanced skills teachers

- 30.1 Subject to paragraph 30.12, no teacher shall be eligible to be paid as an advanced skills teacher unless he has been certified by an assessor as eligible for appointment to an advanced skills teacher post in accordance with paragraph 30.5 or paragraph 31.6 and he has been so appointed.
- 30.2 Paragraphs 30.3 to 30.10 apply where a qualified teacher who has not previously been certified as eligible for appointment to an advanced skills teacher post under paragraph 30.5 applies for appointment to such a post.
- 30.3.1 The teacher shall prepare a written application for a certificate of eligibility for appointment to an advanced skills teacher post, and he shall give it to-
- (a) the head teacher of the school at which he is employed as a teacher;
 - (b) in the case of a teacher who is not employed as a teacher when he makes his application, the head teacher of the school at which he was most recently employed as a teacher or in a teaching post other than as a teacher; or
 - (c) in the case of a head teacher or an unattached teacher, his line manager.
- 30.3.2 The head teacher or line manager shall within 20 working days of being given the application complete it by adding his own written comments, including his evaluation of the teacher's suitability for certification

under paragraph 30.5, and shall give the teacher a copy of the completed application promptly after its completion.

30.4.1 Where a teacher applies for an advanced skills teacher post at the school at which he is employed as a teacher, the head teacher shall submit the completed application to an assessor if the teacher-

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

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

30.4.2 Where a teacher applies for an advanced skills teacher post at a school at which he is not employed as a teacher, the head teacher or line manager who completed his application shall give the completed application to the head teacher of the school at which the post is situated. The head teacher of the school at which the post is situated shall submit the completed application to an assessor if the teacher-

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

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

30.4.3 Where a teacher applies for an advanced skills teacher post which is not attached to a particular school, the head teacher or line manager who completed his application shall give the completed application to the officer nominated for the purpose of receiving applications by the Chief Education Officer of the authority for the area. That officer shall submit the completed application to an assessor if the teacher-

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

(b) is selected for appointment to the post without interview.

30.5 The assessor shall assess whether the teacher whose completed application has been submitted under paragraph 30.4 has met the standards for appointment to an advanced skills teacher post set out in annex 2, and if the assessor is satisfied that the teacher has met those standards he shall issue a certificate of eligibility for appointment to an advanced skills teacher post.

30.6.1 Before making an assessment under paragraph 30.5 the assessor shall-

- (a) consider the completed application;
- (b) consider any additional written evidence supplied by the teacher in support of his application;
- (c) consider any additional written evidence in relation to the application supplied by the head teacher or line manager who completed the application;
- (d) observe the teacher teaching;
- (e) interview him; and
- (f) interview the head teacher or line manager who completed the application,

and he may seek such additional evidence as he sees fit.

30.6.2 Paragraph 30.6.1(d) shall not apply where a teacher is absent from work in exercise of her right to maternity leave conferred by section 71 of the Employment Rights Act 1996⁽⁶¹⁾ or conferred by her contract of employment or because of her pregnancy, and has the right to return to work by virtue of the said section 71 or by virtue of her contract of employment.

⁽⁶¹⁾ 1996 c. 18.

30.7.1 The assessor shall notify the teacher of his decision in writing within four weeks of completing his assessment under paragraph 30.5, and where he has not certified the teacher as eligible for appointment to an advanced skills teacher post, he shall give reasons for his decision.

30.7.2 The assessor shall notify-

- (a) the head teacher or line manager who completed the application; and
- (b) the head teacher of the school at which the post is situated, or where the post is not attached to a particular school the officer nominated by the Chief Education Officer for the purpose of paragraph 30.4.3,

of his decision in writing.

30.8.1 Where a teacher wishing to make an application for appointment to an advanced skills teacher post is simultaneously employed as a teacher at two or more schools, a designated head teacher shall be appointed to fulfil the head teacher's functions under paragraph 30, who shall be-

- (a) the head teacher of the school at which the teacher is employed for the greatest number of hours;
- (b) where the teacher is employed for the same number of hours at all the schools at which he is employed, the head teacher of the school at which he has been employed for the longest period of time; or
- (c) where the head teachers of all the schools concerned agree, any one of those head teachers.

30.8.2 Before he completes an application under paragraph 30.3.2, the designated head teacher shall consult the head teachers of the other schools at which the teacher is employed.

- 30.8.3 References in paragraph 30 to the head teacher of a school at which a teacher is employed as a teacher shall be read in relation to a teacher simultaneously employed as a teacher at two or more schools as references to the designated head teacher.
- 30.9.1 Where under arrangements made by the Secretary of State an assessor is replaced by another assessor as a result of a complaint being upheld against the original assessor-
- (a) the assessor allocated as a replacement shall start the assessment under paragraph 30.5 afresh; and
 - (b) any certificate issued by the original assessor under paragraph 30.5 shall be void.
- 30.9.2 Except as provided for in paragraph 30.9.1, where an assessor is replaced by another assessor at any time, the replacement assessor may continue the assessment without repeating any steps taken by the original assessor.
- 30.10 The assessor shall keep a copy of each teacher's completed application and all other documents pertaining to his assessment under paragraph 30.5, and he shall make copies of the application and assessment documents available only to-
- (a) the teacher;
 - (b) the head teacher or line manager who completed the application;
 - (c) the head teacher of the school at which the post is situated, or where the post is not attached to a particular school the officer nominated by the Chief Education Officer for the purpose of paragraph 30.4.3;
 - (d) another assessor;

- (e) a person responsible under arrangements made by the Secretary of State for monitoring the quality of advanced skills teacher assessments at the school; or
- (f) an authority or school governing body to whom a complaint has been made under paragraph 31.10 by the teacher.

30.12 Nothing in paragraph 30 applies to a teacher who-

- (a) was certified on or before 31st July 2000 by an assessor appointed by the Secretary of State for Education and Employment as eligible for appointment to an advanced skills teacher post; or
- (b) has been certified by an assessor as eligible for appointment to an advanced skills teacher post while he was employed in a teaching post other than as a teacher (as defined in paragraph 1.2).

Review of advanced skills teacher assessment

31.1 A teacher who, having had his application assessed under paragraph 30.5, is not certified as eligible for appointment to an advanced skills teacher post shall no later than the end of the period of 40 working days starting on the day on which he received written notice of the result of his assessment be entitled to seek a review of his assessment under paragraph 30.5 upon the grounds set out in paragraph 31.2 (but no other grounds).

31.2 The grounds for review are that the teacher would have been certified as eligible for appointment to an advanced skills teacher post if the assessor-

- (a) had taken proper account of relevant evidence; or

(b) had not taken account of irrelevant or inaccurate evidence; or

(c) had not been biased or had not unlawfully discriminated against the teacher in question.

31.3 An application for review shall be made in writing, and shall contain, or refer to, evidence relating to the grounds upon which review is sought.

31.4 An application for review shall be given to the review coordinator, who shall give it to the allocated review officer.

31.5 The review coordinator shall promptly give a copy of the application to the assessor, and the assessor may submit his written comments on the application.

31.6.1 Where the review officer is satisfied that the teacher would have been certified as eligible for appointment to an advanced skills teacher post if the assessor-

(a) had taken proper account of relevant evidence; or

(b) had not taken account of irrelevant or inaccurate evidence; or

(c) had not been biased or had not unlawfully discriminated against the teacher in question,

he shall certify that the teacher is eligible for such an appointment.

31.6.2 Where the review officer is not satisfied that the teacher would have been certified as eligible for appointment to an advanced skills teacher post if the assessor-

(a) had taken proper account of relevant evidence; or

(b) had not taken account of irrelevant or inaccurate evidence; or

(c) had not been biased or had not unlawfully discriminated against the teacher in question,

he shall order the assessment under paragraph 30.5 to stand.

31.7.1 Before determining a review the review officer-

(a) shall consider the completed application and the application for review; and

(b) may-

(i) request the assessor to provide copies of any of his records in relation to the assessment, and consider such documents as he supplies pursuant to the request,

(ii) seek comments from the teacher, the head teacher or line manager who completed the application or the assessor, and

(iii) do anything an assessor could do under paragraph 30.6.1.

31.8 The assessor shall provide to the review officer copies of such of his records in relation to the assessment under paragraph 30.5 as the review officer requests.

31.9.1 The review officer shall notify in writing the teacher and the assessor of his decision under paragraph 31.6 and of the reasons for it no later than the end of the period of 40 days starting on the day on which the review officer received the review application.

31.9.2 The review officer shall notify in writing of his decision under paragraph 31.6-

(a) the head teacher or line manager who completed the application; and

- (b) the head teacher of the school at which the post is situated, or where the post is not attached to a particular school the officer nominated by the Chief Education Officer for the purpose of paragraph 30.4.3.

31.10 Paragraphs 31.11 to 31.17 apply where-

- (a) the review officer orders that an assessment under paragraph 30.5 is to stand; and
- (b) the teacher who made the review application complains to the authority or school governing body which employ him that the review officer who carried out the review unlawfully discriminated against him.

31.11.1 A complaint under paragraph 31.10 may be brought no later than the end of the period of 40 working days starting with the date on which the teacher received the notification under paragraph 30.9.

31.11.2 A complaint under paragraph 31.10 shall be made in writing and shall contain, or refer to, evidence relating to the discrimination complained of.

31.11.3 The teacher shall give a copy of the complaint under paragraph 31.10 to the review coordinator.

31.12 The teacher, the assessor and the review officer shall at the request of the teacher's employers supply them with such records, information or evidence as the employers reasonably request.

31.13 Where the employers are satisfied that-

- (a) the teacher's complaint under paragraph 31.10 is justified; and

(b) the discrimination may have affected the review officer's decision that the assessment under paragraph 30.5 stood,

they shall inform the review coordinator in writing of their conclusions and the reasons for their decision. The review coordinator shall refer the case to a replacement review officer for a further review.

31.14 The employers shall promptly notify in writing the teacher and the assessor that they have referred the case to a replacement review officer and of the reasons for their decision.

31.15 Where a reference is made to him under paragraph 31.13, the replacement review officer shall carry out a further review taking account of the employers' conclusions and the reasons for their decision, and paragraphs 31.6 to 31.17 shall apply to the further review.

31.16 When the replacement review officer has determined the further review, he shall in addition to fulfilling the requirements of paragraph 31.9 notify the employers in writing of his decision and of the reasons for it.

31.17 Where the employers-

(a) are not satisfied that the teacher's complaint under paragraph 31.10 is justified; or

(b) if they are so satisfied, they are not satisfied that the discrimination may have affected the review officer's decision that the assessment under paragraph 30.5 stood,

they shall dismiss the complaint, and notify the teacher and assessor in writing of their decision and the reasons for it, such notification to be given no later than the end of the period of 40 working days starting

with the day on which the employers received the complaint under paragraph 31.10.

31.18 In paragraph 31-

"assessor" means the assessor who made the assessment under paragraph 30.5 of which a review is sought; and

"working day" means any day other than a Saturday, a Sunday or a day which is a bank holiday.

Fast Track Teachers

Appointment of assessment body to assess teachers for the Fast Track

- 32.1 The Secretary of State shall make arrangements for the appointment of an assessment body for the purposes of paragraphs 33 and 34.
- 32.2 The Secretary of State shall make arrangements for the quality of assessments under paragraph 33.4 to be monitored.
- 32.3 An assessment body appointed for the purposes of paragraph 33 or 34 or any review officer, senior review officer or replacement review officer appointed by it and any representative of the Secretary of State shall exercise their functions without unlawful discrimination.

Fast Track Assessment

- 33.1 This paragraph applies where a classroom teacher applies for a fast track assessment.
- 33.2 The teacher shall submit, no earlier than 12 months after submitting any previous application, to the assessment body an application in a form prescribed by the assessment body for fast track assessment which shall be supported by a reference from a person with a knowledge of teaching and who is able to comment objectively on the

teacher's suitability to become a fast track teacher.

- 33.3.1 Having considered the application the assessment body shall select for assessment in accordance with paragraph 33.4 those teachers who meet the eligibility criteria set out in Annex 3.
- 33.3.2 The assessment body shall inform any teacher who submits an application in accordance with paragraph 33.2 and who is not selected for assessment of that decision and the reasons for it.
- 33.4 The assessment body shall assess a teacher who has been selected for assessment against the competencies and values set out in Annex 4 to determine whether he meets those competencies and whether he is committed to those values.
- 33.5 The assessment body may determine that a teacher does not meet the competencies set out at Annex 4 or that he is not committed to the values set out in that Annex at any stage of the assessment process and if it so does shall notify the teacher of the decision in writing with its reasons within 4 weeks of the completion of that stage of the assessment.
- 33.6 Where the assessment body determines that a teacher meets the competencies set out in Annex 4 and is committed to the values set out in that Annex he shall be informed of that determination within 4 weeks of the completion of the assessment.
- 33.7 The assessment body shall keep a copy of the teacher's completed application and all other documents pertaining to his assessment under paragraph 33.4, and make copies of the application and assessment documents available only to-

- (a) the teacher;

(b) a person undertaking a review in accordance with paragraph 34;

(c) a person responsible under arrangements made by the Secretary of State for monitoring the quality of fast track assessments; or

(d) an authority or school governing body to whom a complaint has been made under paragraph 34.16 by the teacher.

Review of fast track teacher assessment

34.1 A teacher who is informed

(a) that he has not been selected for fast track assessment; or

(b) that it has been determined that he does not meet the competencies set out in Annex 4 or is not committed to the values set out in that Annex;

shall no later than the end of the period of 40 working days starting on the day on which he received written notice of the decision be entitled to seek a review of his selection or his assessment upon the grounds set out in paragraph 34.2 (but no other grounds).

34.2 The grounds for review are that the teacher would have been selected for fast track assessment, proceeded to the next stage of assessment or been assessed as meeting the competencies set out in Annex 4 and being committed to the values set out in that Annex if-

(a) the assessment body had taken proper account of relevant evidence; or

(b) the assessment body had not taken account of irrelevant or inaccurate evidence; or

(c) the assessment body had not been biased or had not unlawfully discriminated against the teacher in question; or

(d) where the review is of an assessment stage, there were extenuating circumstances which adversely affected the teacher's performance.

- 34.3.1 An application for review shall be made in writing, and shall contain, or refer to, evidence relating to the grounds upon which review is sought.
- 34.3.2 Such evidence shall not be evidence relating to competencies and values which was not available in the original assessment or evidence relating to any extenuating circumstances which were not brought to the attention of the assessment body at the time of the assessment.
- 34.4 An application for review shall be submitted to the assessment body who shall refer it to a review officer who shall be a person who has not participated in any part of the selection or assessment he is to review.
- 34.5 The review officer shall conduct a review of the selection or assessment as referred to in the application for review.
- 34.6 Where the review officer is satisfied that the teacher would have been selected for fast track assessment if the selection
- (a) had taken proper account of relevant evidence; or
 - (b) had not taken account of irrelevant or inaccurate evidence; or
 - (c) had not been biased or had not unlawfully discriminated against the teacher,

he shall order that the teacher be assessed in accordance with paragraph 33.4.

34.7 Where the review is of any stage of the assessment before the final stage and the review officer is satisfied that the teacher would have proceeded to the next stage of assessment if-

(a) the assessment under review had taken proper account of relevant evidence; or

(b) the assessment under review had not taken account of irrelevant or inaccurate evidence; or

(c) the assessment under review had not been biased or had not unlawfully discriminated against the teacher in question; or

(d) there had not been extenuating circumstances which adversely affected the teacher's performance,

he shall order that the teacher be permitted to proceed to the next stage of assessment.

34.8 Where the review is of the final stage of assessment and the review officer is satisfied that the teacher would have been assessed as meeting the competencies set out in Annex 4 and being committed to the values set out in that Annex if-

(a) the original assessment had taken proper account of relevant evidence; or

(b) the original assessment had not taken account of irrelevant or inaccurate evidence; or

(c) the original assessment had not been biased or had not unlawfully discriminated against the teacher in question; or

(d) there had not been extenuating circumstances which adversely affected the teacher's performance,

he shall order that the teacher is assessed as meeting the competencies set out in Annex 4 and being committed to the values set out in that Annex.

34.9 Where the review officer is not satisfied that the circumstances described in paragraphs 34.6 to 34.8 apply he shall order the selection decision or the assessment (at any stage) to stand.

34.10 Before determining a review the review officer-

(a) shall consider the application for review; and

(b) may-

(i) request the assessment body to provide copies of any of their records in relation to the assessment, and consider such documents as it supplies pursuant to the request; and

(ii) seek comments from the teacher or any person who participated in the selection or assessment.

34.11 The assessment body shall provide to the review officer copies of such of their records in relation to the selection or assessment as the review officer requests.

34.12 The review officer shall notify in writing the teacher and the assessment body of his decision under any of paragraphs 34.6 to 34.9 and of his reasons for it no later than the end of the period of 70 working days starting on the day on which the assessment body received the review application.

34.13 Where a review officer orders the selection decision or the assessment to stand, the teacher shall no later than the end of the period of 40 working days starting on the day

on which he received written notice of the review officer's decision be entitled to seek a further review upon the grounds set out in paragraph 34.2 (but no other grounds).

- 34.14 A teacher seeking a further review shall submit a written application in accordance with paragraph 34.3 for review to the assessment body who shall appoint a senior review officer who shall be a person who has not participated in any part of the selection, assessment or review he is to review further.
- 34.15.1 The senior review officer and a representative of the Secretary of State shall conduct a review of the selection or assessment process as appropriate, shall have the same powers and duties of a review officer conducting a review under paragraphs 34.5 to 34.11 above and may also consult the original review officer.
- 34.15.2 The senior review officer shall notify in writing the teacher and the assessment body of his decision under paragraph 34.15.1 and the reasons for it no later than the end of the period of 70 working days starting on the day on which the assessment body received the application for a further review under paragraph 34.14.
- 34.16 Paragraphs 34.16 to 34.23 apply where-
- (a) a senior review officer orders that a selection decision or an assessment is to stand; and
 - (b) the teacher who made the review application complains to the authority or school governing body which employ him that the senior review officer or the Secretary of State's representative who carried out the further review unlawfully discriminated against him.
- 34.17.1 A complaint brought under paragraph 34.16 may be brought no later than the end of the period of 40 working days starting with the

date on which the teacher received the notification under paragraph 34.15.2.

- 34.17.2 A complaint brought under paragraph 34.16 shall be made in writing and shall contain, or refer to, evidence relating to the discrimination complained of.
- 34.17.3 The teacher shall give a copy of the complaint under paragraph 34.16 to the assessment body.
- 34.18 The teacher, the assessment body, the review officer and the senior review officer shall at the request of the teacher's employers supply them with such records, information or evidence as the employers reasonably request.
- 34.19 Where the employers are satisfied that -
- (a) the teacher's complaint under paragraph 34.16 is justified; and
 - (b) the discrimination may have affected the senior review officer's decision that the selection decision or assessment under paragraph 33.4 should stand,
- they shall within 40 working days of receiving the complaint inform the assessment body in writing of their conclusions and the reasons for their decision. The assessment body shall refer the case to a replacement review officer who shall be a person who has not participated in any part of the selection, assessment, review or further review he is to review further.
- 34.20 The employers shall notify in writing the teacher, the review officer and the senior review officer that they have referred the case to the assessment body for a further review and of the reasons for their decision.
- 34.21.1 Where a reference is made to him under paragraph 34.19, the replacement review officer shall carry out a further review taking account of the employers' conclusions

and the reasons for their decision. The replacement review officer shall have all the powers and duties of a review officer conducting a review under paragraphs 34.5 to 34.11 and may consult the review officer and the senior review officer.

34.21.2 Where the replacement review officer is satisfied that had the teacher not been unlawfully discriminated against he would have been selected for fast track assessment, he shall determine that the teacher be assessed in accordance with paragraph 33.4.

34.21.3 Where the replacement review officer is satisfied that had the teacher not been unlawfully discriminated against at an early stage of assessment he would have proceeded to the next stage the replacement review officer shall determine that the teacher may proceed to that stage.

34.21.4 Where the replacement review officer is satisfied that had the teacher not been unlawfully discriminated against at the final stage of assessment he would have been assessed as meeting the competencies set out at Annex 4 and being committed to the values set out at that Annex, he shall determine that the teacher meets those competencies and values to a high standard.

34.21.5 Where the replacement review officer is not satisfied that -

(a) the teacher has been discriminated against; or

(b) the senior review officer's decision has been affected by any such discrimination,

the replacement review officer shall order that the selection or assessment decision shall stand.

34.22 When the replacement review officer has determined the further review, he shall inform the assessment body, the teacher, the review officer, the senior review officer and the employers of his decision and of the reasons for it no later than the end of the period of 40 working days starting on the day on which the assessment body received the application for a further review under paragraph 34.19.

34.23 Where the employers-

(a) are not satisfied that the teacher's complaint under paragraph 34.16 is justified; or

(b) if they are so satisfied, they are not satisfied that the discrimination may have affected the review officer's decision that the selection decision or the assessment made under paragraph 33.4 stood,

they shall dismiss the complaint, and notify the teacher and assessment body in writing of their decision and the reasons for it, such notification to be given no later than the end of the period of 40 working days starting with the day on which the employers received the complaint under paragraph 34.16.

34.24 In paragraph 34 "working day" means any day other than a Saturday, Sunday or a day which is a bank holiday.

Appointment of recognising body to recognise teachers as fast track teachers

35.1 The Secretary of State may make arrangements for the appointment of a recognising body for the purpose of recognising and ceasing to recognise teachers as fast track teachers in accordance with this paragraph and where no such appointment has been made the Secretary of State shall be the recognising body.

35.2 The recognising body shall recognise a teacher as a fast track teacher if the teacher-

(a) is not when appointed to his first fast track post subject to any restriction or condition imposed by the Secretary of State, the General Teaching Council for England, the General Teaching Council for Wales, the General Teaching Council for Scotland or the Department of Education in Northern Ireland;

(b) has been assessed as meeting the competencies contained in Annex 4 and being committed to the values contained in that Annex;

(c) is or has been employed in a fast track teacher post; and

(d) has not ceased to be recognised as a fast track teacher by virtue of paragraph 35.3 or 35.4.

35.3.1 The recognising body shall cease to recognise a teacher as a fast track teacher if the teacher becomes subject to a prohibition order imposed by the General Teaching Council for England, the General Teaching Council for Wales or the General Teaching Council for Scotland, or is subject to a prohibition imposed by the Secretary of State exercising her powers under Regulation 5 of the Education (Restriction of Employment) Regulations 2000⁽⁶²⁾ or by the Department of Education in Northern Ireland exercising its powers under Regulation 9 of the Teachers(Eligibility) Regulations (Northern Ireland) 1997⁽⁶³⁾.

35.3.2 The recognising body may cease to recognise a teacher as a fast track teacher if the teacher becomes subject to a suspension order

⁽⁶²⁾ S.I.2000/2419 amended by S.I.2001/1269.

⁽⁶³⁾ Statutory Rule of Northern Ireland 1997/312.

or a conditional registration order imposed by the General Teaching Council for England, the General Teaching Council for Wales or the General Teaching Council for Scotland, or is subject to a restriction imposed by the Secretary of State exercising her powers under Regulation 5 of the Education (Restriction of Employment) Regulations 2000 or the Department of Education in Northern Ireland exercising its power under Regulation 9 of the Teachers (Eligibility) Regulations (Northern Ireland) 1997.

35.4 The recognising body may cease to recognise a teacher as a fast track teacher after the teacher's appointment as a fast track teacher has terminated or after the post he occupies has ceased to be a fast track post if:

(a) the recognising body is of the opinion that the teacher has not performed excellently during that appointment or during the period that post was a fast track post;

(b) he is appointed to a post which is not a fast track teacher post;

(c) he is not appointed to another post as a teacher;

(d) his contract is terminated early; or

(e) in the case of a teacher whose fast track appointment includes his induction year, he did not satisfactorily complete his induction year or his induction period was extended.

35.5 Paragraph 33.4(a) does not apply if:

(a) during any part of the 12 months period ending on the date the teacher's appointment as a fast track teacher terminated or his post ceased to be a fast track post the teacher was in his induction year; or

(b) during any part of the 12 months period ending on the date the teacher's appointment as a fast track teacher terminated or his post ceased to be a fast track post the teacher was not a fast track teacher.

35.6.1.1 Where the recognising body considers that the teacher's performance is such that it is likely to cease to recognise him as a fast track teacher under paragraph 35.4(a) if his performance does not improve sufficiently, the recognising body shall issue a preliminary notification in writing to the teacher in accordance with the notice periods in paragraph 35.6.1.2.

35.6.1.2 The notice periods shall be as follows-

(a) Where the teacher's appointment as a fast track teacher is due to terminate or the post he occupies is to cease being a fast track post at the end of the Autumn or Summer Term the notice period shall be 7 months before the end of that term.

(b) Where the teacher's appointment as a fast track teacher is due to terminate or the post he occupies is to cease to be a fast track post at the end of the Spring term the notice period shall be 6 months.

35.6.1.3 A teacher receiving a preliminary notification under this sub-paragraph may not later than 20 working days after receiving it submit to the recognising body evidence of any extenuating circumstances which have affected his performance.

35.6.2.1 Where the recognising body intends to cease to recognise a teacher as a fast track teacher in accordance with paragraph 35.4(a), having taken into account any evidence of any extenuating circumstances submitted in accordance with paragraph 35.6.1.3, it shall notify him in writing of that intention in

accordance with the notice periods in 35.6.2.2, giving reasons for its decision.

35.6.2.2 The notice periods shall be as follows-

(a) Where the teacher's appointment as a fast track teacher is due to terminate or the post he occupies is to cease being a fast track post at the end of the Autumn or Spring term the notice period shall be 3 months before the end of that term.

(b) Where the teacher's appointment as a fast track teacher is due to terminate or the post he occupies is to cease to be a fast track post at the end of the Summer term the notice period shall be 4 months.

35.6.3 Subject to paragraph 35.6.2 where the recognising body ceases to recognise a teacher as a fast track teacher in accordance with paragraphs 35.3 or 35.4 it shall notify the teacher in writing not later than 40 working days after making that decision giving reasons for the decision.

35.7.1 Where the recognising body notifies the teacher that it has ceased or intends to cease to recognise him as a fast track teacher in accordance with paragraphs 35.3 and 35.4 the teacher shall not later than 20 working days after receiving that notification be entitled to make an application in writing to the recognising body for a review of that decision on the grounds set out in paragraph 35.8.

35.7.2 An application for review under paragraph 35.7.1 shall state the grounds upon which the review is being sought and the reasons for seeking a review on those grounds.

35.8.1 The grounds for a review of a decision under paragraphs 35.3 and 35.4 are that the recognising body failed to follow the procedures set out in paragraph 35.6 or that the recognising body would not have ceased to

recognise the teacher as a fast track teacher if it had-

(a) taken proper account of relevant information; or

(b) not taken account of irrelevant or inaccurate information.

35.8.2 Nothing in this paragraph shall be taken as permitting a review of the decisions of the General Teaching Council for England, the General Teaching Council for Wales or the General Teaching Council for Scotland, or decisions of the Secretary of State under Regulation 5 of the Education (Restriction of Employment) Regulations 2000 or the Department of Education in Northern Ireland under Regulation 9 of the Teachers (Eligibility) Regulations (Northern Ireland) 1997.

35.9 Where an application for review is made the recognising body shall review its decision and if it is of the opinion that any of the grounds set out in paragraph 35.8.1 is made out, shall revoke its decision.

35.10 If the recognising body is not of the opinion that any of the grounds set out in paragraph 35.8.1 is made out, it shall order that its decision shall stand.

35.11 The recognising body shall not later than 40 working days after receiving the application for review, inform the teacher in writing of its decision under 35.9 or 35.10 as the case may be.

35.12 In paragraph 35 -

"month" means calendar month; and

"working day" means any day other than a Saturday, Sunday or a day which is a bank holiday.

PART V - UNQUALIFIED TEACHERS

Pay scale for unqualified teachers

36.1 From 1 April 2002 an unqualified teacher shall be paid such salary based on the following pay scale as the relevant body shall determine in accordance with paragraphs 36.2 to 36.7 and 38:

Pay Scale from 1st April 2002

| Scale point | Annual Salary |
|-------------|---------------|
| | £ |
| 1 | 12,891 |
| 2 | 13,470 |
| 3 | 14,031 |
| 4 | 14,616 |
| 5 | 15,204 |
| 6 | 15,771 |
| 7 | 16,350 |
| 8 | 17,703 |
| 9 | 19,236 |
| 10 | 20,388 |

36.2 The relevant body shall determine where each newly appointed unqualified teacher shall enter the scale having regard to any qualifications or experience he may have which they consider to be of value in the performance of his duties.

36.3 Subject to paragraphs 36.4 to 36.6, an unqualified teacher who remains in the same post shall on 1st September in each year be entitled to an increment until the maximum of the scale is reached if at that date he has completed periods of employment as a teacher amounting to at least twenty-six weeks in the aggregate within the previous twelve months, where 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, including any holiday periods and any periods of absence from work in consequence of sickness or injury, whether the

teacher's service during that period has been full-time or part-time or regular or otherwise.

- 36.4 The relevant body may at any time allocate an extra increment or increments to an unqualified teacher until the maximum of the scale is reached. The allocation of such an increment on a date other than 1st September shall not preclude the payment of a further increment if one would otherwise be payable on 1st September following the date of the allocation.
- 36.5 Where an unqualified teacher is absent from work in exercise of her right to maternity leave conferred by section 71 of the Employment Rights Act 1996 or conferred by her contract of employment or because of her pregnancy and has the right to return to work by virtue of the said section 71 or by virtue of her contract of employment, the period of absence shall count for incremental purposes towards the period of service of at least twenty-six weeks referred to in paragraph 36.3.
- 36.6 Where an unqualified teacher is absent from work for any reason other than as specified in paragraph 36.3 or 36.5, the relevant body may determine that the period of absence shall count for incremental purposes as if the teacher was in service as a teacher during it.
- 36.7 The relevant body may withhold an annual increment if they are of the opinion that the unqualified teacher's service in the year preceding 1st September is unsatisfactory and they have so notified him in writing. Where an unqualified teacher remains in service on 1st September in the school in which he has been employed during the previous year, the relevant body, in determining whether or not his service has been unsatisfactory, shall seek and take into account advice from the head teacher. An increment withheld may be paid in a subsequent year in addition to any further increment due.

Allowance payable to unqualified teachers

37. The relevant body may determine that such additional allowance as they consider appropriate shall be paid to an unqualified teacher where they consider that his salary is not adequate having regard to his responsibilities or to any qualifications or experience relevant to his specialised form of teaching.

Cash safeguarding for unqualified teachers

38. An unqualified teacher who was on 31st August 1994 being paid an allowance under paragraph 9 or 10 of the 1993 Document shall, if he remains in the same post on 1st September 2000 and if the remuneration which would have been payable to him on that date under paragraph 17 of the 1994 Document is in total higher than point 10 on the scale, continue to be paid that higher remuneration.

An unqualified teacher becoming qualified

- 39.1 An unqualified teacher who becomes a qualified teacher shall transfer to the next point on the previous pay scale in paragraph 15.3.1 above the sum of his salary and any allowance payable under paragraph 37, or to such higher point as the relevant body consider appropriate, before assimilating to the new pay scale in accordance with paragraph 15.4.
- 39.2 A teacher who is awarded the status of a qualified teacher retrospectively under Schedule 3 to the Teachers' Qualifications and Health Standards Regulations shall be paid a lump sum of the amount specified in paragraph 39.3 by any authority or governing body by whom his remuneration has been paid since the date from which his qualified teacher status runs.
- 39.3 That lump sum shall be equivalent to the difference (if any) between the remuneration he received and the remuneration he would have received from them as a qualified teacher.

PART VI - ADDITIONAL ALLOWANCES

Social priority allowance

40. A teacher in receipt of an allowance under paragraph 17 of the 1988 Document on 31st July 1988 shall continue to be paid that allowance for so long as he continues to be employed at the school at which he was then employed or for so long as he continues to be employed in a post in which his salary is paid by the same authority and to which he has moved at their instigation.

London Area allowances

- 41.1 A teacher serving in the London Area shall receive a London Area allowance of:
- (a) if he is serving in the Inner London Area, £3,105 per annum from 1st April 2002;
 - (b) if he is serving in the Outer London Area, £2,043 per annum from 1st April 2002; and
 - (c) if he is serving in the Fringe Area, £792 per annum from 1st April 2002.
- 41.2 A teacher normally serving in the London Area but temporarily employed elsewhere shall continue to receive the London Area allowance at the rate appropriate to his normal area of employment.
- 41.3 A teacher who on 31st August 2001 was being paid a London Area allowance shall continue to be paid that allowance at the appropriate rate, notwithstanding that he would not otherwise be entitled to it under the provisions of this Document, for so long as he remains in the post that he held on that date.
- 41.4 A teacher who moves out of the London Area or to a part of the London Area with a lower rate of allowance may continue to be paid a London Area allowance at the rate being paid before he moved for so long as he continues to be employed as a teacher in a post in which his salary is paid by the same authority.

Inner London Area supplement

41.5 A teacher who on 1st September 2002 continues to hold the post he held on 31st August 2002 and was being paid the Inner London Area supplement under sub-paragraph (5) or (6) of paragraph 18 of the 1993 Document shall continue to receive that supplement unless:

- (a) he changes post and paragraph 44 does not apply; or
- (b) he is appointed as a member of the leadership group; or
- (c) in the case of a member of the leadership group the relevant body place him on a spine point which immediately after the change occurs takes that teacher's remuneration equal to or above that to which he was entitled on 31st August 2002; or
- (d) in the case of a classroom teacher the relevant body determine the point on the pay scale in paragraph 15.3 and allowances under paragraph 23, 24 or 25 which immediately after the change occurs and when any additional points awarded after 31st August 2002 under paragraphs 16.1 or 16.2 or an increase in salary caused by the teacher having become entitled to be paid as a post-threshold teacher are ignored, takes that teacher's remuneration above that to which he was entitled on 31st August 2002.

41.6 For the purpose of paragraph 41.1 to 41.5:

"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.

"the Outer London Area" means Greater London, excluding the Inner London Area;

"the Fringe Area" means:

in Berkshire: the Districts of Bracknell Forest, Slough and Windsor and Maidenhead;

in Buckinghamshire: the Districts of South Buckinghamshire and Chiltern;

in Essex: the Districts of Basildon, Brentwood, Epping Forest, Harlow and Thurrock;

in Hertfordshire: the Districts of Broxbourne, Dacorum, East Hertfordshire, Hertsmere, St Albans, Three Rivers, Watford and Welwyn Hatfield;

in Kent: the Districts of Dartford and Sevenoaks;

in Surrey: the whole County; and

in West Sussex: the District of Crawley;

"the London Area" comprises the Inner London Area, the Outer London Area and the Fringe Area.

41.7 In paragraph 41.5, "remuneration" means salary plus any allowances but does not include any sum paid under paragraph 46, 47 or 48.

Acting allowance

42.1 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 shall within the period of four weeks beginning on the day on which he is first assigned and carries out duties of a head teacher, deputy head teacher or assistant head teacher determine whether or not he shall be paid an allowance in accordance with the following provisions of this paragraph.

- 42.2 If the relevant body's determination referred to in paragraph 42.1 is that the teacher shall not be paid the allowance there referred to, 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 he shall be paid such an allowance.
- 42.3 If the relevant body determine that the teacher shall be paid such an allowance, subject to paragraph 42.4 it shall be of such amount as is necessary to ensure that he receives remuneration equivalent to such point on the leadership group pay spine set out in paragraph 4.5 as the relevant body consider appropriate.
- 42.4 The remuneration of a teacher who is assigned and carries out duties of a head teacher shall 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, his remuneration shall not be lower than the minimum of that range.
- 42.5 The teacher may be paid the allowance with effect from such day on or after the day on which he is first assigned and carries out duties of a head teacher, deputy head teacher or assistant head teacher as the relevant body may determine.
- 42.6 Where a teacher is paid an allowance under this paragraph, then for so long as he is paid that allowance:
- (a) where he is assigned and carries out duties of a head teacher, Part IX shall apply to him as if he had been appointed to the post of head teacher and Parts X, XI and XII shall not apply to him;
 - (b) where he is assigned and carries out the duties of a deputy head teacher or assistant head teacher, Parts X and XII shall apply to

him as if he had been appointed to the post of deputy head teacher or assistant head teacher and Part XI shall not apply to him.

PART VII - SUPPLEMENTARY

Unattached teachers

- 43.1 The remuneration of an unattached teacher shall be determined in accordance with whichever provisions of this Document the relevant body consider appropriate in the circumstances of the case except that a teacher employed on 17th May 1978 as a teacher in the provision of primary and secondary education otherwise than at a school (but not including a teacher in an establishment maintained by a local authority in exercise of a social services function) shall continue to be paid under the salary arrangements applicable to him on that date for so long as those arrangements give him total remuneration higher than that which would otherwise be determined in his case.
- 43.2 Where, in accordance with paragraph 43.1, 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 IX shall apply to him and Part XII shall not apply to him.
- 43.3 Where, in accordance with paragraph 43.1, 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, Part XII shall not apply to him and his conditions of employment that relate to his professional duties and working time shall be agreed between him and the relevant body.
- 43.3.1 Nothing in paragraph 43 shall be taken to authorise an unattached teacher to whom paragraph 15.2 does not apply to be paid a salary based on the pay scale set out in paragraph 17.2.
- 43.4 Nothing in paragraph 43 shall be taken to authorise-

- (a) paragraphs 19 to 22 to be disapplied in the case of an unattached teacher; or

(b) an unattached teacher who is a post-threshold teacher to be paid a salary based on the pay scale set out in paragraph 15.3.

General safeguarding

44.1 Subject to paragraphs 44.4 to 44.9:

44.1.1 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⁽⁶⁴⁾, under regulation 15 or 16 of the Education (Schools and Further Education) Regulations 1981⁽⁶⁵⁾ or under regulation 12 or 13 of the Education (Schools and Further and Higher Education) Regulations 1989⁽⁶⁶⁾,

a teacher (including a teacher in further or higher education) loses his post or would (but for this paragraph) suffer a diminution in his remuneration, and is thereupon employed full-time as a teacher in the provision of primary or secondary education (whether or not at a school) in a post where his remuneration is paid by the same authority as before, he shall be deemed for all salary purposes to continue to hold the post he held, and to be entitled to those allowances listed in paragraph 44.2 to which he was entitled immediately before the closure, reorganisation or direction;

⁽⁶⁴⁾ S.I. 1975/1054, now revoked.

⁽⁶⁵⁾ S.I. 1981/1086; regulations 15 and 16 have been revoked.

⁽⁶⁶⁾ S.I. 1989/351.

44.1.2 where, in circumstances other than those mentioned in paragraph 44.1.1 such a teacher loses his post or would (but for this paragraph) suffer a diminution in his remuneration, and is thereupon 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 his remuneration is paid by the same authority as before he may, at the discretion of the authority be deemed for all salary purposes to continue to hold the post he held, and to be entitled to those allowances listed in paragraph 44.2 to which he was entitled immediately before the circumstances occurred; and the authority shall not unreasonably refuse to exercise their discretion in this matter in favour of the teacher;

44.1.3 where in the circumstances described in paragraphs 44.1.1 or 44.1.2 such a full-time teacher or such a teacher in regular part-time service loses his post or would (but for this paragraph 44.1.3) suffer a diminution in his remuneration, and is thereupon employed as stated in paragraph 44.1.1 but as a teacher in regular part-time service, he shall (subject, in the circumstances described in paragraph 44.1.2, to the same discretion to be similarly exercised) be entitled to that proportion of the salary and of those allowances listed in paragraph 44.2 to which he was entitled immediately before the relevant change in circumstances which his part-time employment bears to full-time employment.

44.2 The allowances referred to in paragraphs 44.1.1 to 44.1.3 are:

- (a) allowance for unqualified teachers (paragraph 37);
- (b) an allowance paid to a teacher in further or higher education as head of department discharging the duties and assuming the responsibilities of vice-principal or assuming co-ordinating responsibilities within the faculty, excluding such an allowance payable only for so long as he continues to discharge the relevant duties or assume the relevant responsibilities;

(c) an Inner London Area supplement (paragraph 41.5).

44.3 A teacher whose remuneration is safeguarded under paragraph 44 shall be entitled to the following allowances only where appropriate to the circumstances of his present employment:

(a) social priority allowance (paragraph 40) (except where provided for in sub-paragraphs (1) and (3) of paragraph 17 of the 1988 Document);

(b) London Area allowance (paragraph 41) (except where provided for in paragraphs 41.2 to 41.4);

(c) acting allowance (paragraph 42).

44.4 Subject to paragraph 44.5, the salary to be safeguarded pursuant to paragraph 44.1 means:

(a) any salary to which he is entitled under paragraph 15,17 or 28,

(b) any allowance to which he is entitled under paragraphs 23 to 25, except for an allowance payable pursuant to an award under paragraph 24.4.1 and

(c) any assimilation safeguarding payment to which he is entitled under paragraph 26.

44.5 For the purpose of the determination of a classroom teacher's entitlement under paragraph 44.4-

(a) a teacher's points awarded for experience under paragraph 16.2 shall be re-assessed in accordance with paragraph 3.1 and the assimilation arrangements under paragraphs 15.4.1, 15.4.2 and 39.1 until the maximum of the pay scale in paragraph 15.3.2 has been reached, and an amount based on such points shall be included in the safeguarded salary;

- (b) a management allowance awarded for a fixed period shall only be included in the safeguarded salary for the period of that award;
- (c) a recruitment and retention allowance awarded on the basis that it is reviewed shall only be included in the safeguarded salary until the date on which it is first due to be reviewed, unless the relevant body determine that the teacher should continue to receive the allowance on the basis of the criteria set out in paragraph 24;
- (d) where the teacher becomes entitled to be paid as a post-threshold teacher his new salary and any subsequent progression on the Pay Scale in paragraph 17.2 shall be included in his safeguarded salary; and
- (e) where the teacher is, immediately before a circumstance mentioned in paragraph 44.1.1 or 44.1.2 arises, entitled to be paid on the post-threshold scale in paragraph 17.2 he shall continue to be so entitled and his salary on that scale including any subsequent progression shall be included in his safeguarded salary.

44.6.1 Subject to paragraph 44.7 where a member of the leadership group is, immediately before a circumstance mentioned in paragraph 44.1.1 or 44.1.2 arises, being paid at a point on the leadership group pay spine pursuant to paragraph 4 he shall be entitled (subject, in the circumstances mentioned in paragraph 44.1.2 to the same discretion) to be paid at that point.

44.6.2 Subject to paragraph 44.7 where an advanced skills teacher is, immediately before a circumstance mentioned in paragraph 44.1.1 or 44.1.2 arises, being paid at a point on the advanced skills teacher pay spine pursuant to paragraph 28 he shall be entitled subject, in the circumstances mentioned in paragraph 44.1.2 to the same discretion) to be paid at that point.

- 44.7 Paragraph 44.1 shall not apply or, as the case may be, shall cease 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 whom his salary is paid;
 - (b) if the remuneration payable to him by virtue of the other paragraphs of this Document equals or exceeds the remuneration payable under paragraph 44.
- 44.8 Where a teacher takes up employment with a different authority having relinquished a post in which he was being paid safeguarded remuneration pursuant to paragraph 44.1, the relevant body may determine that he shall continue to be paid that safeguarded remuneration.
- 44.9 A teacher does not suffer a diminution in remuneration for the purposes of paragraph 44.1 in circumstances where by reason of the introduction of the new pay structure for classroom teachers, head teachers, deputy head teachers or assistant head teachers on 1st September 2000, his salary entitlement following assimilation to the new structure is less than his entitlement immediately before such assimilation.
- 44.10 For the purpose of paragraph 44:
- (a) "educational establishment" means an establishment in England and 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 paragraph 46, 47 or 48;
- (d) "salary" means:
 - (i) in the case of a school teacher, the salary payable in accordance with paragraphs 4, 15, 17, 28, 36 and 38 including allowances payable under paragraphs 23 to 25, and
 - (ii) in the case of a teacher in further or higher education his 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⁽⁶⁷⁾ or proposals referred to in regulation 14 of the Education (Transition to New Framework) (School Organisation Proposals) Regulations 1999⁽⁶⁸⁾;
- (f) any transfer of the responsibility for maintaining an establishment shall be disregarded.

Part-time teachers and teachers employed on a short notice basis

45.1 Teachers in regular part-time service (including persons who are employed full-time in teaching but only partly as a school teacher) shall be paid a

⁽⁶⁷⁾ 1998 c.31.

⁽⁶⁸⁾ S.I. 1999/704.

proportion of the remuneration that would be appropriate if they were employed full-time as school teachers. The proportion shall correspond to the proportion of the school week that the authority deem the teacher to be normally employed as a school teacher (breaks between school sessions being excluded).

45.2 Teachers employed on a day to day or other short notice basis shall 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.

45.3 A teacher to whom paragraph 45.2 applies and who is employed by the same authority throughout a period of 12 months beginning in August or September shall not be paid more by way of remuneration in respect of that period than he would have received had he been in regular service throughout the period.

Residential duties

46. Any payment to teachers for residential duties shall be determined by the relevant body.

In-service training for teachers

47. Payment to teachers for in-service training may only be made:

- (a) in respect of such training undertaken during a period other than any of the 1265 hours during which the teacher must be available to perform his duties in accordance with paragraph 67.3,
- (b) in the case of teachers employed to teach part-time, assistant head teachers and deputy head teachers, in respect of such training undertaken on a Saturday or Sunday or during school holidays,

and shall be determined by the relevant body.

Initial teacher training activities

48. Any payment for activities related to the provision of initial teacher training as part of the ordinary conduct of the school shall be determined by the relevant body.

Out-of-school hours learning activity

49. A relevant body may make such payment as they see fit to a teacher, other than a member of the leadership group, a fast track teacher or an advanced skills teacher, who participates in out-of-school hours learning activity provided that:
- (a) the teacher has been asked by the head teacher to participate in such activity and has agreed to do so;
 - (b) the teacher has made a substantial and, where appropriate, regular commitment to such activity;
 - (c) such activity has taken place outside the 1265 hours of working time referred to in paragraph 67.4;
 - (d) the basis on which such payment is made by the relevant body to the teacher is reviewed on a regular basis.

School Achievement Award Scheme

50. The relevant body in relation to a school receiving a School Achievement Award may make such payments as they see fit to teachers who are or were at the school.

Recruitment incentives and benefits

- 51.1 The relevant body, and where they are the teacher's employers the authority, may as an incentive for the recruitment of new teachers and the retention in their service of existing teachers make payments or provide other financial

assistance, support or benefits to a teacher for the purposes set out in paragraph 51.2.

- 51.2 The purposes are to assist the teacher with-
- (a) the provision of housing;
 - (b) relocation expenses incurred by him;
 - (c) travel expenses incurred in connection with his journey to and from his place of work;
 - (d) the provision of care for children or other dependants; or
 - (e) leisure club membership.

Welcome Back Bonus

52. Paragraph 46 of the 2001 Document shall continue to apply for the purpose of making a second payment to a teacher who received a first payment in accordance with that paragraph.

General Teaching Councils' Fee Allowance

- 53.1 The relevant body in relation to a teacher liable to pay a fee in respect of their registration with the General Teaching Council for England or the General Teaching Council for Wales shall, in respect of the fee due in the year 1st April 2002 to 31st March 2003, determine that a single payment of £33 shall be paid to that teacher.
- 53.2 Before making a determination under paragraph 53.1 the relevant body shall take reasonable steps to satisfy itself that the teacher has not received a payment under paragraph 53.1 from any other relevant body.
- 53.3 A local education authority shall 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 paragraph 53.1.

53.4 Paragraph 45 of this Document shall not apply to this allowance.

CONDITIONS OF EMPLOYMENT

PART VIII - GENERAL

Conditions to be included

- 54.1 The conditions of employment of all head teachers shall include the conditions set out in Part IX, the conditions of employment of deputy head teachers and assistant head teachers shall include the conditions set out in Part X and the conditions of employment of advanced skills teachers and fast track teachers shall include the conditions set out in Part XI.
- 54.2 Subject to paragraph 42.6, 43.2 and 43.3, the conditions of employment of all teachers other than head teachers shall include the conditions set out in Part XII, save that the conditions set out in paragraph 67 (working time) shall not apply to deputy head teachers, assistant head teachers, advanced skills teachers, fast track teachers or to teachers employed to teach part-time.
- 54.3 Nothing in this Document shall be taken to conflict with Council Directive 93/104/EC of 23rd November 1993 concerning certain aspects of the organisation of working time⁽⁶⁹⁾.

⁽⁶⁹⁾ O.J. No.L307, 13.12.93 p.18 which was implemented by the Working Time Regulations 1998 (S.I. 1998/1833).

PART IX - CONDITIONS OF EMPLOYMENT OF HEAD TEACHERS

Overriding requirements

- 55.1 A head teacher shall carry out his professional duties in accordance with and subject to:
- (a) the provisions of the Education Acts;
 - (b) any orders and regulations having effect thereunder;
 - (c) the instrument of government of the school of which he is head teacher;
 - (d) where the school is a voluntary, foundation or foundation special school, any trust deed applying in relation thereto;
 - (e) any scheme prepared by the local education authority under section 48 of the School Standards and Framework Act 1998⁽⁷⁰⁾.
- 55.2 A head teacher shall carry out such duties in accordance with and subject to the following (to the extent to which they are not inconsistent with paragraphs 54 to 57):
- (a) in the case of a school which has a delegated budget:
 - (i) any rules, regulations or policies laid down by the governing body under their powers as derived from any of the sources specified in paragraph 55.1; and
 - (ii) any rules, regulations or policies laid down 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 laid down by his employers; and

⁽⁷⁰⁾ 1998 c.31.

(c) the terms of his appointment.

General functions

56. Subject to paragraph 55.1 a head teacher shall be responsible for the internal organisation, management and control of the school.

Consultation

57. In carrying out his duties a head teacher shall consult, where this is appropriate, with the authority, the governing body, the staff of the school and the parents of its pupils.

Professional duties

58. The professional duties of a head teacher shall include:

58.1 **School aims:**

formulating the overall aims and objectives of the school and policies for their implementation;

58.2 **Appointment of staff:**

participating in the selection and appointment of the teaching and non-teaching staff of the school;

58.3 **Management of staff:**

58.3.1 deploying and managing all teaching and non-teaching staff of the school and allocating particular duties to them (including such duties of the head teacher as may properly 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, maintaining a reasonable balance for each teacher between work carried out in school and work carried out elsewhere;

58.3.2 considering in particular in relation to such allocation of duties how far the duties of the head teacher may be delegated to any deputy head teacher or assistant head teacher;

- 58.3.3 ensuring that the duty of providing cover for absent teachers is shared equitably among all teachers in the school (including the head teacher), taking account of their teaching and other duties;
- 58.3.4 ensuring that teachers at the school receive information they need in order to carry out their professional duties effectively;
- 58.3.5 enabling advanced skills teachers to fulfil their outreach duties under paragraph 54.2 by taking reasonable steps to arrange or permit such work -
- (a) in the case of such teachers at the school, at the school or elsewhere; and
- (b) in the case of such teachers from other schools working with teachers from the school, at the school or elsewhere;
- 58.3.6 reporting to the chair of governors annually on the professional development of all teachers at the school;
- 58.3.7 advising the governing body on the adoption of effective procedures to deal with incompetent teachers; and
- 58.3.8 keeping the governing body informed of the general operation of such procedures;
- 58.4 **Liaison with staff unions and associations:**
- maintaining relationships with organisations representing teachers and other persons on the staff of the school;
- 58.5 **Curriculum:**
- 58.5.1 determining, organising and implementing an appropriate curriculum for the school, having regard to the needs, experience, interests, aptitudes and stage of development of the pupils and the resources available to the school; and his duty under sections 351(4), 357(1), and 390(4) of the Education Act 1996⁽⁷¹⁾ and section 69 of the School Standards and Framework Act 1998⁽⁷²⁾;
- 58.5.2 securing that all pupils in attendance at the school

⁽⁷¹⁾ 1996 c.56.

⁽⁷²⁾ 1998 c.31.

take part in daily collective worship in pursuance of his duty under section 70 of the School Standards and Framework Act 1998;

58.6

Review:

keeping under review the work and organisation of the school;

58.7

Standards of teaching and learning:

evaluating the standards of teaching and learning in the school, and ensuring that proper standards of professional performance are established and maintained;

58.8

Appraisal, training, development and induction of staff:

58.8.1

supervising and participating in arrangements made in accordance with regulations made under section 49 of the Education (No. 2) Act 1986⁽⁷³⁾ for the appraisal of the performance of teachers in the school; participating in arrangements made for the appraisal of his performance as head teacher, and that of other head teachers who are the responsibility of the same appraising body in accordance with such regulations; participating in the identification of areas in which he would benefit from further training and undergoing such training;

58.8.2

ensuring that all staff in the school have access to advice and training appropriate to their needs, in accordance with the policies of the maintaining authority and governing body;

58.8.3

ensuring that newly-qualified teachers and those returning to teaching after a break in service have access to adequate support in their first year of service or resumed service;

58.8.4

being responsible for the supervision and training of teachers during their induction periods in accordance with the Induction Regulations, and making a recommendation at the end of such induction periods as to whether such

⁽⁷³⁾ 1986 c. 61; the regulations currently in force under this provision are S.I. 1991/1511 amended by S.I. 1999/2261.

teachers have met the prescribed induction standards as required by those Regulations;

58.8.5 ensuring 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 a management allowance under paragraph 23 would be expected to teach;

58.9 **Threshold assessment**

58.9.1 assessing (subject to approval by an assessor) whether a teacher at the school who applies for a threshold assessment has passed the threshold;

58.9.2 explaining to a teacher who makes an application for a threshold assessment the reasons for the outcome of his application and giving him advice about the aspects of his performance which would benefit from further development;

58.9.3 where requested by him to do so providing assistance to an assessor in relation to threshold assessments at the school;

58.9.4 the professional duties of a head teacher under paragraph 56.9 shall not be delegated to a deputy or assistant head teacher, although pursuant to paragraph 58.3 they may be exercised by a deputy head teacher in the head teacher's absence from the school.

58.10 **Advanced skills teacher assessment**

58.10.1 where requested by him to do so, completing under paragraph 30.3.2 the application for a certificate of eligibility for appointment to an advanced skills teacher's post of a teacher at the school or a teacher who was last employed at the school;

58.10.2 where requested by him to do so, providing assistance to an assessor in relation to advanced skills teacher assessments at the school;

58.10.3 the professional duties of a head teacher under paragraph 58.10 shall not be delegated to a deputy or assistant head teacher, although pursuant to paragraph 60.3 they may be exercised by a deputy head teacher in the head teacher's absence from the school.

- 58.11 **Management information:**
- providing information about the work and performance of the staff employed at the school where this is relevant to their future employment;
- 58.12 **Pupil progress:**
- ensuring that the progress of the pupils of the school is monitored and recorded;
- 58.13 **Pastoral care:**
- determining and ensuring the implementation of a policy for the pastoral care of the pupils;
- 58.14 **Discipline:**
- 58.14.1 determining, in accordance with any written statement of general principles provided for him by the governing body, measures to be taken with a view to promoting, among the pupils, self-discipline and proper regard for authority, encouraging good behaviour on the part of the pupils, securing that the standard of behaviour of the pupils is acceptable and otherwise regulating the conduct of the pupils; making such measures generally known within the school, and ensuring that they are implemented; and
- 58.14.2 ensuring the maintenance of good order and discipline at all times during the school day (including the midday break) when pupils are present on the school premises and whenever the pupils are engaged in authorised school activities, whether on the school premises or elsewhere;
- 58.15 **Relations with parents:**
- making arrangements for parents to be given regular information about the school curriculum, the progress of their children and other matters affecting the school, so as to promote common understanding of its aims;
- 58.16 **Relations with other bodies:**
- promoting effective relationships with persons and bodies outside the school;
- 58.17 **Relations with the governing body:**

advising and assisting the governing body of the school in the exercise of their functions, including (without prejudice to any rights he may have as a governor of the school) attending meetings of the governing body and making such reports to them in connection with the discharge of his functions as they may properly require either on a regular basis or from time to time;

58.18

Relations with the authority:

providing for liaison and co-operation with the officers of the maintaining authority; making such reports to the authority in connection with the discharge of his functions as they may properly require, either on a regular basis or from time to time;

58.19 **Relations with other educational establishments:**

maintaining liaison with other schools and further education establishments with which the school has a relationship;

58.20 **Resources:**

allocating, controlling and accounting for those financial and material resources of the school which are under the control of the head teacher;

58.21 **Premises:**

making arrangements, if so required by the maintaining authority or the governing body of a community, voluntary, foundation or community or foundation special school (as appropriate), for the security and effective supervision of the school buildings and their contents and of the school grounds; and ensuring (if so required) that any lack of maintenance is promptly reported to the maintaining authority or, if appropriate, the governing body;

58.22 **Absence:**

arranging for a deputy head teacher or other suitable person to assume responsibility for the discharge of his functions as head teacher at any time when he is absent from the school;

58.23 **Teaching:**

participating, to such extent as may be appropriate having regard to his other duties, in the teaching of pupils at the school, including the provision of cover for absent teachers.

Daily break

59. A head teacher shall be entitled to a break of reasonable length in the course of each school day, and shall arrange for a suitable person to assume responsibility for the discharge of his functions as head teacher during that break.

PART X - CONDITIONS OF EMPLOYMENT OF DEPUTY HEAD TEACHERS AND ASSISTANT HEAD TEACHERS

Professional duties

60. 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 (as described in Part XII) including those duties particularly assigned to him by the head teacher, shall:
- 60.1 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 shall be achieved;
 - (c) managing staff and resources to that end; and
 - (d) monitoring progress towards their achievement;
- 60.2 undertake any professional duties of the head teacher reasonably delegated to him by the head teacher;
- 60.3 in the case of a deputy head teacher only, undertake 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, the professional duties of the head teacher in the event of his absence from the school; and
- 60.4 be entitled to a break of reasonable length as near to the middle of each school day as is reasonably practicable.

PART XI - CONDITIONS OF EMPLOYMENT OF ADVANCED SKILLS TEACHERS AND FAST TRACK TEACHERS

Professional duties

61.1 A teacher who is an advanced skills teacher, in addition to carrying out the professional duties of a teacher other than a head teacher (as described in Part XII) including those duties particularly assigned to him by the head teacher, may be required to carry out the following professional duties:

- (a) participating in initial teacher training;
- (b) participating in the induction and mentoring of newly qualified teachers;
- (c) advising other teachers on classroom organisation and teaching methods;
- (d) producing high quality teaching materials;
- (e) disseminating to other teachers materials relating to best practice and educational research;
- (f) advising on the provision of continuous professional development;
- (g) participating in the appraisal of other teachers;
- (h) helping teachers who are experiencing difficulties;
- (i) producing high quality resources and materials, including video recordings of lessons, for dissemination in their own school and other schools.

61.2 An advanced skills teacher shall normally spend 20% of their time undertaking outreach work carrying out the duties in paragraph 61.1 with or for the benefit of teachers or trainee teachers from other schools, whether at the school of the advanced skills teacher, at that of the other teacher, in higher education institutions, at facilities of the authority or elsewhere.

62. Subject to paragraph 67.1, the professional duties of a fast track teacher shall be the professional duties of

a teacher other than a head teacher (as described in Part XII).

Daily break

63. An advanced skills teacher or a fast track teacher shall be entitled to a break of reasonable length as near to the middle of each school day as is reasonably practicable.

PART XII - CONDITIONS OF EMPLOYMENT OF TEACHERS OTHER THAN HEAD TEACHERS

Exercise of general professional duties

- 64.1 Subject to paragraph 42.6, 43.2, 43.3 and 66.2, a teacher who is not a head teacher shall carry out the professional duties of a teacher as circumstances may require:
- 64.1.1 if he is employed as a teacher in a school, under the reasonable direction of the head teacher of that school;
- 64.1.2 if he is employed by an authority on terms under which he is not assigned to any one school, under the reasonable direction of that authority and of the head teacher of any school in which he may for the time being be required to work as a teacher.
- 64.2 A teacher who has failed satisfactorily to complete an induction period and who is employed pursuant to regulation 16(5) of the Induction Regulations must only carry out such limited teaching duties as the Secretary of State determines pursuant to that regulation.

Exercise of particular duties

- 65.1 Subject to paragraph 42.6, 43.2, 43.3, and 64.2 a teacher employed as a teacher (other than a head teacher) in a school shall perform, in accordance with any directions which may reasonably be given to him by the head teacher from time to time, such particular duties as may reasonably be assigned to him.
- 65.2 A teacher employed by an authority on terms such as those described in paragraph 64.1.2 shall perform, in accordance with any direction which may reasonably be given to him from time to time by the authority or by the head teacher of any school in which he may for the

time being be required to work as a teacher, such particular duties as may reasonably be assigned to him.

Professional duties

66. Subject to paragraph 42.6, 43.2, 43.3, and 64.2 the following duties shall be deemed to be included in the professional duties which a teacher (other than a head teacher) may be required to perform:

66.1 Teaching:

In each case having regard to the curriculum for the school:

66.1.1 planning and preparing courses and lessons;

66.1.2 teaching, according to their educational needs, the pupils assigned to him, including the setting and marking of work to be carried out by the pupil in school and elsewhere;

66.1.3 assessing, recording and reporting on the development, progress and attainment of pupils;

66.2 Other activities:

66.2.1 promoting the general progress and well-being of individual pupils and of any class or group of pupils assigned to him;

66.2.2 providing guidance and advice to pupils on educational and social matters and on their further education and future careers, including information about sources of more expert advice on specific questions; making relevant records and reports;

66.2.3 making records of and reports on the personal and social needs of pupils;

66.2.4 communicating and consulting with the parents of pupils;

66.2.5 communicating and co-operating with persons or bodies outside the school; and

66.2.6 participating in meetings arranged for any of the purposes described above;

66.3 Assessments and reports:

providing or contributing to oral and written assessments, reports and references relating to individual pupils and groups of pupils;

66.4 **Appraisal:**

participating in arrangements made in accordance with regulations made under section 49 of the Education (No. 2) Act 1986⁽⁷⁴⁾ for the appraisal of his performance and that of other teachers;

66.5 **Review, induction, further training and development:**

66.5.1 reviewing from time to time his methods of teaching and programmes of work;

66.5.2 participating in arrangements for his further training and professional development as a teacher;

66.5.3 in the case of a teacher serving an induction period pursuant to the Induction Regulations, participating in arrangements for his supervision and training;

66.6 **Educational methods:**

advising and co-operating with the head teacher and other teachers (or any one or more of them) on the preparation and development of courses of study, teaching materials, teaching programmes, methods of teaching and assessment and pastoral arrangements;

66.7 **Discipline, health and safety:**

maintaining good order and discipline among the pupils and safeguarding their health and safety both when they are authorised to be on the school premises and when they are engaged in authorised school activities elsewhere;

66.8 **Staff meetings:**

participating in meetings at the school which relate to the curriculum for the school or the administration or organisation of the school, including pastoral arrangements;

(74) 1986 c.61; the regulations currently in force under this provision are S.I. 1991/1511 amended by S.I. 1999/2261.

66.9 **Cover:**

66.9.1 subject to paragraph 66.9.2, supervising and so far as practicable teaching any pupils whose teacher is not available to teach them:

66.9.2 subject to the exceptions in paragraph 66.9.3, no teacher shall be required to provide such cover:

- (a) after the teacher who is absent or otherwise not available has been so for three or more consecutive working days; or
- (b) where the fact that the teacher would be absent or otherwise not available for a period exceeding three consecutive working days was known to the maintaining authority or, in the case of a school which has a delegated budget, to the governing body, for two or more working days before the absence commenced;

66.9.3 the exceptions are:

- (a) he is a teacher employed wholly or mainly for the purpose of providing such cover ("a supply teacher"); or
- (b) the authority or the governing body (as the case may be) have exhausted all reasonable means of providing a supply teacher to provide cover without success; or
- (c) he is a full-time teacher at the school but has been assigned by the head teacher in the timetable to teach or carry out other specified duties (except cover) for less than 75 per cent of those hours in the week during which pupils are taught at the school;

66.10 **Public examinations:**

participating in arrangements for preparing pupils for public examinations and in assessing pupils for the purposes of such examinations; recording and reporting such assessments; and participating in arrangements for pupils' presentation for and supervision during such examinations;

66.11 **Management:**

- 66.11.1 contributing to the selection for appointment and professional development of other teachers and non-teaching staff, including the induction and assessment of new teachers and teachers serving induction periods pursuant to the Induction Regulations;
 - 66.11.2 assisting the head teacher or an assessor in carrying out threshold assessments of other teachers for whom he has management responsibility;
 - 66.11.3 co-ordinating or managing the work of other teachers; and
 - 66.11.4 taking such part as may be required of him in the review, development and management of activities relating to the curriculum, organisation and pastoral functions of the school;
- 66.12 **Administration:**
- 66.12.1 participating in administrative and organisational tasks related to such duties as are described above, including the management or supervision of persons providing support for the teachers in the school and the ordering and allocation of equipment and materials; and
 - 66.12.2 attending assemblies, registering the attendance of pupils and supervising pupils, whether these duties are to be performed before, during or after school sessions.

Working time

- 67.1 The provisions of this paragraph shall not apply to deputy head teachers, assistant head teachers, advanced skills teachers, fast track teachers or to teachers employed to teach part-time and are subject to paragraphs 42.6, 43.2 and 43.3

- 67.2 A teacher employed full-time, other than in the circumstances described in paragraph 67.4, shall be available for work for 195 days in any school year, of which 190 days shall be days on which he may be required to teach pupils in addition to carrying out other duties; and those 195 days shall be specified by his employer or, if the employer so directs, by the head teacher.

- 67.3 Such a teacher shall 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 his employer or the head teacher of any school in which he may for the time being be required to work as a teacher) for 1265 hours in any school year, those hours to be allocated reasonably throughout those days in the school year on which he is required to be available for work.
- 67.4 Paragraph 67.2 does not apply to such a teacher employed wholly or mainly to teach or perform other duties in relation to pupils in a residential establishment.
- 67.5 Time spent in travelling to or from the place of work shall not count against the 1265 hours referred to in paragraph 67.3.
- 67.6 Such a teacher shall not be required under his contract as a teacher to undertake midday supervision, and shall be allowed a break of reasonable length either between school sessions or between the hours of 12 noon and 2.00pm.
- 67.7 Such a teacher shall, in addition to the requirements set out in paragraphs 67.2 and 67.3, work such additional hours as may be needed to enable him to discharge effectively his professional duties, including, in particular, the marking of pupils' work, the writing of reports on pupils and the preparation of lessons, teaching material and teaching programmes. The amount of time required for this purpose beyond the 1265 hours referred to in paragraph 67.3 and the times outside the 1265 specified hours at which duties shall be performed shall not be defined by the employer but shall depend upon the work needed to discharge the teacher's duties.

Annex 1

Performance threshold standards

Knowledge and Understanding

1. Teachers should demonstrate that they have a thorough and up-to-date knowledge of the teaching of their subject and take account of wider curriculum developments which are relevant to their work.

Teaching and Assessment

2. Teachers should demonstrate that they consistently and effectively plan lessons and sequences of lessons to meet pupils' individual learning needs.

3. Teachers should demonstrate that they consistently and effectively use a range of appropriate strategies for teaching and classroom management.

4. Teachers should demonstrate that they consistently and effectively use information about prior attainment to set well-grounded expectations for pupils and monitor progress to give clear and constructive feedback.

Pupil progress

5. Teachers should demonstrate that, as a result of their teaching, their pupils achieve well relative to the pupils' prior attainment, making progress as good or better than similar pupils nationally. This should be shown in marks or grades in any relevant national tests or examinations, or school-based assessment for pupils where national tests and examinations are not taken.

Wider Professional Effectiveness

6. Teachers should demonstrate that they take responsibility for their professional development and use the outcomes to improve their teaching and pupils' learning.

7. Teachers should demonstrate that they make an active contribution to the policies and aspirations of the school.

Professional Characteristics

8. Teachers should demonstrate that they are effective professionals who challenge and support all pupils to do their best through:

- (a) inspiring trust and confidence,
- (b) building team commitment,
- (c) engaging and motivating pupils,
- (d) analytical thinking,
- (e) positive action to improve the quality of pupils' learning.

Annex 2

Standards for advanced skills teachers

Excellent results or outcomes

1. As a result of the advanced skills teachers' teaching, pupils show consistent improvement in relation to prior and expected attainment; are highly motivated, enthusiastic and respond positively to challenge and high expectations; exhibit consistently high standards of discipline and behaviour; show a consistent track record of parental involvement and satisfaction.

Excellent subject or specialist knowledge

2. Advanced skills teachers must keep up-to-date in their subject or specialism; have a full understanding of connections and progression in the subject and use this in their teaching to ensure pupils make good progress; quickly understand pupils' perceptions and misconceptions from their questions and responses; understand information and communications technology in the teaching of their subject or specialism.

Excellent ability to plan

3. Advanced skills teachers must prepare lessons and sequences of lessons with clear objectives to ensure successful learning by all pupils; set consistently high expectations for pupils in their class and homework; plan their teaching to ensure it builds on the current and previous achievement of pupils.

Excellent ability to teach, manage pupils and maintain discipline

4. Advanced skills teachers must understand and use the most effective teaching methods to achieve the teaching objectives in hand; must display flair and creativity in engaging, enthusing and challenging groups of pupils; use questioning and explanation skilfully to secure maximum progress; must develop pupils' literacy, numeracy and information and communications technology skills as appropriate within their phase and context; are able to provide positive and targeted support for pupils who have special educational needs, are very able, are from ethnic minorities, lack confidence, have behavioural difficulties or are disaffected; must maintain respect and discipline; are consistent and fair.

Excellent ability to assess and evaluate

5. Advanced skills teachers must use assessment as part of their teaching to diagnose pupils' needs, set realistic and challenging targets for improvement and plan future teaching; improve their teaching through evaluating their own practice in relation to pupils' progress, school targets and inspection evidence.

Excellent ability to advise and support other teachers

6. Advanced skills teachers must provide clear feedback, good support and sound advice to others; are able to provide examples, coaching and training to help others become more effective in their teaching; can help others to evaluate the impact of their teaching on raising pupils' achievements; are able to analyse teaching and understand how improvements can be made; have highly developed inter-personal skills which allow them to be effective in schools and situations other than their own; provide a role model for pupils and other staff through their personal and professional conduct; know how to plan and prioritise their own time and activity effectively; are highly respected and able to motivate others.

Annex 3

Eligibility criteria for fast track assessment

1. The teacher is registered with the General Teaching Council for England and is not subject to any restriction, condition or suspension, imposed by the Secretary of State or the General Teaching Council for England, the General Teaching Council for Wales, the General Teaching Council for Scotland or the Department of Education in Northern Ireland.
2. The teacher obtained a first class or class 2.1 honours degree or holds a qualification which in the opinion of the assessment body is equivalent to such a degree.
3. The teacher is not entitled to be paid at point M6 on the main pay scale, is not entitled to be paid as a post-threshold teacher and does not hold an advanced skills teacher post or a leadership group post.
4. The teacher has supplied a reference from a person with a knowledge of teaching and who is able to comment objectively on the teacher's suitability to become a fast track teacher.

Annex 4

Fast Track Teachers' Competencies and Values

COMPETENCIES

THINKING STYLE

1. Analysis and problem solving - The teacher identifies solutions to problems and takes responsibility for making decisions. In particular he typically:

- a) anticipates problems and assumes personal ownership to take action and address them;
- b) systematically gathers up to date information from a wide range of relevant quantitative and qualitative sources and perspectives;
- c) collects and analyses all available relevant information to gain a comprehensive understanding of the immediate situation;
- d) effectively assimilates different types of information e.g. facts, diverse conflicting views and strong opinions;
- e) interprets information logically to identify options and conclusions;
- f) quickly identifies the key issues, recognising themes within information, possible causes and anomalies;
- g) uses sound judgement to make decisions when there is no obvious answer;
- h) seeks to identify the best solution for all concerned;
- i) makes timely decisions and ensures decisions are implemented.

2. Conceptual thinking - The teacher thinks beyond the immediate situation and identifies new and improved ways of doing things. In particular he typically:

- a) invents new ways of integrating ideas or information into meaningful concepts and models;
- b) continually looks for new and improved ways of doing

things and motivates others to do the same;

- c) sees 'everyday' problems as an opportunity to do something different and creative;
- d) is able to anticipate future possibilities i.e. thinking is not constrained by the current situation;
- e) is able to take an overview of situations, standing back from detail;
- f) identifies connections between apparently unrelated situations;
- g) looks at situations from different angles to generate novel interpretations and ideas.

3. Ensuring the delivery of quality results - The teacher sets high standards for himself and others and ensures they are achieved. In particular he typically:

- a) consistently focuses energy and effort on achieving the best possible results with the time and resources available;
- b) sets stretching and achievable task objectives for himself and others, ensuring these are understood and accepted by all those involved;
- c) is able to anticipate realistically the time needed to complete tasks;
- d) identifies what needs to be achieved, by when, by whom and in what order. He anticipates obstacles and develops contingency plans;
- e) is able to manage a variety of tasks simultaneously. He does not become overly distracted by one key task at the expense of others;
- f) consistently monitors and evaluates progress, taking action to revise priorities, overcome obstacles and problems;
- g) develops short, medium term and longer term strategic plans as appropriate.

INTERPERSONAL STYLE

4. Communicating effectively - The teacher communicates effectively both orally and in writing, capturing the interest and enthusiasm of different audiences. In particular he typically:

- a) communicates aims, ideas and information using clear and concise language that is easy to understand;
- b) adapts the style and content of his communication to appeal to the listener or reader;
- c) effectively selects and uses the appropriate medium to communicate with others (for example: face to face, to individuals or groups, using information and communications technology (ICT));
- d) seeks and listens to others' views and encourages contributions;
- e) ensures information reaches relevant people and that messages are understood;
- f) conveys conviction in his own message, capturing the interest and attention of others.

5. Influencing others - The teacher is able to persuade and influence other people. In particular he typically:

- a) is highly persuasive, presenting convincing and appealing arguments;
- b) is an independent thinker and is prepared to challenge other people's views;
- c) effectively negotiates with others to agree a way forward;
- d) is proactive in creating and maintaining a broad network of contacts. He makes effective use of this network e.g. to communicate information, consult and gain support and make progress;
- e) decides and acts upon deliberate strategies to influence others;
- f) overcomes criticisms and challenges with persuasive counter-arguments.

6. Developing and enabling others - The teacher continually

encourages others to perform to the best of their abilities and challenges under-performance. In particular he typically:

- a) continually challenges and encourages others to perform to the best of their abilities;
- b) establishes how he can best support individual needs and provides appropriate direction, coaching and support;
- c) identifies people's strengths and development needs and provides timely constructive feedback;
- d) helps people to identify actions they can take to improve and agrees motivating and stretching objectives;
- e) adapts his approach to respond to individual differences in for example motivation and learning style.

7. Teamworking and building relationships - The teacher builds and contributes to highly effective working relationships with individuals, within and across teams. In particular he typically:

- a) brings problems that hamper teamworking out into the open and works with others to resolve them;
- b) demonstrates respect for diversity in needs, attitudes and opinions of others, and adapts his behaviour accordingly;
- c) seeks to understand and is sensitive to others' concerns and problems, offers continued help and support;
- d) is genuinely interested in people and seeks to get to know them;
- e) makes time to be accessible to others. He makes it easy for others to get to know him and feel comfortable in his presence.

PERSONAL STYLE

8. Confidence and resilience - The teacher demonstrates self confidence in his ability to succeed, maintaining energy and enthusiasm in highly challenging situations. In particular he typically:

- a) appears confident and self-assured in a wide range of

social and professional situations;

- b) approaches new situations and takes on difficult challenges willingly and positively and encourages others to do the same;
- c) is able to make and defend unpopular decisions;
- d) can tolerate working under pressure, quickly overcomes setbacks, retaining a positive 'can do' attitude;
- e) remains 'upbeat' and maintains energy level when challenged or criticised;
- f) manages his own time to achieve a healthy balance between home and work.

9. Commitment to self-development - The teacher shows a commitment to his own learning and takes responsibility for his own professional development. In particular he typically:

- a) is highly motivated to increase continually the breadth and depth of his knowledge and skills;
- b) creates opportunities for self-development - is prepared to take risks by trying new things;
- c) sets challenging personal goals and strives to achieve them;
- d) actively seeks feedback from others and is open to constructive criticism and learning from his mistakes;
- e) takes actions to address his development needs.

VALUES

10. Integrity and Fairness

The teacher:

- a) respects all individual differences, for example: gender, race and background, and behaves fairly towards others irrespective of these;
- b) listens equally to parties with differing views and opinions and demonstrates that they are of equal value to

him;

- c) does what he says he will do and keeps commitments;
- d) says when he does not know the answer;
- e) admits mistakes and when he got it wrong;
- f) handles difficult issues objectively and sensitively.

11. Commitment to working with children

The teacher:

- a) is able to articulate with passion and conviction why he wants to teach children;
- b) has sought out opportunities to work with children;
- c) is able to build rapport with many different groups of children;
- d) is interested in understanding children's minds, behaviour and development;
- e) retains enthusiasm and commitment for working with children despite adverse reactions or difficulties;
- f) puts the needs of children before his own;
- g) believes in equality of opportunity for all children.

12. Passion for learning and education

The teacher:

- a) can articulate his educational values with enthusiasm and conviction;
- b) believes in the ability of everyone to achieve and fulfil their potential;
- c) has a genuine interest in how people learn and develop;
- d) gains satisfaction from helping others learn and develop

and passing on skills and knowledge;

e) has high expectations of self, pupils and others in relation to achieving potential;

f) has a demonstrable passion for his own curriculum area. He is clearly motivated to teach his own curriculum area to others.