
**School Teachers' Pay and
Conditions Document 2004
and
Guidance on School Teachers'
Pay and Conditions**



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SECTION I – Introductory

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

Introduction

1. The Education Act 2002 gives the Secretary of State power to issue guidance on pay and conditions matters, to which those concerned must have regard.
2. As in 2003, this publication brings together the two key parts of the new framework for the England and Wales pay arrangements – the School Teachers' Pay and Conditions Document ('the Document') and the guidance. These may also be found at www.teachernet.gov.uk/pay. The Document and the guidance need to be read together to provide a complete picture of pay and conditions arrangements in England and Wales.
3. The statutory requirements for teachers' pay and conditions for maintained schools in England and Wales are set out in the Document, and schools and LEAs must abide by these. LEAs and governing bodies are required to have regard to the guidance, and in respect of guidance on procedural matters a court or tribunal may take any failure to do so into account in any proceedings. Broadly speaking, this means that any party not following the guidance would need to have good reason not to do so and would need to be able to justify any departure from it.
4. The Document itself has been simplified further since 2003, because some material has been moved into the guidance, has been covered elsewhere, or is no longer required.
5. LEAs and schools can find additional informative material on pay matters, including a model pay policy, on Teachernet, at www.teachernet.gov.uk/pay. Hard copies of this material can be sent on request; please contact Francis Roodt on 0207 925 5021 (francis.roodt@dfes.gsi.gov.uk). Other material is available at www.teachernet.gov.uk/performancethreshold (threshold), www.teachernet.gov.uk/professionaldevelopment/ast (Advanced Skills Teachers), www.fasttrackteaching.gov.uk (Fast Track

Teachers) and www.londonchallenge.gov.uk (Chartered London Teachers). For general pay queries please call 0870 0012345 or email info@dfes.gsi.gov.uk.

6. The changes to the Document resulting from the National Workload Agreement in January 2003 and the guidance on the Agreement in Section 4 were drawn up and agreed in 2003 with the Workload Agreement Monitoring Group, comprising the signatories to the Workload Agreement⁽¹⁾.
7. The remaining changes resulted from STRB recommendations in November 2003 and March 2004, the Rewards and Incentives Agreement in January 2004, and subsequent discussions with the Rewards and Incentives Group - the national pay partners' group⁽²⁾ set up following the January Agreement. The group has agreed the guidance on general pay issues in Section 3. This group is continuing to meet with the aim of agreeing further joint proposals. In particular, discussions are being held on a new framework for allowances and responsibility posts and the proposed new Excellent Teacher Scheme.
8. In addition, the Document and guidance were consulted on with all key stakeholders as part of the statutory consultation process.

Summary of changes to pay and conditions since 2003

9. The main changes to the Document since 2003 are as follows (paragraph references are to paragraphs in the Document):
 - new sets of pay scales covering April 2004 – August 2006 (paragraphs 6.4, 17.3, 19.2, 27.1, 38.1 and Annex 6);
 - new separate pay scales for Outer London and the Fringe, replacing a system of separate allowances (paragraphs as above);
 - the upper pay scale now ends at U3 (paragraph 19.2);

(1) Members of WAMG are ATL, DfES, GMB, NAHT, NASUWT, NEOST, PAT, SHA, TGWU, UNISON and WAG.

(2) Members of RIG are ATL, DfES, NAHT, NASUWT, NEOST, PAT and SHA.

-
- recruitment and retention allowances are abolished and replaced by flexible, fixed-term recruitment and retention award payment arrangements (paragraph 51) – see paragraph 11 of this section and paragraphs 73-80 of Section 3 for more detail;
 - new management allowances are only payable on a fixed-term basis, not exceeding one year (paragraph 23.2);
 - all relevant bodies – LEAs and schools - are now required to have a pay policy, including arrangements for pay appeals (paragraphs 3 and 5);
 - external threshold assessment has been abolished and final decisions are now taken by the relevant body (paragraph 21);
 - the amount of detail included in the Document about Advanced Skills and Fast Track teachers has been reduced (paragraphs 27 – 36);
 - provision is now made for the introduction of Chartered London Teacher status (paragraph 37).
10. In addition, the changes to the Document arising from the National Workload Agreement which have not already come into effect in 2003 are:
- from 1 September 2004, revised arrangements limit the amount of cover an individual teacher can be required to carry out (paragraphs 57.3.4 and 65.9.2);
 - from 1 September 2005, all teachers will have guaranteed planning, preparation and assessment time and heads will have dedicated headship time (Annex 6);
 - from 1 September 2005, teachers will not be required to arrange or supervise public examinations (Annex 6).

Recruitment and retention awards – further information

11. All recruitment and retention allowances, incentives or benefits awarded to teachers under paragraphs 24 and 48 of the 2003 Document, other than those awarded on a fixed-term basis, ceased to exist on 1 April 2004. Paragraph 24 in the 2003 Document, which included the set scale of five recruitment and retention allowances, was deleted on 1 April 2004 and paragraph 48 in the 2003 Document (relating to incentives and benefits) was amended. (This is now paragraph 51 in the 2004 Document). However, any recruitment and retention allowances, incentives and benefits previously awarded under paragraphs 24 or 48 for a fixed period (including 'golden handcuffs') continue for the duration of the existing award, to a maximum of three years from 1 April 2004. Paragraphs 73-75 of the guidance in Section 3 cover these issues.

SECTION 2 – School Teachers’ Pay and Conditions Document 2004

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 an order being made by him under section 122 of the Education Act 2002 (“the Act”)⁽¹⁾. That Order refers to this Document and directs that its provisions shall have effect in accordance with it pursuant to section 124(3) of the Act. The anticipated order will be the Education (School Teachers’ Pay and Conditions) (No.2) Order 2004 (“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 128(2) of the Act applies) in the provision of primary or secondary education (otherwise than in an establishment maintained by a local authority in the exercise of a social services function).

When the Order comes into force, this Document will from 1st September 2004 replace the 2003 Document given effect by the Education (School Teachers’ Pay and Conditions) (No.2) Order 2003⁽²⁾.

(1) 2002 c.32.
(2) S.I. 2003/2169, as amended by SI 2003/2640 and SI 2004/658.

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PART I – Commencement and Interpretation

Commencement and Interpretation

1.1 The provisions of this Document, except those in Annex 6, take effect from 1st September 2004 and the provisions in Annex 6 take effect as stated in that Annex.

1.2 In this Document:

“the Act” means the Education Act 2002⁽³⁾;

“advanced skills teacher” means a qualified teacher who has been certified by an assessor appointed by the Secretary of State for Education and Skills as eligible for appointment to an advanced skills teacher’s post and who has been so appointed;

“assessor” in relation to fast track assessments and the certification of advanced skills teachers means an assessor appointed under arrangements made by the Secretary of State under paragraphs 28 and 31;

“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;

“Chartered London Teacher” means a qualified teacher who has been awarded Chartered London Teacher status in accordance with paragraph 37;

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

“deputy head teacher” means, in relation to England⁽⁴⁾, a qualified teacher appointed to the teaching staff of a school as a deputy head teacher in accordance with the School Staffing (England) Regulations 2003⁽⁵⁾ and includes a teacher appointed as an acting

(3) 2002 c.32.

(4) In relation to Wales, “deputy head teacher” is defined with “head teacher”.

(5) S.I. 2003/1963, as amended by S.I. 2003/2725.

deputy head teacher but not a teacher who is assigned and carries out the duties of a deputy head teacher without being so appointed;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992⁽⁶⁾ as adjusted by the Protocol signed at Brussels on 17 March 1993⁽⁷⁾ and the EEA Enlargement Agreement signed at Brussels on 14th October 2003⁽⁸⁾;

“employment-based teacher training scheme” means in relation to England the scheme established by the Secretary of State under paragraph 10 of Schedule 2 to the English Teachers’ Qualifications Regulations, or any equivalent scheme established under regulations under section 132 of the Act by the National Assembly for Wales⁽⁹⁾;

“the English Teachers Qualifications Regulations” means the Education (School Teachers’ Qualifications) (England) Regulations 2003⁽¹⁰⁾;

“European Economic Area and Switzerland” means-

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

“Fast Track teacher” means a classroom teacher who is not a post-threshold teacher and who has been recognised as a fast track teacher in accordance with paragraph 34 and who has not ceased to be recognised in accordance with paragraph 35;

“fifth key stage” means any period of schooling after the completion of the fourth key stage;

(6) Cmnd 2073.

(7) Cmnd 2183.

(8) Cmnd 5805.

(9) No regulations have been made in relation to Wales.

(10) S.I. 2003/1662.

“first key stage” means the first key stage as defined in section 82(1) (a) of the Act in relation to England and as defined in section 103(1) (a) of the Act in relation to Wales;

“foundation stage” means the foundation stage as defined in section 81 of the Act in relation to England, and in relation to Wales means any period of schooling before the first key stage;

“fourth key stage” means the fourth key stage as defined in section 82(1)(d) of the Act in relation to England and as defined in section 103(1)(d) of the Act in relation to Wales;

“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;

“graduate teacher” means in relation to England a teacher who has been granted an authorisation to teach in accordance with paragraphs 5 to 9 of Schedule 2 to the Education (Teachers’ Qualifications and Health Standards) (England) Regulations 1999⁽¹¹⁾ before 1st September 2002 or in relation to Wales paragraphs 5 to 9 of Schedule 2 to the Welsh Teachers’ Qualifications Regulations;

(11) S.I. 1999/2166, as amended by S.I. 2002/2704, 2001/1391, 2001/2896, 2001/3737. These Regulations have been revoked by S.I. 2003/1662.

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

“head teacher” and “deputy head teacher” mean, in relation to Wales, 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 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⁽¹²⁾ 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 12;

“Induction Regulations” means the Education (Induction Arrangements for School Teachers) (Consolidation) (England) Regulations 2001⁽¹³⁾ or the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003⁽¹⁴⁾;

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

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

“licensed teacher” means a teacher who was granted a licence under the provisions of Part II of Schedule 2 to the Education (Teachers)

(12) 1998 c.31.

(13) S.I. 2001/2897, amended by SI 2001/3938, 2002/2063, 2003/106, and 2003/2148.

(14) S.I. 2003/543(W.77.), amended by SI 2004/872 (W.87).

Regulations 1993⁽¹⁵⁾, as they applied before amendment by the Education (Teachers) (Amendment) (No.2) Regulations 1997⁽¹⁶⁾;

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

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

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

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

“the Outer London Area” means Greater London, excluding the Inner London Area;

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

“post-threshold teacher” means a classroom teacher who:

- (a) has been assessed as meeting all the performance threshold standards in accordance with this Document, the 2003 Document, the 2002 Document, the 2001 Document or the 2000 Document;
- (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

(15) S.I. 1993/543, now revoked.

(16) S.I. 1997/2679, now revoked.

post but who has not been so appointed, and would otherwise have been placed on point M6 of the pay scale;

- (e) at any time has been employed as a qualified teacher-
 - (i) in an MOD school;
 - (ii) by an Education Action Forum⁽¹⁷⁾;
 - (iii) at an Academy, city technology college or city college for the technology of the arts⁽¹⁸⁾;
 - (iv) at a non-maintained special school⁽¹⁹⁾;
 - (v) in an establishment maintained by a local authority in the exercise of a social services function; or
 - (vi) by a person appointed in accordance with a direction made by the Secretary of State under section 497A of the Education Act 1996⁽²⁰⁾ to perform the functions of an authority and who immediately before such employment was employed by that authority;

and whilst employed as such was assessed as meeting all the threshold standards throughout the relevant period as described in paragraph 21.5, provided that, at the date he made his application, he had completed five years of employment (as defined by paragraph 1.8) as a qualified teacher;

- (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;

(17) As established under section 11 of the School Standards and Framework Act 1998 (c.31) as amended by the Act.

(18) Within the meaning of section 482 of the Education Act 1996 (c.56) as originally enacted as substituted by section 65 of the Act.

(19) Approved in accordance with Regulations (SI 1999/2257) made under section 342 of the Education Act 1996.

(20) Section 497A was inserted in the Education Act 1996 by the School Standards and Framework Act 1998 (c.31) and amended by the Act.

-
- (h) has been assessed as meeting the Northern Ireland threshold standards; or
 - (i) prior to 1st September 2004 was employed as a qualified teacher otherwise than by a relevant body and during such employment was assessed as meeting all the threshold standards and the assessment was approved by an assessor appointed under arrangements made for that purpose by the Secretary of State;

“pupil referral unit” has the meaning given to that expression in section 19(2) of the Education Act 1996⁽²¹⁾;

“qualified teacher” means a person who satisfies requirements specified in regulations under section 132 of the Act⁽²²⁾;

“registered teacher” means in relation to England a teacher who has been granted an authorisation to teach in accordance with paragraphs 12 to 18 of Schedule 2 to the Education (Teachers’ Qualifications and Health Standards) (England) Regulations 1999⁽²³⁾ before 1st September 2002, or in relation to Wales, paragraphs 12 to 18 of Schedule 2 to the Welsh Teachers Qualifications 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;

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

(21) 1996 c.56.

(22) The current regulations are the Education (School Teachers’ Qualifications) (England) Regulations 2003 (S.I.2003/1662). No regulations have been made in relation to Wales where regulation 6(1) of the Education Act 2002 (Transitional Provisions) (Wales) Regulations 2002 (S.I. 2002/3184) provides that until regulations under section 132 of the Act come into force, a reference to a “qualified teacher” has the meaning in section 218(2) of the Education Reform Act 1988 (c.40).

(23) S.I. 1999/2166, as amended by S.I. 2002/2704, 2001/1391, 2001/2896, 2001/3737, 2002/1434 and 2003/107.

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

“school causing concern” means a school to which section 15 of the School Standards and Framework Act 1998⁽²⁴⁾ applies by virtue of subsection (1) (school subject to a formal warning), (4) (school with serious weaknesses) or (6) (school requiring special measures);

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

“school year” means a period of 12 months commencing on 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;

“second key stage” means the second key stage as defined in section 82(1)(b) of the Act in relation to England and as defined in section 103(1)(b) of the Act in relation to Wales;

“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;

“Swiss Agreement” means the Agreement, made between the European Community and its Member States of the one part and the Swiss Confederation of the other, on the Free Movement of Persons signed at Luxembourg on 21 June 1999⁽²⁵⁾ and which came into force on 1 June 2002;

“teacher” means, except where otherwise stated, a teacher who is a school teacher within the meaning of section 122 of the Act⁽²⁶⁾;

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

(a) employed in an institution of further or higher education, or

(24) 1998 c.31, as amended by the Learning and Skills Act 2000 (c. 21) and by section 55 of the Act.

(25) Cmnd 4904.

(26) In relation to Wales regulation 6(2) of the Education Act 2002 (Transitional Provisions) (Wales) Regulations 2002(S.I. 2002/3184) provides that section 122(3)(d) of the Act does not apply until regulations under section 133 of the Act come into force.

(b) otherwise employed by a local education authority for the purposes of their functions relating to further and higher education,

other than a teacher seconded to a body which reimburses the employing authority the amount of 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⁽²⁷⁾;

“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;

“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”⁽²⁸⁾ as amended⁽²⁹⁾;

“the 1993 Document” means the document published by Her Majesty’s Stationery Office entitled “School Teachers’ Pay and Conditions Document 1993”⁽³⁰⁾ and includes that document as amended by the Education (School Teachers’ Pay and Conditions) Order 1994⁽³¹⁾;

“the 1994 Document” means the document published by Her Majesty’s Stationery Office entitled “School Teachers’ Pay and Conditions Document 1994”⁽³²⁾ and includes that document as amended by the Education (School Teachers’ Pay and Conditions) Order 1995⁽³³⁾;

(27) S.I.1986/594 (NI3) as amended by SR (NI) 1993 No.12.

(28) ISBN 0 11 270550 2.

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

(30) ISBN 0 11 270843 9.

(31) S.I. 1994/910.

(32) ISBN 0 11 270881 1.

(33) S.I. 1995/1015.

“the 1995 Document” means the document published by Her Majesty’s Stationery Office entitled “School Teachers’ Pay and Conditions Document 1995”⁽³⁴⁾ and includes that document as amended by the Education (School Teachers’ Pay and Conditions) Order 1996⁽³⁵⁾;

“the 1996 Document” means the document published by Her Majesty’s Stationery Office entitled “School Teachers’ Pay and Conditions Document 1996”⁽³⁶⁾ and includes that document as amended by the Education (School Teachers’ Pay and Conditions) Order 1997⁽³⁷⁾;

“the 1997 Document” means the document published by Her Majesty’s Stationery Office entitled “School Teachers’ Pay and Conditions Document 1997”⁽³⁸⁾ and includes that document as amended by the Education (School Teachers’ Pay and Conditions) Order 1998⁽³⁹⁾;

“the 1998 Document” means the document published by Her Majesty’s Stationery Office entitled “School Teachers’ Pay and Conditions Document 1998”⁽⁴⁰⁾ and includes that document as amended by the Education (School Teachers’ Pay and Conditions) Order 1999⁽⁴¹⁾;

“the 1999 Document” means the document published by Her Majesty’s Stationery Office entitled “School Teachers’ Pay and Conditions Document 1999”⁽⁴²⁾ and includes that document as amended by the Education (School Teachers’ Pay and Conditions) Order 2000⁽⁴³⁾;

“the 2000 Document” means the document published by Her Majesty’s Stationery Office entitled “School Teachers’ Pay and Conditions Document 2000”⁽⁴⁴⁾ and includes that document as amended by the Education (School Teachers’ Pay and Conditions) (No.3) Order 2000⁽⁴⁵⁾, the Education (School Teachers’ Pay and

(34) ISBN 0 11 270914 1.

(35) S.I. 1996/1003; revoked by S.I. 1996/1816.

(36) ISBN 0 11 270952 4.

(37) S.I. 1997/755; revoked by S.I. 1997/1789.

(38) ISBN 0 11 271012 3.

(39) S.I. 1998/903; revoked by S.I. 1998/1884.

(40) ISBN 0 11 271038 7.

(41) S.I. 1999/917; revoked by S.I. 1999/2160.

(42) ISBN 271069 7.

(43) S.I. 2000/868; revoked by S.I. 2000/2321.

(44) ISBN 011 2710905.

(45) S.I. 2000/2321; revoked by S.I. 2000/2962.

Conditions) (No.4) Order 2000⁽⁴⁶⁾, the Education (School Teachers' Pay and Conditions) Order 2001⁽⁴⁷⁾, the Education (School Teachers' Pay and Conditions)(No.2) Order 2001⁽⁴⁸⁾ and the Education (School Teachers' Pay and Conditions)(No.3) Order 2001⁽⁴⁹⁾;

“the 2001 Document” means the document published by Her Majesty’s Stationery Office entitled “School Teachers’ Pay and Conditions Document 2001”⁽⁵⁰⁾ and includes that document as amended by the Education (School Teachers’ Pay and Conditions)(No.6) Order 2001⁽⁵¹⁾, The Education (School Teachers’ Pay and Conditions)(No.7)Order 2001⁽⁵²⁾ and the Education (School Teachers’ Pay and Conditions) Order 2002⁽⁵³⁾.

“the 2002 Document” means the document published by Her Majesty’s Stationery Office entitled “School Teachers’ Pay and Conditions Document 2002”⁽⁵⁴⁾ and includes that document as amended by the Education (School Teachers’ Pay and Conditions) Order 2003⁽⁵⁵⁾

”the 2003 Document” means the document published by Her Majesty’s Stationery Office entitled “School Teachers’ Pay and Conditions Document 2003”⁽⁵⁶⁾ and includes that document as amended by the Education (School Teachers’ Pay and Conditions) (No. 3) Order 2003⁽⁵⁷⁾ and the Education (School Teachers’ Pay and Conditions) Order 2004⁽⁵⁸⁾.

“third key stage” means the third key stage as defined in section 82(1) (c) of the Act in relation to England and as defined in section 103(1) (c) of the Act in relation to Wales;

“unattached teacher” means:

(a) a teacher not attached to a particular school;

(46) S.I. 2000/3106; revoked by S.I. 2001/2962.

(47) S.I. 2001/720; revoked by S.I. 2001/2962.

(48) S.I. 2001/1254; revoked by S.I. 2001/2962.

(49) S.I. 2001/1284; revoked by S.I. 2001/2962.

(50) ISBN 011 2711073.

(51) S.I. 2001/3243; revoked by S.I. 2002/2223.

(52) S.I. 2001/3435; revoked by S.I. 2002/2223.

(53) S.I. 2002/838; revoked by S.I. 2002/2223.

(54) ISBN 0112711294.

(55) S.I. 2003/769; revoked by S.I. 2003/2169.

(56) ISBN 0112711464.

(57) SI 2003/2640.

(58) SI 2004/658.

- (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 who is not a qualified teacher and who is prescribed by Order under section 122(5) of the Act as a school teacher for the purposes of that section⁽⁵⁹⁾;

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

“visually impaired” means blind or partially sighted;

“the Welsh Teachers Qualifications Regulations” mean the Education (Teachers’ Qualifications and Health Standards) (Wales) Regulations 1999⁽⁶⁰⁾; and

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

- 1.3 The Interpretation Act 1978⁽⁶¹⁾ shall apply for the interpretation of this Document as if it were an Order made under the Act.
- 1.4 Where, by or in consequence of a structural or boundary change (or both such changes) as defined in section 14 of the Local Government Act 1992⁽⁶²⁾ 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.

(59) S.I. 2003/1709.

(60) S.I. 1999/2817.

(61) 1978 c.30.

(62) 1992 c.19.

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- 1.5 Where, by virtue of the Local Government (Wales) Act 1994⁽⁶³⁾, 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.
- 1.6 Where a table containing a pay scale, pay spine or salary range contains four columns of annual salaries, the column headed “England and Wales” (excluding the London Area)” applies to teachers serving in England and Wales except those serving in the London Area, and the column headed “Inner London Area” applies to teachers serving in the Inner London Area, the column headed “Outer London Area” applies to teachers serving in the Outer London Area and the column headed “Fringe Area” applies to teachers serving in the Fringe Area.
- 1.7 An unqualified teacher who is a head teacher shall be treated as a qualified teacher for the purposes of Parts II and III of this Document.
- 1.8 For the purposes of sub-paragraph (e) of the definition of post-threshold teacher, paragraphs 18.1 and 18.2(a), 19.3.2, 21.5, 26.2(b), 37.8, and 38.3:
- (a) a person has completed a “year of employment” if he has completed periods of employment amounting to at least twenty-six weeks in the aggregate within the previous school year, in the case of paragraphs 18.1, 18.2(a), 26.2(b) and 38.3 or within the previous twelve months in the case of paragraphs 19.3.2, 21.5 and 37.8. For these purposes, a period of employment runs from the beginning of the week in which the employment commences to the end of the week in which the employment is terminated and includes any holiday periods and any periods of absence from work in consequence of sickness or injury, whether the person’s service during that period has been full-time or part-time or regular or otherwise;

(63) 1994 c.19.

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- (b) where a person is absent from work in exercise of her right to maternity leave conferred by section 71 or 73 of the Employment Rights Act 1996⁽⁶⁴⁾ 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 person is absent from work in exercise of the right to paternity or adoption leave conferred by sections 75A or 75B of that Act, or in exercise of the right to parental leave conferred by section 76 of that Act, the period of absence shall count towards the period of service of at least twenty-six weeks referred to in subparagraph (a); and
- (c) where a person is absent from work for any reason other than as specified in paragraph 1.8(a) or (b), the relevant body may determine that the period of absence shall count as if the person was in employment during it.

1.9 Authorities and governing bodies, in exercising functions and discretions conferred on them by this Document, and persons exercising functions under this Document in accordance with arrangements made by the Secretary of State under paragraphs 28 and 31 (appointment of assessors for advanced skills teachers and fast track teachers) shall have regard to any relevant guidance given by the Secretary of State. In applying provisions of this Document authorities and governing bodies shall have regard to any guidance about the procedure to be followed given by the Secretary of State.

(64) 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.

PAY

PART II – General

Entitlement to salary and allowances

- 2.1 Subject to paragraph 45 (determination of applicable pay scale), paragraph 46 (unattached teachers), paragraph 47 (general safeguarding), and paragraph 48 (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 48.
- 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.

Pay Policy

3. The relevant body shall-
 - (a) adopt a policy that sets out the basis on which it determines teachers' pay and the date by which it will determine the teachers' annual pay review; and
 - (b) establish procedures for determining appeals made under paragraph 5.

Timing of salary determination and notification

- 4.1 Subject to paragraph 4.2, the determination of the remuneration of a 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;
 - (c) where a teacher has been assessed as meeting the performance threshold standards and he is entitled to be paid as a post-threshold teacher pursuant to paragraph 19; 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.
- 4.2 Where the relevant body determine to reduce a teacher's remuneration, that determination shall take effect from a date no earlier than the date when it was actually made.
- 4.3 When the relevant body have determined the remuneration of a teacher, they shall ensure that the teacher is notified in writing of that determination, of any payments or other financial benefits awarded under paragraph 51 (recruitment and retention incentives and benefits) and:

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- (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 17 under each criterion set out in paragraph 18 and the nature and value of any allowance awarded to him under paragraph 23 or 24;
 - (c) in the case of a post-threshold teacher, of his position on the post-threshold scale determined under paragraph 19 and the nature and value of any allowance awarded to him under paragraph 23 or 24;
 - (d) in the case of an unqualified teacher, of his position on the pay scale for unqualified teachers as determined under paragraph 38 and the value of any allowance awarded to him under paragraph 39.
- 4.4 In paragraph 4, “remuneration” means salary plus any allowances but does not include any sum paid in respect of the award of Chartered London Teacher status or under paragraphs 49 and 50.

Appeals against pay determinations

- 5.1 A teacher may appeal in accordance with the procedure established by the relevant body under paragraph 3(b) against any determination of the relevant body in relation to his pay or any other decision taken by it under this Document that affects his pay, provided that the appeal is made-
- (a) in accordance with the procedure established by the relevant body under paragraph 3; and
 - (b) on one or more of the grounds set out in paragraph 5.2.
- 5.2 The grounds for appeal under paragraph 5.1 are that the person or committee by whom the decision was made-

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- (a) incorrectly applied any provision of this Document;
 - (b) failed to have proper regard for statutory guidance;
 - (c) failed to take proper account of relevant evidence;
 - (d) took account of irrelevant or inaccurate evidence;
 - (e) was biased; or
 - (f) otherwise unlawfully discriminated against the teacher.

5.3 The decision of any person or committee charged with considering an appeal under this paragraph shall not be subject to any further review under the relevant body's staff grievance procedures.

PART III – Qualified Teachers: Leadership Group

Pay spine for the leadership group

- 6.1 A head teacher shall be paid such salary based upon the leadership group pay spine set out in paragraph 6.4 as the relevant body shall determine in accordance with paragraph 7.
- 6.2 A deputy head teacher shall be paid such salary based upon the leadership group pay spine set out in paragraph 6.4 as the relevant body shall determine in accordance with paragraph 13.
- 6.3 An assistant head teacher shall be paid such salary based upon the leadership group pay spine set out in paragraph 6.4 as the relevant body shall determine in accordance with paragraph 15.
- 6.4 The pay spine for members of the leadership group is:

Spine point	Annual Salary England and Wales (excluding the London Area)	Annual Salary Inner London Area	Annual Salary Outer London Area	Annual Salary Fringe Area
	£	£	£	£
L1	32,202	38,292	34,506	33,093
L2	33,009	39,102	35,313	33,903
L3	33,834	39,927	36,138	34,725
L4	34,680	40,770	36,984	35,571
L5	35,544	41,637	37,848	36,435
L6	36,432	42,525	38,736	37,323
L7	37,419	43,512	39,723	38,310
L8	38,277	44,370	40,581	39,168
L9	39,234	45,327	41,538	40,125
L10	40,242	46,335	42,546	41,133
L11	41,286	47,376	43,587	42,177
L12	42,237	48,330	44,541	43,131
L13	43,296	49,389	45,600	44,187
L14	44,373	50,463	46,674	45,264
L15	45,477	51,567	47,778	46,368

6.4 The pay spine for members of the leadership group (continued):

Spine point	Annual Salary England and Wales (excluding the London Area)	Annual Salary Inner London Area	Annual Salary Outer London Area	Annual Salary Fringe Area
	£	£	£	£
L16	46,689	52,779	48,990	47,580
L17	47,763	53,856	50,067	48,657
L18	48,963	55,056	51,267	49,854
L19	50,175	56,265	52,479	51,066
L20	51,420	57,513	53,724	52,311
L21	52,692	58,785	54,996	53,586
L22	54,000	60,093	56,304	54,891
L23	55,338	61,428	57,642	56,229
L24	56,712	62,805	59,016	57,603
L25	58,119	64,209	60,420	59,010
L26	59,559	65,652	61,863	60,450
L27	61,032	67,125	63,336	61,923
L28	62,547	68,637	64,848	63,438
L29	64,098	70,191	66,402	64,989
L30	65,691	71,784	67,995	66,582
L31	67,317	73,410	69,621	68,211
L32	68,991	75,081	71,295	69,882
L33	70,704	76,794	73,008	71,595
L34	72,453	78,546	74,757	73,344
L35	74,256	80,346	76,557	75,147
L36	76,092	82,182	78,393	76,983
L37	77,985	84,078	80,289	78,876
L38	79,914	86,004	82,215	80,805
L39	81,861	87,951	84,162	82,752
L40	83,907	90,000	86,211	84,798
L41	86,001	92,094	88,305	86,892
L42	88,155	94,245	90,456	89,046
L43	90,360	96,450	92,661	91,251

Annual Determination of a head teacher's salary

- 7.1 Paragraph 7 applies for the purpose of the determination of a head teacher's salary.
- 7.2 For the purpose of determining the salary of a serving head teacher:
- (a) 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
 - (b) the relevant body shall review the performance of the head teacher taking account of the performance objectives agreed or set under paragraph 7.2(a).
- 7.3 The relevant body shall determine the salary of a head teacher in accordance with the following criteria:
- (a) subject to sub-paragraph (e), 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 7.2(b), 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 7.2(a);
 - (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 2005;

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- (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)
 - (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;
 - (f) 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; and
 - (g) where in accordance with paragraph 12.2.6 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.

Determination of the school's head teacher group

- 8.1 The relevant body shall assign their school to a head teacher group for the purposes of paragraph 12 in accordance with paragraphs 8 (ordinary and special schools), 9 (ordinary schools), 10 (special schools) and 11 (particular cases).
- 8.2 A school shall be assigned to a head teacher group whenever the relevant body sees fit.
- 8.3 The head teacher groups, and pay ranges in relation thereto, are as follows:

Group	Range of spine points	Salary Range England and Wales (excluding the London Area)	Salary Range Inner London Area	Salary Range Outer London Area	Salary Range Fringe Area
		£	£	£	£
1	L6-L18	36,432	42,525	38,736	37,323
		–	–	–	–
		48,963	55,056	51,267	49,854
2	L8-L21	38,277	44,370	40,581	39,168
		–	–	–	–
		52,692	58,785	54,996	53,586
3	L11-L24	41,286	47,376	43,587	42,177
		–	–	–	–
		56,712	62,805	59,016	57,603
4	L14-L27	44,373	50,463	46,674	45,264
		–	–	–	–
		61,032	67,125	63,336	61,923
5	L18-L31	48,963	55,056	51,267	49,854
		–	–	–	–
		67,317	73,410	69,621	68,211
6	L21-L35	52,692	58,785	54,996	53,586
		–	–	–	–
		74,256	80,346	76,557	75,147
7	L24-L39	56,712	62,805	59,016	57,603
		–	–	–	–
		81,861	87,951	84,162	82,752
8	L28-L43	62,547	68,637	64,848	63,438
		–	–	–	–
		90,360	96,450	92,661	91,251

Unit totals and head teacher groups - ordinary schools

- 9.1 Subject to paragraph 11, 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 9.2:

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

- 9.2 Subject to paragraph 9.3, 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 pupil at the foundation stage and each pupil at the first or second key stage	7 units
For each pupil at the third key stage	9 units
For each pupil at the fourth key stage	11 units
For each pupil at the fifth key stage	13 units

- 9.3 (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 ⁽⁶⁵⁾, 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 9.2, 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 9.2 or subparagraph (b).

Unit totals and head teacher groups - special schools

- 10.1 Subject to paragraph 11, 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 10.2 to 10.5:

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

(65) This form relates to schools in Wales.

- 10.2 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 support staff weighted as provided in paragraph 10.2.1, and B is the number of pupils at the school weighted as provided in paragraph 10.2.2.

- 10.2.1 The weighting for a teacher is two units for each full-time equivalent teacher, and the weighting for each support staff member is one unit for each full-time equivalent individual.
- 10.2.2 The weighting for a full-time pupil is one unit and the weighting for a part-time pupil is half a unit.
- 10.3 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 10.2:

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

- 10.4 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 foundation stage pupil	10
For each pupil at the first or second key stage	10
For each pupil at the third key stage	12
For each pupil at the fourth key stage	14
For each pupil at the fifth key stage	16

10.5 The relevant body shall determine the school's modified total unit score by multiplying the school's total unit score determined under paragraph 10.4 by the staff: pupil ratio modifier calculated under paragraph 10.3.

10.6 In paragraph 10:

- (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⁽⁶⁶⁾, submitted to the Department for Education and Skills or National Assembly for Wales respectively on behalf of the school; and
- (b) "support staff member" means a member of the school staff who is not:
- (i) a teacher;
 - (ii) a person employed in connection with the provision of meals;
 - (iii) a person employed in connection with the security or maintenance of the school premises; or
 - (iv) a person employed in a residential school to supervise and care for pupils out of school hours.

(66) This form relates to schools in Wales.

Unit totals and head teacher groups - particular cases

11.1 **Expected changes in number of registered pupils and teaching establishments**

11.1.1 Subject to paragraph 11.1.2, 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.

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

11.2 **New schools**

11.2.1 Subject to paragraphs 11.2.2 and 11.2.3, 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.

11.2.2 The relevant body shall, as necessary, revise their assignment as their expectations on which their calculation was based change.

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

Determination of a school's individual school range

- 12.1.1 The relevant body shall determine a school's individual school range in accordance with paragraph 12.2.
- 12.1.2 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.
- 12.2.1 The minimum of the individual school range shall not be less than the minimum of the range specified in paragraph 8.3 in relation to the school's head teacher group ("the head teacher group range").
- 12.2.2 Subject to paragraphs 12.2.3 to 12.2.6, the maximum of the individual school range shall not exceed the maximum of the head teacher group range.
- 12.2.3 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 12.3).
- 12.2.4 Where the relevant body are required to increase an individual school range by virtue of paragraph 12.2.3, 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).
- 12.2.5 The relevant body may determine the individual school range in accordance with paragraph 12.2.6 where:

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- (a) the school is a school causing concern;
 - (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.
- 12.2.6 In the circumstances described in paragraph 12.2.5 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 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.
- 12.3.1 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 12.3.2.
- 12.3.2 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 educational needs allowance awarded to the highest paid classroom teacher at the school under paragraph 24.
- 12.3.3 In paragraph 12.3.2, the highest paid classroom teacher at the school is the classroom teacher with the highest allowance total,

being the total value of any special educational needs or management allowance awarded to him.

- 12.3.4 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 a deputy head teacher's salary

- 13.1 Paragraph 13 applies for the purpose of determining a deputy head teacher's salary.
- 13.2 For the purpose of determining the salary of a serving deputy head teacher:
- 13.2.1 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
- 13.2.2 the relevant body shall review the performance of the deputy head teacher taking account of the performance objectives agreed or set under paragraph 13.2.1.
- 13.3 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 13.2.2, 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 13.2.1;

- (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 2005;
- (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 teacher's pay is assimilated onto the higher range.

13.4 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.

Determination of a deputy head teacher's pay range

- 14.1.1 The relevant body shall determine a deputy head teacher pay range for each deputy head teacher in accordance with paragraph 14.2.
- 14.1.2 A deputy head teacher pay range shall consist of 5 consecutive spine points on the leadership group pay spine.
- 14.2.1 When a deputy head teacher pay range is determined pursuant to paragraph 14.1.1, 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 12.3); and
 - (b) the minimum of the assistant head teacher pay range of the highest paid assistant head teacher at the school.

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- 14.2.2 When a deputy head teacher pay range is determined pursuant to paragraph 14.1.1, 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.
- 14.2.3 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.
- 14.2.4 Subject to paragraphs 14.2.1 and 14.2.3, 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.

Annual determination of an assistant head teacher's salary

- 15.1 Paragraph 15 applies for the purpose of determining an assistant head teacher's salary.
- 15.2 For the purpose of determining the salary of a serving assistant head teacher:
- 15.2.1 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
- 15.2.2 the relevant body shall review the performance of the assistant head teacher taking account of the performance objectives agreed or set under paragraph 15.2.1.
- 15.3 The relevant body shall determine the salary of an assistant head teacher in accordance with the following criteria:

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- (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 15.2.2, 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 15.2.1;
 - (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 2005;
 - (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.

15.4 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's pay range

16.1.1 The relevant body shall determine an assistant head teacher pay range for each assistant head teacher in accordance with paragraph 16.2.

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- 16.1.2 An assistant head teacher pay range shall consist of 5 consecutive spine points on the leadership group pay spine.
- 16.2.1 When an assistant head teacher pay range is determined pursuant to paragraph 16, 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 12.3).
- 16.2.2 When an assistant head teacher pay range is determined pursuant to paragraph 16, 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.
- 16.2.3 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 14.2.1 and 16.2.2(b)) the individual school range shall be increased to the extent necessary to accommodate the assistant head teacher pay range.
- 16.2.4 Subject to paragraphs 16.2.1 and 16.2.3, 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

- 17.1 This paragraph and paragraph 18 apply to a classroom teacher who is not a post-threshold teacher, and references to “classroom teacher” in this paragraph and paragraph 18 shall be construed accordingly.
- 17.2 A classroom teacher shall be paid such salary based on the pay scale set out in paragraph 17.3 as the relevant body shall determine in accordance with paragraphs 17.4, and 40 (unqualified teacher becoming qualified).
- 17.3 The pay scale for classroom teachers is:

Scale point	Annual Salary England and Wales (excluding the London Area)	Annual Salary Inner London Area	Annual Salary Outer London Area	Annual Salary Fringe Area
	£	£	£	£
M1	18,558	22,059	20,862	19,449
M2	20,025	23,550	22,329	20,916
M3	21,636	25,188	23,940	22,527
M4	23,301	26,883	25,605	24,195
M5	25,137	28,743	27,441	26,031
M6	27,123	30,750	29,424	28,014

- 17.4 Subject to paragraphs 26 (second or subsequent appointment) and 40 (unqualified teacher becoming qualified), the relevant body shall determine the point above the minimum point on the pay scale in paragraph 17.3 on which each individual classroom teacher shall be placed on the basis of the criteria in paragraph 18 only. If a classroom teacher is not entitled to any points on the basis of the criteria in paragraph 18, he shall be placed at the minimum point on the pay scale.

The criteria

18. The criteria are:

18.1 **Mandatory Points**

18.1.1 The relevant body shall award-

(a) the number of points awarded when the classroom teacher was first placed on the pay scale for classroom teachers in accordance with-

(i) the 2002 Document;

(ii) the 2003 Document; or

(iii) paragraph 26 of this Document (second or subsequent appointment); and

(b) a point for each year of employment (as defined by paragraph 1.8) as a classroom teacher completed since he was first so placed unless the teacher has been notified in writing in accordance with paragraph 18.1.5 that his service has not been satisfactory in respect of any such year.

18.1.2 Subject to paragraph 18.3.2, the relevant body shall award a point for each year of employment as a qualified teacher-

(a) in an MOD school; or

(b) by an Education Action Forum.

18.1.3 Subject to paragraph 18.3.2, in the case of a classroom teacher who is a qualified teacher by virtue of regulation 5(b) of, and paragraph 8 of Schedule 2 to, the Education (School Teachers' Qualifications) (England) Regulations 2003⁽⁶⁷⁾, the relevant body shall award a point for each year of employment as a person qualified to teach school age children within state sector schools in the European Economic Area and Switzerland (other than in England and Wales).

(67) S.I. 2003/1662

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- 18.1.4 The relevant body shall award a point to a fast track teacher who is appointed as such and who is first placed on the pay scale for classroom teachers under this document.
- 18.1.5 Where a classroom teacher remains in service on 1st September in the school in which he has been employed during the previous school year, the relevant body, when considering whether or not his service has been satisfactory for the purposes of paragraph 18.1.1(b), 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 18.1.1.
- 18.2 **Discretionary Points**
- Subject to paragraph 18.3.2, the relevant body may award:
- (a) 1 point to a classroom teacher who has been notified that a year of employment has not been satisfactory, in respect of that year;
 - (b) 1 or more points for years of experience other than employment as a classroom teacher which the relevant body consider of value to the performance of the classroom teacher's duties;
 - (c) 1 point for the purposes of the determination of a classroom teacher's salary in accordance with paragraph 4.1(a), 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.
- 18.3.1 Points awarded under paragraphs 18.1 or 18.2 shall be permanent, whether the classroom teacher remains in the same post, or takes up a new one.
- 18.3.2 In making an award under paragraph 18.1.2, 18.1.3 or 18.2, the relevant body shall not take into account years of employment for

which the classroom teacher has previously been awarded points under paragraph 18.1.1(a).

THRESHOLD

Pay scale for post-threshold teachers

19.1 A post-threshold teacher shall be paid such salary based on the pay scale set out in paragraph 19.2 as the relevant body shall determine, subject to paragraphs 19.3 to 19.6.

19.2 The pay scale for post-threshold teachers is:

Scale point	Annual Salary England and Wales (excluding the London Area)	Annual Salary Inner London Area	Annual Salary Outer London Area	Annual Salary Fringe Area
	£	£	£	£
U1	29,385	34,851	31,689	30,276
U2	30,474	36,564	32,775	31,365
U3	31,602	37,692	33,906	32,493

19.3.1 Subject to paragraphs 19.3.2 to 19.3.5, when 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 19.2 with effect from 1st September in the following school year.

19.3.2 The determination shall have effect from 1st September in the school year in which the teacher made his application for assessment against the threshold standards if either-

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- (a) the application is his first application for assessment against the threshold standards and he was placed either at point M6 of the main pay scale or on the leadership pay spine in any previous school year;
 - (b) the application is not his first application and he was placed at point M6 of the main pay scale before 1st September 2003; or
 - (c) the teacher was employed as a qualified teacher otherwise than by a relevant body in the school year preceding the year in which he made his application and he has completed at least six years of employment (interpreted in accordance with paragraph 1.8) as a qualified teacher at the date he makes his application.

19.3.3 In relation to a teacher who becomes entitled to be paid as a post-threshold teacher by virtue of a determination made under paragraph 22, the relevant body shall:

- (a) determine that teacher shall be paid on scale point 1 on the pay scale set out in paragraph 19.2 with effect from 1st September in the school year in which the determination was made; and
- (b) award a lump sum calculated in accordance with paragraph 19.3.4.

19.3.4 The lump sum for the purposes of paragraph 19.3.3(b) shall be equivalent to the difference (if any) between the remuneration the teacher actually received (excluding any allowances or other benefits) and that to which he would have been entitled as a post-threshold teacher paid at point 1 of the pay scale for post-threshold teachers under the 2003 Document had the original assessment, which was the subject of the review or complaint to which paragraph 22 applied, been determined in his favour.

19.3.5 Paragraph 19.3.1 does not apply to a teacher who is a post-threshold teacher by virtue of sub-paragraph (b) or (c) of the definition of post-threshold teacher and when such a teacher first becomes entitled to be paid as a post-threshold teacher, the relevant body shall

determine the point on the pay scale set out in paragraph 19.2 on which he is to be paid.

- 19.4 In making a determination of the salary of a post- threshold teacher pursuant to paragraph 4.1(a) the relevant body shall not determine that there shall be any movement up the pay scale set out in paragraph 19.2 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.
- 19.5 Save in exceptional circumstances, the relevant body shall not award an additional scale point to a post-threshold teacher until the second annual salary determination after the date on which that teacher was first placed on the scale or that teacher's salary was otherwise last increased by the award of an additional point on the scale.
- 19.6 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.

Transitional arrangements for post-threshold teachers placed at U4 or U5 prior to 1st September 2004

- 20.1 This paragraph applies to a post-threshold teacher who was placed at point U4 or U5 on the pay scale for post-threshold teachers before 1st September 2004.
- 20.2 The teacher shall be paid at the same rate ("his pay") until either-
- (a) he ceases to be a post-threshold teacher; or

(b) the value of point U3 on the pay scale for post-threshold teachers in the appropriate area is equal to or exceeds his pay,

when he shall be treated as if he had been placed at point U3 on the pay scale for post-threshold teachers for all purposes.

20.3 Subject to paragraph 20.2, if the teacher moves to a post in an area to which a lower salary scale applies, his pay shall be the value of his point on the pay scale of post-threshold teachers in that area in accordance with paragraph 17.2 of the 2003 Document.

Performance threshold applications

21.1 A qualified teacher (“the applicant”) may apply once in any school year to the relevant body for assessment against the performance threshold standards set out in Annex 1 when, or at any time after, he has been placed on point M6 of the main pay scale.

21.2 Where an applicant is employed to teach at more than one school he may not apply to the relevant body of more than one such school.

21.3.1 Except where the applicant is an unattached teacher, the relevant body shall delegate the receipt and assessment of the application to the head teacher.

21.3.2 Where the applicant is an unattached teacher, the relevant body shall delegate the receipt and assessment of the application to a person with management responsibility for the applicant.

21.4 The application shall contain a summary of the evidence the teacher wishes to rely on in order to demonstrate that his performance has met the performance threshold standards throughout the relevant period as described in paragraph 21.5.

21.5 For the purposes of paragraph 21.4, the relevant period means a period of not less than two and not more than three years of employment (as defined by paragraph 1.8) engaged in the provision of education to children of school age, ending with the date of application.

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- 21.6 Having considered the application, the evidence mentioned in the application and such other evidence as he thinks appropriate, the person to whom the task of assessing the application has been delegated under paragraph 21.3 shall determine whether the applicant has or has not met all the performance threshold standards throughout the relevant period.

Review of performance threshold assessments made under the 2003 Document

- 22.1 A request for a review of an unsuccessful application for assessment against the performance threshold standards or a complaint about the conduct of such a review made on or before 31st August 2004 shall be determined in accordance with the relevant provisions of the 2003 Document, save that where the complaint is upheld, the further review to which the teacher would have been entitled shall be conducted by the relevant body as if it were an application made under this Document and paragraphs 21.1 to 21.6 shall apply.
- 22.2 A request for a review of an unsuccessful application for assessment against the performance threshold standards under the 2003 Document, or a complaint about the conduct of such a review, made on or after 1st September 2004 shall be conducted as if it were an application made under this Document and paragraphs 21.1 – 21.6 shall apply.
- 22.3 A determination made under paragraphs 22.1 or 22.2 is a decision taken under this Document for the purposes of paragraph 5.1.

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. The annual value of a management allowance shall be determined in accordance with the following table:

Allowance	Amount £
1st	1,638
2nd	3,312
3rd	5,688
4th	7,833
5th	10,572

- 23.2 A management allowance may be awarded for a fixed period not exceeding one year to a classroom teacher who undertakes significant specified management responsibilities beyond those common to the majority of classroom teachers.
- 23.3 Any classroom teacher who was awarded a management allowance prior to 31st March 2004 shall be paid the allowance for the period determined when the award was made, whether for a fixed period of time or 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 under paragraph 23.2, that teacher shall, on the expiry of the fixed period, retain his original management allowance under paragraph 23.3 while he remains in the same post.

Special educational needs allowance

- 24.1 The annual value of a first special educational needs allowance is £1,716, and the annual value of a second special educational needs allowance is £3,396.
- 24.2 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:

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- (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.
- 24.3 The relevant body may award a first special educational needs allowance to a classroom teacher in an ordinary school.
- 24.4 An allowance may be awarded under paragraph 24.3 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.
- 24.5 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

25. 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)⁽⁶⁸⁾ provides for the continuing payment of that sum after 31st August 2004.

Second or subsequent appointment

- 26.1 A classroom teacher taking up an appointment on or after 1st September 2004, which is his second or subsequent one as such (whether or not after a break in service and whether on a full-time, part-time, regular, day to day or short term basis), who has not previously been placed on the pay scale for classroom teachers in accordance with either the 2002 Document or the 2003 Document,

(68) S.I. 2001/1254; revoked by S.I. 2001/2962.

shall be placed on a point determined in accordance with paragraphs 26.2 to 26.3.

26.2.1 Subject to paragraph 26.3, if he was last being paid as a qualified teacher under the provisions of the 2001, 2000, 1999, 1998, 1997, 1996, 1995, 1994 or 1993 Documents, the salary entitlement is-

(a) the equivalent point on the pay scale set out in paragraph 17.3, 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 17.3 of 2000 Document, 15.3 of 2001 Document	Scale point on pay scale to which teacher assimilates
0	0	1	M1
1	0	1	M1
2	1	2	M1
3	2	3	M2
4	3	4	M3
5	4	5	M3
6	5	6	M4
7	6	7	M5
8	7	8	M6
9	8	9	M6

(b) one point in respect of each year of employment (as defined by paragraph 1.8) as a classroom teacher completed since he was last placed on a point in accordance with the provisions of any such Document; and,

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- (c) at the relevant body's discretion, 1 or more points for years of experience other than employment as a classroom teacher which the relevant body consider of value to the classroom teacher's duties.
- 26.2.2 If he was last paid as a qualified teacher under the provisions of a pre-1993 document, the salary entitlement is the equivalent point determined by the relevant body.
- 26.3 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;
 - (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 17.3.
- 26.4 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), shall be paid a salary determined in accordance with paragraph 19.

ADVANCED SKILLS TEACHERS

Pay spine for advanced skills teachers

- 27.1 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 27.2 to 27.8.

Spine point	Annual Salary England and Wales (excluding the London Area)	Annual Salary Inner London Area	Annual Salary Outer London Area	Annual Salary Fringe Area
	£	£	£	£
1	30,501	36,594	32,805	31,392
2	31,044	37,137	33,348	31,938
3	31,593	37,683	33,897	32,484
4	32,130	38,223	34,434	33,021
5	32,676	38,766	34,977	33,567
6	33,225	39,318	35,529	34,116
7	33,774	39,864	36,075	34,665
8	34,317	40,410	36,621	35,208
9	34,857	40,950	37,161	35,751
10	35,400	41,490	37,704	36,291
11	35,946	42,039	38,250	36,840
12	36,675	42,768	38,979	37,566
13	37,401	43,494	39,705	38,292
14	38,124	44,214	40,428	39,015
15	38,850	44,940	41,154	39,741
16	39,579	45,669	41,883	40,470
17	40,305	46,395	42,606	41,196
18	41,034	47,124	43,335	41,925
19	41,760	47,850	44,061	42,651
20	42,483	48,576	44,787	43,377
21	43,209	49,302	45,513	44,103
22	44,115	50,205	46,416	45,006
23	45,027	51,120	47,331	45,918
24	45,930	52,023	48,234	46,824
25	46,842	52,932	49,146	47,733
26	47,745	53,838	50,049	48,636
27	48,657	54,747	50,958	49,548

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- 27.2 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 27.1 on which the advanced skills teacher shall be paid.
- 27.3 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 post holder; and
 - (d) such other criteria as they consider appropriate.
- 27.4 The relevant body may increase the pay range of an advanced skills teacher, and if they do so they shall ensure that his salary is not less than the minimum of the increased pay range.
- 27.5 The salary of a newly appointed advanced skills teacher shall be that corresponding to the lowest point on that five point range.
- 27.6 The relevant body shall annually agree performance criteria with the advanced skills teacher and review performance against those criteria.
- 27.7 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 sustained high quality performance by the advanced skills teacher, taking account of the performance criteria previously agreed between the relevant body and the advanced skills teacher.
- 27.8 In making a determination referred to in paragraph 27.7, the relevant body shall have regard (but not exclusively) to any work the advanced skills teacher has undertaken involving working with or for the benefit of teachers from other schools.

Appointment of assessors

- 28.1 The Secretary of State shall make arrangements for the appointment of assessors for the purposes of paragraph 29.
- 28.2 The arrangements shall include arrangements for the quality of assessments to be monitored and for independent review of assessments.
- 28.3 An assessor appointed under this paragraph shall exercise his functions without unlawful discrimination.

Certification of advanced skills teachers

- 29.1 This paragraph applies where a qualified teacher (“the applicant”) applies to be certified as eligible for appointment to an advanced skills teacher post.
- 29.2 The assessor shall assess the applicant and determine whether he meets the standards for appointment to an advanced skills teacher post set out in Annex 2 (“the advanced skills teacher standards”) or not.
- 29.3 The assessor shall inform the applicant of his decision and where the assessor determines that the applicant meets the advanced skills teacher standards, he shall issue a certificate of eligibility for appointment to an advanced skills teacher post.
- 29.4 In making an assessment under paragraph 29.2 the assessor shall-
- (a) consider the completed application;
 - (b) consider any additional evidence supplied by the teacher in support of his application;
 - (c) consider any evidence in relation to the application supplied by the head teacher or the applicant’s line manager;
 - (d) observe the teacher teaching;

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- (e) interview him; and
 - (f) interview the head teacher or the applicant's line manager,
- and he may seek such additional evidence as he sees fit.

29.5 Paragraph 29.4(d) shall not apply where the applicant is absent from work in exercise of her right to maternity leave conferred by section 71 or 73 of the Employment Rights Act 1996⁽⁶⁹⁾ 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 is absent from work in exercise of the right to paternity or adoption leave conferred by sections 75A or 75B of that Act, or in exercise of the right to parental leave conferred by section 76 of that Act.

Review of advanced skills teacher assessment

- 30.1 An applicant who is not certified as eligible for appointment to an advanced skills teacher post is entitled to apply for an independent review of the assessment upon the grounds set out in paragraph 30.2 (but no other grounds).
- 30.2 The grounds for review are that the applicant would have been certified as eligible for appointment to an advanced skills teacher post if -
- (a) proper account had been taken of relevant evidence;
 - (b) account had not been taken of irrelevant or inaccurate evidence;
 - (c) the assessment had not been biased; or
 - (d) the assessment had not been conducted in a manner that unlawfully discriminated against the teacher in question.
- 30.3 The person conducting the review shall take such steps as he thinks fit, including any steps an assessor could take under paragraph 29.4.

(69) 1996 c.18.

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- 30.4 Where the outcome of the review is a determination that, on one or more of the grounds set out in paragraph 30.2, the applicant should have been assessed as meeting the advanced skills teacher standards, he shall issue a certificate of eligibility for appointment to an advanced skills teacher post.

FAST TRACK TEACHERS

Appointment of assessors

- 31.1 The Secretary of State shall make arrangements for the appointment of assessors for the purposes of paragraph 32.
- 31.2 The arrangements shall include arrangements for the quality of assessments to be monitored and for independent review of assessments.
- 31.3 An assessor appointed under this paragraph shall exercise his functions without unlawful discrimination.

Fast Track assessment

- 32.1 This paragraph applies where a classroom teacher (“the applicant”) who is not a post-threshold teacher applies for a Fast Track assessment.
- 32.2 The assessor shall assess the applicant, determine whether or not he meets the competencies and is committed to the values set out in Annex 3 (“the Fast Track standards”) and inform the teacher of his decision.

Review of assessment

- 33.1 An applicant who is informed that he does not meet the Fast Track standards is entitled to apply for an independent review of the determination upon the grounds set out in paragraph 33.2 (but no other grounds).

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- 33.2 The grounds for review are that the applicant would have been assessed as meeting the Fast Track standards if -
- (a) proper account of relevant evidence had been taken;
 - (b) account had not been taken of irrelevant or inaccurate evidence;
 - (c) the assessment had not been biased; or
 - (d) the assessment had not been conducted in a manner that unlawfully discriminated against the teacher.
- 33.3 Where the outcome of the review is a determination that, on one or more of the grounds in paragraph 33.2, the applicant should have been assessed as meeting the Fast Track standards, the applicant shall be treated as having been so assessed for the purposes of paragraph 34.2(b).

Recognition of Fast Track teachers

- 34.1 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 and for the independent review of such decisions in accordance with this paragraph and where no such appointment has been made the Secretary of State shall be the recognising body.
- 34.2 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 Fast Track standards, or is treated as having been so assessed under paragraph 33.3;

-
- (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 under paragraph 35.

Ceasing to recognise Fast Track teachers

- 35.1 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 direction given by the Secretary of State exercising his powers under section 142 (1)(a) of the Act or by the Department of Education in Northern Ireland exercising its powers under Regulation 9 of the Teachers(Eligibility) Regulations (Northern Ireland) 1997⁽⁷⁰⁾.
- 35.2 The recognising body may cease to recognise a teacher as a Fast Track teacher if the teacher becomes subject to a suspension order 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 direction given by the Secretary of State exercising his powers under section 142(1)(b) or (1)(c) of the Act or the Department of Education in Northern Ireland exercising its power under Regulation 9 of the Teachers (Eligibility) Regulations (Northern Ireland) 1997.
- 35.3 The recognising body may cease to recognise a teacher as a Fast Track teacher if:
- (a) the recognising body is of the opinion that the teacher has not performed to a high standard 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) in the case of a teacher whose Fast Track appointment includes his induction period, that period was extended.

(70) SR (NI) 1997 No.312.

Review of a decision to cease to recognise

- 36.1 A teacher who is informed that the recognising body has ceased to recognise him as a Fast Track teacher under paragraph 35 is entitled to apply for a review of the decision upon the grounds set out in paragraph 36.2.
- 36.2 The grounds for review are 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 evidence;
 - (b) not taken account of irrelevant or inaccurate evidence;
 - (c) not been biased; or
 - (d) had not unlawfully discriminated against the teacher.
- 36.3 Where the recognising body reviews its decision and is of the opinion that on one or more of the grounds in paragraph 36.2 it should not have ceased to recognise the teacher as a Fast Track teacher, it shall revoke its decision.

Chartered London Teacher Status

- 37.1 On or after 1st September 2004, a teacher who intends to apply for Chartered London Teacher status must register his intention to do so with the Secretary of State or with such person or body as may be appointed by the Secretary of State for that purpose.
- 37.2 On or after 1st September 2006, a qualified teacher may apply once in a school year to the relevant body for Chartered London Teacher status provided that he-
- a) serves in the Inner or Outer London areas;
- and

(b) registered his intention so to apply at the start of the relevant period.

37.3 Where an applicant is employed to teach at more than one school he may not apply to the relevant body of more than one such school.

37.4 Except where the applicant is an unattached teacher or is the head teacher, the relevant body shall delegate the receipt and assessment of the application to the head teacher.

37.5 Where the applicant is an unattached teacher, the relevant body shall delegate the receipt and assessment of the application to a person with management responsibility for the applicant.

37.6 The applicant shall be assessed against the standards set out in Annex 4 and if-

(a) it is determined that the applicant has met all the standards during the relevant period as described in paragraph 37.8; and

(b) at the date of that determination, the applicant is either-

(i) a post-threshold teacher;

(ii) an advanced skills teacher; or

(iii) a member of the leadership group,

the relevant body shall award the applicant Chartered London Teacher status.

37.7 A Chartered London Teacher shall be paid the sum of £1000 as additional remuneration in the school year in which he is awarded Chartered London Teacher status.

37.8 The relevant period for the purposes of paragraph 37.6 shall be-

(a) in relation to an applicant who was an advanced skills teacher, a member of the leadership group or a post-threshold teacher at the time he registered with the registration body, a period of not less than two years of employment as a qualified teacher

(interpreted in accordance with paragraph 1.8), starting with the date he registered under paragraph 37.1 and ending with the date of the application; and

- (b) in relation to a classroom teacher not falling within subparagraph (a), a period of not less than four years of employment as a qualified teacher, starting with the date he registered under paragraph 37.1 with the registration body and ending with the date of the application.

PART V - Unqualified Teachers

Pay scale for unqualified teachers

38.1 An unqualified teacher shall be paid such salary based on the following pay scale as the relevant body shall determine in accordance with paragraphs 38.2 to 38.5 and 39:

Spine point	Annual Salary England and Wales (excluding the London Area)	Annual Salary Inner London Area	Annual Salary Outer London Area	Annual Salary Fringe Area
	£	£	£	£
1	13,599	17,100	15,900	14,490
2	14,208	17,709	16,509	15,099
3	14,799	18,303	17,103	15,693
4	15,414	18,918	17,718	16,308
5	16,035	19,539	18,339	16,929
6	16,632	20,136	18,936	17,523
7	17,244	20,748	19,548	18,135
8	18,672	22,173	20,976	19,563
9	20,289	23,790	22,593	21,180
10	21,504	25,005	23,808	22,395

38.2 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.

38.3 Subject to paragraph 38.4, 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 a year of employment (as defined by paragraph 1.8) as a teacher.

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- 38.4 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.
- 38.5 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

39. 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.

An unqualified teacher becoming qualified

- 40.1 An unqualified teacher who becomes qualified shall transfer to the next point on the pay scale in paragraph 17.3 above the sum of his salary and any allowance payable under paragraph 39, or to such higher point as the relevant body consider appropriate.
- 40.2 A teacher who is awarded the status of a qualified teacher retrospectively under the English Teachers Qualifications Regulations or the Welsh Teachers Qualifications Regulations or any similar provision made under regulations made in relation to Wales under section 132 of the Act⁽⁷¹⁾ shall be paid a lump sum of the amount specified in paragraph 40.3 by any authority or governing body by whom his remuneration has been paid since the date from which his qualified teacher status runs.

(71) No regulations have been made under section 132 in relation to Wales.

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- 40.3 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

41. 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.

Inner London Area supplement

- 42.1 A teacher who on 1st September 2004 continues to hold the post he held on 31st August 2004 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 47 (general safeguarding) 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 2004; or
- (d) in the case of a classroom teacher the relevant body determine the point on the pay scale in paragraph 17.3 and allowances under paragraph 23 or 24, or payments made under paragraph 51, which immediately after the change occurs and when any additional points awarded after 31st August 2004 under paragraph 18.1 or an increase in salary caused by the teacher having moved to the Inner London pay scale or 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 2004.

- 42.2 In paragraph 42.1, "remuneration" means salary plus any allowances but does not include any sum paid under paragraphs 49

(residential duties), 50 (additional payments), and 51 (recruitment and retention incentives and benefits).

Acting allowance

- 43.1 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.
- 43.2 If the relevant body's determination referred to in paragraph 43.1 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.
- 43.3 If the relevant body determine that the teacher shall be paid such an allowance, subject to paragraph 43.4 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 6.4 as the relevant body consider appropriate.
- 43.4 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.
- 43.5 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.

- 43.6 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.

Performance payments to seconded teachers

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

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

PART VII - Supplementary

Determination of applicable pay scale

- 45.1 A teacher who is employed under a contract that normally requires him to work in the London Area but who is temporarily required to work elsewhere shall continue to be paid in accordance with the pay scale applicable to his normal area of employment.
- 45.2 A teacher who on 31st August 2004 was being paid in accordance with one of the London Area pay scales shall continue to be paid in accordance with that London Area pay scale 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.
- 45.3 A teacher who moves out of the Inner London Area may continue to be paid in accordance with the Inner London pay scale 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.
- 45.4 A teacher who moves out of the Outer London Area, to anywhere but the Inner London Area, may continue to be paid on the Outer London Area scale 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.
- 45.5 A teacher who moves out of the Fringe Area, to anywhere but the Inner London Area or the Outer London Area, may continue to be paid on the Fringe Area scale 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.

Unattached teachers

- 46.1 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.
- 46.2 Where, in accordance with paragraph 46.1, 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.

- 46.3 Where, in accordance with paragraph 46.1, 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.
- 46.4 Nothing in paragraph 46.1 shall be taken to authorise an unattached teacher to whom paragraph 17.2 does not apply to be paid a salary based on the pay scale set out in paragraph 19 (pay scale for post-threshold teachers).
- 46.5 Nothing in paragraph 46 shall be taken to authorise-
- (a) paragraphs 21 and 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 17.3.

General safeguarding

- 47.1 Subject to paragraphs 47.4 to 47.9:
- 47.1.1 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⁽⁷²⁾, under regulation 15 or 16 of the Education (Schools and Further Education) Regulations 1981⁽⁷³⁾ or under regulation 12 or 13 of the Education (Schools and Further and Higher Education) Regulations 1989⁽⁷⁴⁾,

(72) S.I. 1975/1054; revoked by S.I. 1984/74.

(73) S.I. 1981/1086; regulations 15 and 16 were revoked by S.I. 1999/3181.

(74) S.I. 1989/351.

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 47.2 to which he was entitled immediately before the closure, reorganisation or direction;

- 47.1.2 where, in circumstances other than those mentioned in paragraph 47.1.1 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 47.2 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;
- 47.1.3 where in the circumstances described in paragraphs 47.1.1 or 47.1.2 such a full-time teacher or such a teacher in regular part-time service loses his post or would (but for this paragraph 47.1.3) suffer a diminution in his remuneration, and is thereupon employed as stated in paragraph 47.1.1 but as a teacher in regular part-time service, he shall (subject, in the circumstances described in paragraph 47.1.2, to the same discretion to be similarly exercised) be entitled to that proportion of the salary and of those allowances listed in paragraph 47.2 to which he was entitled immediately before the relevant change in circumstances which his part-time employment bears to full-time employment.
- 47.2 The allowances referred to in paragraphs 47.1.1 to 47.1.3 are:
- (a) allowance for unqualified teachers (paragraph 39);
 - (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 42).

47.3 A teacher whose remuneration is safeguarded under paragraph 47 shall be entitled to the following allowances only where appropriate to the circumstances of his present employment:

(a) social priority allowance (paragraph 41) (except where provided for in sub-paragraphs (1) and (3) of paragraph 17 of the 1988 Document);

(b) acting allowance (paragraph 43).

47.4 Subject to paragraph 47.5, the salary to be safeguarded pursuant to paragraph 42.1 means:

(a) any salary to which he is entitled under paragraph 17, 18 or 26,

(b) any allowance to which he is entitled under paragraphs 23 and 24; and

(c) any assimilation safeguarding payment to which he is entitled under paragraph 25.

47.5 For the purpose of the determination of a classroom teacher's entitlement under paragraph 47.4-

(a) mandatory points awarded for experience under paragraph 18.1 shall be re-assessed in accordance with paragraph 4.1 and 40 until the maximum of the pay scale in paragraph 17.3 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;

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- (c) 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 19.2 shall be included in his safeguarded salary; and
- (d) where the teacher is, immediately before a circumstance mentioned in paragraph 47.1.1 or 47.1.2 arises, entitled to be paid on the post-threshold scale in paragraph 19.2 he shall continue to be so entitled and his salary on that scale including any subsequent progression shall be included in his safeguarded salary.
- 47.6.1 Subject to paragraph 47.7 where a member of the leadership group is, immediately before a circumstance mentioned in paragraph 47.1.1 or 47.1.2 arises, being paid at a point on the leadership group pay spine pursuant to paragraph 6 he shall be entitled (subject, in the circumstances mentioned in paragraph 47.1.2 to the same discretion) to be paid at that point.
- 47.6.2 Subject to paragraph 47.7 where an advanced skills teacher is, immediately before a circumstance mentioned in paragraph 47.1.1 or 47.1.2 arises, being paid at a point on the advanced skills teacher pay spine pursuant to paragraph 27 he shall be entitled (subject in the circumstances mentioned in paragraph 47.1.2 to the same discretion) to be paid at that point.
- 47.7 Paragraph 47.1 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 which 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 47.
- 47.8 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 47.1, the relevant body may

determine that he shall continue to be paid that safeguarded remuneration.

47.9 A teacher does not suffer a diminution in remuneration for the purposes of paragraph 47.1 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.

47.10 For the purpose of paragraph 47:

- (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 paragraphs 49, 50 and 51;
- (d) “salary” means:
 - (i) in the case of a school teacher, the salary payable in accordance with paragraphs 6, 17, 19, 27 and 38 including allowances payable under paragraphs 23 and 24, and
 - (ii) in the case of a teacher in further or higher education his basic salary excluding all allowances;

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- (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⁽⁷⁵⁾ or proposals referred to in regulation 14 of the Education (Transition to New Framework) (School Organisation Proposals) Regulations 1999⁽⁷⁶⁾; and
 - (f) any transfer of the responsibility for maintaining an establishment shall be disregarded.

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

- 48.1 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 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 deems the teacher to be normally employed as a school teacher (breaks between school sessions being excluded).
- 48.2 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.
- 48.3 A teacher to whom paragraph 48.2 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

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

(75) 1998 c.31 as amended by the Act.

(76) S.I. 1999/704.

Additional payments

50. The relevant body may make such payments as they see fit to a teacher, including a head teacher, in respect of:
- (a) continuing professional development undertaken outside the school day;
 - (b) activities relating to the provision of initial teacher training as part of the ordinary conduct of the school;
 - (c) participation in out-of-school hours learning activity agreed between the teacher and the head teacher or, in the case of the head teacher, between the head teacher and the relevant body.

Recruitment and retention incentives and benefits

- 51.1 Subject to paragraph 51.2, the relevant body, and where they are the teacher's employers the authority, may make such payments or provide other financial assistance, support or benefits to a teacher as they consider necessary as an incentive for the recruitment of new teachers and the retention in their service of existing teachers.
- 51.2 An incentive for the recruitment of a new teacher that consists of periodic payments or the provision of other benefits over a period of time may only be awarded for a fixed period not exceeding 3 years and must not be renewed.
- 51.3 An incentive for the retention of an existing teacher that consists of periodic payments or the provision of other benefits over a period of time may only be awarded for a fixed period not exceeding three years and may, in exceptional circumstances, be renewed.
- 51.4 An award of an allowance made on or before 31st March 2004 for a fixed period shall continue to have effect save that, where that period ends on or after 1st April 2007, it shall cease to have effect on 31st March 2007.

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- 51.5 An award of an allowance made on or before 31st March 2004 that consists of periodic payments or the provision of other benefits over a period of time otherwise than for a fixed period shall cease to have effect on 1st April 2004.
- 51.6 In this paragraph “allowance” means a recruitment and retention allowance, or other assistance, support or benefit awarded by the relevant body as an incentive for the recruitment of new teachers or the retention in their service of existing teachers.

General Teaching Councils’ fee allowance

- 52.1 The relevant body shall pay the sum of £33 to a teacher who is required to be registered with the General Teaching Council for England or the General Teaching Council for Wales, in respect of the registration fee payable in the year 1st April 2004 to 31st March 2005.
- 52.2 Before making a determination under paragraph 52.1 the relevant body shall take reasonable steps to satisfy itself that the teacher has not received a payment under paragraph 52.1 from any other relevant body.
- 52.3 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 52.1.
- 52.4 Paragraph 48 of this Document shall not apply to this allowance.

CONDITIONS OF EMPLOYMENT

PART VIII – General

Conditions to be included

- 53.1 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.
- 53.2 Subject to paragraphs 43.6, 46.2, 46.3 and 53.3, the conditions of employment of all teachers other than head teachers shall include the conditions set out in Part XII.
- 53.3 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, but such a teacher shall in addition to the hours during which he is required to perform his duties as specified by the head teacher work such reasonable hours as may be needed to enable him effectively to discharge his professional duties.
- 53.4 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⁽⁷⁷⁾.

(77) 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

- 54.1 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⁽⁷⁸⁾.
- 54.2 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 55 to 58):
- (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 54.1; 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
 - (c) the terms of his appointment.
- 54.3 In carrying out his professional duties, including in particular his duties under paragraph 57.3.1, a head teacher shall have regard to the desirability of teachers at the school being able to achieve a

(78) 1998 c.31 as amended by section 40 and schedule 3 to the Act.

satisfactory balance between the time required to discharge their professional duties including in particular, in the case of teachers to whom paragraph 67 applies, their duties under paragraph 67.7 and the time required to pursue their personal interests outside work.

General functions

55. Subject to paragraph 54.1 a head teacher shall be responsible for the leadership, internal organisation, management and control of the school.

Consultation

56. 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

- 57.1 The professional duties of a head teacher shall include:

57.2 **School aims:**

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

57.3 **Appointment of staff:**

participating in the selection and appointment of the teaching and support staff of the school;

57.3.1 **Management of staff:**

deploying and managing all teaching and support 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, having regard to the nature and extent of their management

responsibilities, and maintaining a reasonable balance for each teacher between work carried out in school and work carried out elsewhere;

- 57.3.2 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;
- 57.3.3 ensuring save in exceptional circumstances that for foundation and the other core subjects and religious education a teacher is assigned in the school time-table to every class or group of pupils;
- 57.3.4 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 and of the desirability of not using a teacher at the school until all other reasonable means of providing cover have been exhausted;
- 57.3.5 ensuring that teachers at the school receive information they need in order to carry out their professional duties effectively;
- 57.3.6 enabling advanced skills teachers to fulfil their outreach duties under paragraph 60.2 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;
- 57.3.7 reporting to the chair of governors annually on the professional development of all teachers at the school;
- 57.3.8 advising the governing body on the adoption of effective procedures to deal with incompetent teachers;
- 57.3.9 keeping the governing body informed of the general operation of such procedures; and

57.3.10 advising the governing body on the adoption of a pay policy in accordance with paragraph 3.

57.4 **Liaison with staff unions and associations:**

maintaining relationships with organisations representing teachers and other persons on the staff of the school;

57.5 **Curriculum:**

57.5.1 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 69 and 79(3) of the School Standards and Framework Act 1998⁽⁷⁹⁾;

57.5.2 securing that all pupils in attendance at the school take part in daily collective worship in pursuance of his duty under section 70 of the School Standards and Framework Act 1998;

57.6 **Review:**

keeping under review the work and organisation of the school;

57.7 **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;

57.8 **Appraisal, training, development and induction of staff:**

57.8.1 supervising and participating in arrangements made in accordance with regulations made under section 131 of the Act⁽⁸⁰⁾ 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;

(79) 1998 c.31. Section 69 was amended by section 215 of and Schedule 21 to the Act

(80) The Regulations currently in force under this provision in relation to England are S.I. 2001/2855 and in relation to Wales are S.I. 2002/1394 (W137).

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- 57.8.2 ensuring that all staff in the school have access to advice, training and developmental opportunities appropriate to their needs, including needs identified in appraisal objectives or in appraisal statements in accordance with the policies of the maintaining authority and governing body;
- 57.8.3 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;
- 57.8.4 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 teachers have met the prescribed induction standards as required by those Regulations;
- 57.8.5 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;
- 57.9 **Threshold assessment**
- 57.9.1 assessing whether a teacher at the school who applies for a threshold assessment has passed the threshold;
- 57.9.2 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;
- 57.9.3 the professional duties of a head teacher under paragraph 57.9 shall not be delegated to a deputy or assistant head teacher, although pursuant to paragraph 59.4 they may be exercised by a deputy head teacher in the head teacher's absence from the school.
- 57.10 **Advanced skills teacher assessment**
- 57.10.1 providing, in connection with an application for a certificate of eligibility for appointment to an advanced skills teacher's post, such documents, other information and assistance as may reasonably be

requested by a teacher at the school or a teacher who was previously employed at the school;

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

57.10.3 the professional duties of a head teacher under paragraph 57.10 shall not be delegated to a deputy or assistant head teacher, although pursuant to paragraph 59.4 they may be exercised by a deputy head teacher in the head teacher's absence from the school.

57.11 **Management information:**

providing information about the work and performance of the staff employed at the school where this is relevant to their future employment;

57.12 **Pupil progress:**

ensuring that the progress of the pupils of the school is monitored and recorded;

57.13 **Pastoral care:**

determining and ensuring the implementation of a policy for the pastoral care of the pupils;

57.14 **Discipline:**

57.14.1 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

57.14.2 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;

57.15 **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;

57.16 **Relations with other bodies:**

promoting effective relationships with persons and bodies outside the school;

57.17 **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;

57.18 **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;

57.19 **Relations with other educational establishments:**

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

57.20 **Resources:**

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

57.21 **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;

57.22 **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;

57.23 **Teaching:**

participating, to such extent as may be appropriate having regard to his leadership and other functions and duties, in the teaching of pupils at the school, including the provision of cover for absent teachers but to no greater extent than if he were a teacher to whom paragraph 65.9.2 applies.

Daily break

58. 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

- 59.1 A person appointed as a deputy or assistant head teacher in a school, in addition to carrying out the professional duties of a teacher other than a head teacher (as described in Part XII) including those duties particularly assigned to him by the head teacher, shall:
- 59.2 play a major role under the overall direction of the head teacher in:
- (a) formulating the aims and objectives of the school;
 - (b) establishing the policies through which they shall be achieved;
 - (c) managing staff and resources to that end; and
 - (d) monitoring progress towards their achievement;
- 59.3 undertake any professional duties of the head teacher reasonably delegated to him by the head teacher;
- 59.4 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
- 59.5 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 of advanced skills teachers

- 60.1 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.
- 60.2 An advanced skills teacher shall normally spend 20% of his time undertaking outreach work carrying out the duties in paragraph 60.1 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.

Professional duties of Fast Track teachers

61. 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

62. 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

- 63.1 Subject to paragraphs 43.6 and 46.2, a teacher who is not a head teacher shall carry out the professional duties of a teacher as circumstances may require:
- 63.1.1 if he is employed as a teacher in a school, under the reasonable direction of the head teacher of that school;
 - 63.1.2 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.
- 63.2 A teacher who has failed satisfactorily to complete an induction period and who is employed pursuant to regulation 18(5) of the Induction Regulations in relation to England or regulation 16(5) of the Induction Regulations in relation to Wales must only carry out such limited teaching duties as the Secretary of State determines pursuant to that regulation.

Exercise of particular duties

- 64.1 Subject to paragraph 43.6, 46.2, 46.3, and 63.2 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.
- 64.2 A teacher employed by an authority on terms such as those described in paragraph 63.1.2 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

65. Subject to paragraph 43.6, 46.2 and 46.3 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:

65.1 **Teaching:**

In each case having regard to the curriculum for the school, and with a view to promoting the development of the abilities and aptitudes of the pupils in any class or group assigned to him:

65.1.1 planning and preparing courses and lessons;

65.1.2 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;

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

65.2 **Other activities:**

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

65.2.2 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;

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

65.2.4 communicating and consulting with the parents of pupils;

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

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

65.3 **Assessments and reports:**

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

65.4 **Appraisal:**

participating in arrangements made in accordance with regulations made under section 131 of the Act⁽⁸¹⁾ for the appraisal of his performance and that of other teachers;

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

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

65.5.2 participating in arrangements for his further training and professional development as a teacher including undertaking training and professional development which aim to meet needs identified in appraisal objectives or in appraisal statements;

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

65.6 **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;

65.7 **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;

(81) 1986 c.61; the regulations currently in force under this provision are in relation to England, S.I. 2001/2855 and in relation to Wales S.I. 2002/1394 (W137).

65.8 **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;

65.9 **Cover:**

65.9.1 subject to paragraph 65.9.2, supervising and so far as practicable teaching any pupils whose teacher is not available to teach them;

65.9.2 except in the case of a teacher employed wholly or mainly for the purpose of providing such cover, no teacher shall be required to provide such cover for more than 38 hours in any school year;

65.10 **Public examinations:**

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

65.11 **Management:**

65.11.1 contributing to the selection for appointment and professional development of other teachers and support staff, including the induction and assessment of new teachers and teachers serving induction periods pursuant to the Induction Regulations;

65.11.2 assisting the head teacher in carrying out threshold assessments of other teachers for whom he has management responsibility;

65.11.3 co-ordinating or managing the work of other staff; and

65.11.4 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;

65.12 **Administration:**

- 65.12.1 participating in administrative and organisational tasks related to such duties as are described above, including the direction or supervision of persons providing support for the teachers in the school; and
- 65.12.2 attending assemblies, registering the attendance of pupils and supervising pupils, whether these duties are to be performed before, during or after school sessions.
- 65.12.3 Paragraph 65.12.1 does not require a teacher routinely to undertake tasks of a clerical or administrative nature which do not call for the exercise of a teacher's professional skills and judgment.
- 65.12.4 Without prejudice to the generality of paragraph 65.12.3 Annex 5 contains a list of tasks falling within the scope of that paragraph.

Management time

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

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 43.6, 46.2 and 46.3.
- 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.

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- 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 reasonable additional hours as may be needed to enable him to discharge effectively his professional duties, including, in particular, his duties under paragraphs 65.1.1 and 65.1.3. 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.

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 as 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 interpersonal 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 – Fast Track teachers’ competencies and values

A. Competencies

The teacher must demonstrate that he:

- identifies solutions to problems and takes responsibility for making decisions;
- thinks beyond the immediate situation and identifies new and improved ways of doing things;
- sets high standards for himself and others and ensures they are achieved;
- communicates effectively both orally and in writing, capturing the interest and enthusiasm of different audiences;
- is able to persuade and influence other people;
- continually encourages others to perform to the best of their abilities and challenges under-performance;
- builds and contributes to highly effective working relationships with individuals, within and across teams;
- demonstrates self confidence in his ability to succeed, maintaining energy and enthusiasm in highly challenging situations; and
- shows a commitment to his own learning and takes responsibility for his own professional development.

B. Values

The teacher must demonstrate –

- integrity and fairness in his dealings with others;
- commitment to working with children; and
- a passion for learning and education.

Annex 4 – Standards for Chartered London Teachers

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

PEDAGOGY AND PUPIL LEARNING

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

SUBJECT, SPECIALISM AND PHASE

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

WHOLE SCHOOL

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

DIVERSITY, COMMUNITIES AND CULTURES

10. Build on, extend and apply knowledge of the range of communities, cultures and sub-cultures in London, to inform and promote individual pupils' learning.
11. Promote and implement policies and practices that encourage mutual tolerance and respect for diversity, challenge discrimination and widen pupils' understanding of their contribution to society.
12. Demonstrate a capacity to deal constructively and sensitively with conflicting community and cultural values in classrooms and schools.

Annex 5 – Administrative and clerical tasks

Collecting money from pupils and parents.

Investigating a pupil's absence.

Bulk photocopying.

Typing or making word-processed versions of manuscript material and producing revisions of such versions.

Word-processing, copying and distributing bulk communications, including standard letters, to parents and pupils.

Producing class lists on the basis of information provided by teachers.

Keeping and filing records, including records based on data supplied by teachers.

Preparing, setting up and taking down classroom displays in accordance with decisions taken by teachers.

Producing analyses of attendance figures.

Producing analyses of examination results.

Collating pupil reports.

Administration of work experience (but not selecting placements and supporting pupils by advice or visits).

Administration of public and internal examinations.

Administration of cover for absent teachers.

Ordering, setting up and maintaining ICT equipment and software.

Ordering supplies and equipment.

Cataloguing, preparing, issuing and maintaining materials and equipment and stocktaking the same.

Taking verbatim notes or producing formal minutes of meetings.

Coordinating and submitting bids (for funding, school status and the like) using contributions by teachers and others.

Transferring manual data about pupils not covered by the above into computerised school management systems.

Managing the data in school management systems.

Annex 6

Part I: Changes taking effect on 1st April 2005

1. For the table in paragraph 6.4 substitute –

Spine point	Annual Salary England and Wales (excluding the London Area)	Annual Salary Inner London Area	Annual Salary Outer London Area	Annual Salary Fringe Area
	£	£	£	£
L1	33,006	39,249	35,370	33,921
L2	33,834	40,080	36,195	34,752
L3	34,680	40,926	37,041	35,592
L4	35,547	41,790	37,908	36,459
L5	36,432	42,678	38,793	37,347
L6	37,344	43,587	39,705	38,256
L7	38,355	44,601	40,716	39,267
L8	39,234	45,480	41,595	40,146
L9	40,215	46,461	42,576	41,127
L10	41,247	47,493	43,611	42,162
L11	42,318	48,561	44,676	43,230
L12	43,293	49,539	45,654	44,208
L13	44,379	50,625	46,740	45,291
L14	45,483	51,726	47,841	46,395
L15	46,614	52,857	48,972	47,526
L16	47,856	54,099	50,214	48,771
L17	48,957	55,203	51,318	49,872
L18	50,187	56,433	52,548	51,099
L19	51,429	57,672	53,790	52,344
L20	52,707	58,950	55,068	53,619
L21	54,009	60,255	56,370	54,927
L22	55,350	61,596	57,711	56,262
L23	56,721	62,964	59,082	57,636
L24	58,131	64,374	60,492	59,043
L25	59,571	65,814	61,932	60,486
L26	61,047	67,293	63,411	61,962

1. For the table in paragraph 6.4 (continued) substitute –

Spine point	Annual Salary England and Wales (excluding the London Area)	Annual Salary Inner London Area	Annual Salary Outer London Area	Annual Salary Fringe Area
	£	£	£	£
L27	62,559	68,802	64,920	63,471
L28	64,110	70,353	66,468	65,025
L29	65,700	71,946	68,061	66,615
L30	67,332	73,578	69,696	68,247
L31	69,000	75,246	71,361	69,915
L32	70,716	76,959	73,077	71,628
L33	72,471	78,714	74,832	73,386
L34	74,265	80,511	76,626	75,177
L35	76,113	82,356	78,471	77,025
L36	77,994	84,237	80,352	78,909
L37	79,935	86,181	82,296	80,847
L38	81,912	88,155	84,270	82,824
L39	83,907	90,150	86,265	84,822
L40	86,004	92,250	88,365	86,919
L41	88,152	94,395	90,513	89,064
L42	90,360	96,600	92,718	91,272
L43	92,619	98,862	94,977	93,531

2. For the table in paragraph 8.3 substitute —

Group	Range of spine points	Salary Range England and Wales (excluding the London Area)	Salary Range Inner London Area	Salary Range Outer London Area	Salary Range Fringe Area
		£	£	£	£
1	L6-L18	37,344	43,587	39,705	38,256
		—	—	—	—
		50,187	56,433	52,548	51,099
2	L8-L21	39,234	45,480	41,595	40,146
		—	—	—	—
		54,009	60,255	56,370	54,927
3	L11-L24	42,318	48,561	44,676	43,230
		—	—	—	—
		58,131	64,374	60,492	59,043
4	L14-L27	45,483	51,726	47,841	46,395
		—	—	—	—
		62,559	68,802	64,920	63,471
5	L18-L31	50,187	56,433	52,548	51,099
		—	—	—	—
		69,000	75,246	71,361	69,915
6	L21-L35	54,009	60,255	56,370	54,927
		—	—	—	—
		76,113	82,356	78,471	77,025
7	L24-L39	58,131	64,374	60,492	59,043
		—	—	—	—
		83,907	90,150	86,265	84,822
8	L28-L43	64,110	70,353	66,468	65,025
		—	—	—	—
		92,619	98,862	94,977	93,531

3. For the table in paragraph 17.3 substitute –

Scale point	Annual Salary England and Wales (excluding the London Area)	Annual Salary Inner London Area	Annual Salary Outer London Area	Annual Salary Fringe Area
	£	£	£	£
M1	19,023	22,611	21,384	19,935
M2	20,526	24,138	22,887	21,438
M3	22,176	25,818	24,540	23,091
M4	23,883	27,555	26,244	24,801
M5	25,764	29,463	28,128	26,682
M6	27,801	31,518	30,159	28,713

4. For the table in paragraph 19.2 substitute –

Scale point	Annual Salary England and Wales (excluding the London Area)	Annual Salary Inner London Area	Annual Salary Outer London Area	Annual Salary Fringe Area
	£	£	£	£
U1	30,120	35,721	32,481	31,032
U2	31,236	37,479	33,594	32,148
U3	32,391	38,634	34,755	33,306

5. In paragraph 24.1, for “£1,716” substitute “£1,758” and for “£3,396” substitute “£3,480”.

6. For the table in paragraph 27.1 substitute –

Spine point	Annual Salary England and Wales (excluding the London Area)	Annual Salary Inner London Area	Annual Salary Outer London Area	Annual Salary Fringe Area
	£	£	£	£
1	31,263	37,509	33,624	32,178
2	31,820	38,064	34,182	32,736
3	32,382	38,625	34,743	33,297
4	32,934	39,180	35,295	33,846
5	33,492	39,735	35,850	34,407
6	34,056	40,302	36,417	34,968
7	34,617	40,860	36,978	35,532
8	35,175	41,421	37,536	36,087
9	35,727	41,973	38,091	36,645
10	36,285	42,528	38,646	37,197
11	36,846	43,089	39,207	37,761
12	37,593	43,836	39,954	38,505
13	38,337	44,580	40,698	39,249
14	39,078	45,318	41,439	39,990
15	39,822	46,065	42,183	40,734
16	40,569	46,812	42,930	41,481
17	41,313	47,556	43,671	42,225
18	42,060	48,303	44,418	42,972
19	42,804	49,047	45,162	43,716
20	43,545	49,791	45,906	44,460
21	44,289	50,535	46,650	45,207
22	45,219	51,459	47,577	46,131
23	46,152	52,398	48,513	47,067
24	47,079	53,325	49,440	47,994
25	48,012	54,255	50,376	48,927
26	48,939	55,185	51,300	49,851
27	49,872	56,115	52,233	50,787

7. For the table in paragraph 38.1 substitute –

Spine point	Annual Salary England and Wales (excluding the London Area)	Annual Salary Inner London Area	Annual Salary Outer London Area	Annual Salary Fringe Area
	£	£	£	£
1	13,938	17,529	16,299	14,853
2	14,562	18,153	16,923	15,477
3	15,168	18,762	17,532	16,086
4	15,798	19,392	18,162	16,716
5	16,437	20,028	18,798	17,352
6	17,049	20,640	19,410	17,961
7	17,676	21,267	20,037	18,588
8	19,140	22,728	21,501	20,052
9	20,796	24,384	23,157	21,711
10	22,041	25,629	24,402	22,956

Part II: Changes taking effect on 1st September 2005

8. For the table in paragraph 6.4 substitute –

Spine point	Annual Salary England and Wales (excluding the London Area)	Annual Salary Inner London Area	Annual Salary Outer London Area	Annual Salary Fringe Area
	£	£	£	£
L1	33,249	39,537	35,889	34,170
L2	34,083	40,374	36,723	35,004
L3	34,935	41,226	37,572	35,853
L4	35,808	42,096	38,448	36,726
L5	36,699	42,990	39,339	37,620
L6	37,617	43,908	40,257	38,535
L7	38,634	44,925	41,274	39,555
L8	39,522	45,813	42,162	40,440
L9	40,509	46,800	43,149	41,430
L10	41,550	47,841	44,190	42,471
L11	42,627	48,915	45,264	43,548
L12	43,611	49,902	46,251	44,532
L13	44,703	50,994	47,343	45,624
L14	45,816	52,104	48,453	46,734
L15	46,956	53,244	49,593	47,874
L16	48,207	54,495	50,844	49,125
L17	49,314	55,605	51,954	50,238
L18	50,553	56,844	53,193	51,474
L19	51,807	58,095	54,447	52,725
L20	53,091	59,382	55,731	54,012
L21	54,405	60,696	57,045	55,329
L22	55,755	62,046	58,395	56,676
L23	57,135	63,423	59,775	58,056
L24	58,554	64,845	61,194	59,475

8. For the table in paragraph 6.4 (continued) substitute –

Spine point	Annual Salary England and Wales (excluding the London Area)	Annual Salary Inner London Area	Annual Salary Outer London Area	Annual Salary Fringe Area
	£	£	£	£
L25	60,009	66,297	62,646	60,927
L26	61,494	67,785	64,134	62,415
L27	63,015	69,306	65,655	63,936
L28	64,581	70,869	67,218	65,499
L29	66,180	72,471	68,820	67,101
L30	67,827	74,118	70,467	68,745
L31	69,504	75,795	72,144	70,428
L32	71,232	77,520	73,872	72,153
L33	73,002	79,290	75,642	73,923
L34	74,808	81,099	77,448	75,729
L35	76,668	82,956	79,305	77,589
L36	78,564	84,852	81,201	79,485
L37	80,520	86,811	83,160	81,438
L38	82,512	88,800	85,149	83,430
L39	84,522	90,810	87,159	85,440
L40	86,634	92,925	89,274	87,555
L41	88,797	95,088	91,437	89,715
L42	91,020	97,308	93,657	91,941
L43	93,297	99,585	95,934	94,218

9. For the table in paragraph 8.3 substitute –

Group	Range of spine points	Salary Range England and Wales (excluding the London Area)	Salary Range Inner London Area	Salary Range Outer London Area	Salary Range Fringe Area
		£	£	£	£
1	L6-L18	37,617	43,908	40,257	38,535
		–	–	–	–
		50,553	56,844	53,193	51,474
2	L8-L21	39,522	45,813	42,162	40,440
		–	–	–	–
		54,405	60,696	57,045	55,329
3	L11-L24	42,627	48,915	45,264	43,548
		–	–	–	–
		58,554	64,845	61,194	59,475
4	L14-L27	45,816	52,104	48,453	46,734
		–	–	–	–
		63,015	69,306	65,655	63,936
5	L18-L31	50,553	56,844	53,193	51,474
		–	–	–	–
		69,504	75,795	72,144	70,428
6	L21-L35	54,405	60,696	57,045	55,329
		–	–	–	–
		76,668	82,956	79,305	77,589
7	L24-L39	58,554	64,845	61,194	59,475
		–	–	–	–
		84,522	90,810	87,159	85,440
8	L28-L43	64,581	70,869	67,218	65,499
		–	–	–	–
		93,297	99,585	95,934	94,218

10. For the table in paragraph 17.3 substitute –

Scale point	Annual Salary England and Wales (excluding the London Area)	Annual Salary Inner London Area	Annual Salary Outer London Area	Annual Salary Fringe Area
	£	£	£	£
M1	19,161	23,001	22,002	20,082
M2	20,676	24,315	23,316	21,597
M3	22,338	26,007	24,978	23,259
M4	24,057	27,756	26,697	24,981
M5	25,953	29,676	28,593	26,877
M6	28,005	31,749	30,642	28,923

11. For the table in paragraph 19.2 substitute –

Scale point	Annual Salary England and Wales (excluding the London Area)	Annual Salary Inner London Area	Annual Salary Outer London Area	Annual Salary Fringe Area
	£	£	£	£
U1	30,339	35,985	32,979	31,260
U2	31,464	37,752	34,101	32,385
U3	32,628	38,916	35,268	33,549

12. In paragraph 24.1, for “£1,758” substitute “£1773” and for “£3,480” substitute “£3,507”.

13. For the table in paragraph 27.1 substitute –

Spine point	Annual Salary England and Wales (excluding the London Area)	Annual Salary Inner London Area	Annual Salary Outer London Area	Annual Salary Fringe Area
	£	£	£	£
1	31,491	37,782	34,131	32,412
2	32,052	38,343	34,692	32,976
3	32,619	38,907	35,259	33,540
4	33,174	39,465	35,814	34,095
5	33,738	40,026	36,375	34,659
6	34,305	40,596	36,945	35,226
7	34,872	41,160	37,509	35,793
8	35,433	41,724	38,073	36,351
9	35,991	42,282	38,631	36,912
10	36,552	42,837	39,189	37,470
11	37,113	43,404	39,753	38,037
12	37,866	44,157	40,506	38,787
13	38,616	44,907	41,256	39,537
14	39,363	45,651	42,003	40,284
15	40,113	46,401	42,753	41,034
16	40,866	47,154	43,506	41,784
17	41,616	47,904	44,253	42,534
18	42,369	48,657	45,003	43,287
19	43,116	49,404	45,753	44,037
20	43,863	50,154	46,503	44,787
21	44,613	50,904	47,253	45,537
22	45,549	51,837	48,186	46,470
23	46,491	52,782	49,131	47,409
24	47,424	53,715	50,064	48,345
25	48,363	54,651	51,003	49,284
26	49,296	55,587	51,936	50,217
27	50,238	56,526	52,875	51,159

14. For the table in paragraph 38.1 substitute –

Spine point	Annual Salary England and Wales (excluding the London Area)	Annual Salary Inner London Area	Annual Salary Outer London Area	Annual Salary Fringe Area
	£	£	£	£
1	14,040	17,655	16,677	14,961
2	14,670	18,285	17,307	15,591
3	15,279	18,897	17,919	16,203
4	15,915	19,533	18,555	16,839
5	16,557	20,175	19,197	17,478
6	17,172	20,790	19,812	18,093
7	17,805	21,423	20,445	18,723
8	19,278	22,893	21,918	20,199
9	20,949	24,564	23,589	21,867
10	22,203	25,818	24,843	23,124

15. After paragraph 57 insert –

“Dedicated headship time

- 57A A head teacher shall be entitled to a reasonable amount of time during school sessions, having regard to his teaching responsibilities, for the purpose of discharging his leadership and management responsibilities.

“Guaranteed planning and preparation time

- 57B A head teacher who participates in the teaching of pupils at the school shall have the same entitlement to planning and preparation time as a deputy or assistant head teacher has under paragraph 59A (treating the reference in that paragraph to time-tabled

teaching time as a reference to the aggregate period of time during which he has assigned himself to teach pupils).”.

16. After paragraph 59 insert –

“Guaranteed planning and preparation time

- 59A.1 A deputy head teacher or an assistant head teacher shall be entitled to reasonable periods of time (“PPA time”) to enable him to discharge his duties under paragraphs 65.1.1 (planning and preparing courses and lessons), 65.1.3 (assessing, recording and reporting on the development, progress and attainment of pupils) and 65.3 (assessments and reports).
- 59A.2 PPA time shall amount to not less than 10% of the deputy or assistant head teacher’s time-tabled teaching time (and for this purpose “time-tabled teaching time” means the aggregate period of time in the school time-table during which the teacher has been assigned by the head teacher in the school time-table to teach pupils).
- 59A.3 PPA time shall be provided in periods of not less than half an hour during those parts of the school time-table in which pupils are taught the core and other foundation subjects or religious education.
- 59A.4 A deputy or assistant head teacher shall not be required to carry out any other duties, including the provision of cover in accordance with paragraph 65.9, during his PPA time.”.

17. After paragraph 62 insert–

“Guaranteed planning and preparation time

- 57A An advanced skills teacher or a fast track teacher shall have the same entitlement to planning and preparation time as a deputy or assistant head teacher has under paragraph 59A.”.

18. Replace paragraph 65.10 with–

“participating in arrangements for preparing pupils for public examinations and in assessing pupils for the purposes of such examinations and recording and reporting such assessments;”.

19. Insert after paragraph 67–

“Guaranteed planning and preparation time

- 68.1 A teacher to whom paragraph 67 applies shall be allowed as part of the 1265 hours referred to in paragraph 67.3 reasonable periods of time (“PPA time”) to enable him to carry out his duties under paragraphs 65.1.1 (planning and preparing courses and lessons), 65.1.3 (assessing, recording and reporting on the development, progress and attainment of pupils) and 65.3 (assessments and reports).
- 68.2 PPA time shall amount to not less than 10% of the teacher’s time-tabled teaching time (and for this purpose “time-tabled teaching time” means the aggregate period of time in the school time-table during which the teacher has been assigned by the head teacher in the school time-table to teach pupils).
- 68.3 PPA time shall be provided in periods of not less than half an hour during those parts of the school time-table in which pupils are taught the core and other foundation subjects or religious education.
- 68.4 Such a teacher shall not be required to carry out any other duties, including the provision of cover in accordance with paragraph 65.9, during his PPA time.
- 68.5 Paragraphs 68.1 to 68.3 also apply to a classroom teacher who is employed on a part-time basis with the substitution for the reference to 1265 hours in paragraph 68.1 of a reference to that number which as a proportion of 1265 hours equates to the proportion of the school week that the teacher is normally employed.”.

SECTION 3 – Guidance on School Teachers' Pay and Conditions (General)

1. The guidance in this section, which relates to general pay matters, and the guidance on the National Agreement (Section 4) should be read in conjunction with any related paragraphs of the School Teachers' Pay and Conditions Document 2004 ('the Document'), and overall in relation to paragraph 1.9 of the Document which explains the basis on which LEAs, governing bodies and others must have regard to the guidance.
2. Paragraph references in this guidance relate, except where otherwise stated, to paragraph numbers in the Document. The term 'relevant body' denotes the body (either governing body or LEA) which is responsible for pay decisions.
3. This guidance has been agreed by the Rewards and Incentives Group, as described in paragraph 7 of Section 1.

General Principles

4. No payments or conditions of employment other than those provided for in the Document may be applied to teachers, except those conditions which are always determined locally and which do not conflict with the Document, unless the Secretary of State has granted exemptions under other legislation.

Pay policy (paragraph 3)

5. All relevant bodies – both governing bodies and LEAs where they are the relevant body - must have a pay policy. This should be linked to the performance management system. It should be reviewed annually and be kept up to date to take into account any legal changes. Teachers and representatives of recognised unions should always be consulted on formulating the policy and on any changes to it. All relevant bodies should ensure that they have a policy in place by the end of December 2004 at the latest.

-
6. Under the Freedom of Information Act 2000, relevant bodies should publish their pay policies through their scheme of publication. After January 2005 these policies must be made available on demand.
 7. Procedures for determining pay must comply with all the requirements of discrimination legislation. The pay policy should therefore make clear the relevant body's compliance with the Race Relations, Sex Discrimination, Equal Pay, Employment Relations and Disability Discrimination Acts, and the Part-Time Worker and Fixed-Term Employees Regulations. Procedures for determining pay should also be consistent with the principles of public life - objectivity, openness and accountability.
 8. The pay policy should set out how all pay decisions are made, either as part of a regular review or in other circumstances, with sufficient detail for an individual to appreciate what evidence and other factors will be taken into consideration before a pay decision is made. In particular, the pay policy should describe the information to be included on pay statements given to teachers as part of the regular review process, or when other pay decisions are taken, and how additional information may be obtained by teachers.
 9. Where decisions relate to pay reviews, the policy must also specify the date by which such decisions are made. The policy should also take account, in such cases, of special circumstances such as absence on maternity or long-term sick leave, and the relevant body's approach to covering such situations.
 10. The pay policy should set out the principles by which the relevant body will exercise its discretion in pay matters. The relevant body should ensure that the effects of the application of its policy are reasonable in each case.

Timing of salary determination and notification (paragraph 4)

11. Relevant bodies should determine teachers' pay without undue delay. The pay policy should set out when decisions will be made by (see paragraph 9 above).

Appeals against pay determinations (paragraph 5)

12. The pay policy must also contain the procedures for determining any appeals against pay decisions. Appeals against pay decisions should be notified in writing within ten working days. (The exception to this is in the period up to the end of 2004 – see paragraph 5 above – where appeals and appeal hearings may be postponed until the relevant body has a pay policy in place.) Pay policies should make provision for appeal hearings, which should be conducted with reasonable notice and normally within 20 working days of receipt of a written appeal notification. Policies should make clear the right of a teacher to be accompanied in an appeal hearing (perhaps by a colleague or union representative) if the teacher requests this (see www.dti.gov.uk/er/rtba.htm). No one who has been involved in a prior decision should be involved in hearing an appeal. Appeal decisions should be given in writing. Where an appeal is rejected, the decision should also communicate to the teacher in writing the evidence considered and the reasons for the decision.
13. Pay appeals decisions are final and binding on both parties and may not be reopened under grievance procedures. Grievance procedures should not be used for appeals against pay decisions.

Leadership Group Pay (paragraphs 6-16)

Individual school range

14. Relevant bodies should assign a school to a headteacher group and determine the individual school range (ISR) whenever they propose to appoint a new head. They should also re-determine the ISR if they change the headteacher group in any other circumstances or if they set a deputy or assistant head pay range which overlaps with the ISR. They may determine the ISR as of 1 September 2004 or at any time if they consider it necessary to retain a headteacher.
15. When determining the ISR, the relevant body should take account of any difficulties there may be in recruiting and retaining a head and whether there has been a significant change in the

responsibilities of the head. The relevant body should not take account of the salary of the serving head if they re-determine the ISR.

16. When determining the actual salary of a new headteacher, relevant bodies should take account of the responsibilities of the post, the background of the pupils at the school and whether the post is difficult to fill.
17. The relevant body should determine the pay range for deputies and assistant heads when they propose to make new appointments or where there is a significant change in the responsibilities of serving deputy or assistant heads. They should take account of the responsibilities of the post, the background of the pupils at the school and whether the post is difficult to fill. They may determine the pay range as of 1 September 2004 or at any time if they consider it necessary to retain a deputy or assistant head.
18. Relevant bodies should ensure that they review the performance of members of the leadership group, in accordance with paragraphs 7, 13 or 15 as applicable. They should take full account of the clarification of the application of the criteria for Leadership Group progression set out in the following box, in the light of any considerations set out in the relevant body's own pay policy as referred to in paragraphs 8 and 9 of this guidance.

Application of Leadership Group Pay Progression Criteria – Clarification

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

To achieve progression, the School Teachers' Pay and Conditions Document (STPCD) requires individuals on the leadership spine

continued

to have demonstrated sustained high quality performance. To be fair and transparent, judgements must be properly rooted in evidence and there must have been a successful review of overall performance.

A successful performance review, as prescribed by the appraisal regulations⁽¹⁾, will involve a performance management process of:

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

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

Review of the salary of post-threshold teachers

19. Relevant bodies should ensure that they review the performance of post-threshold teachers who are eligible for consideration for movement up the upper pay scale in accordance with paragraph 19. They should take full account of the clarification of the application of the criteria for upper pay scale progression set out in the following box, in the light of any considerations set out in the relevant body's own pay policy as referred to in paragraphs 8 and 9 of this guidance.

Application of Upper Pay Scale Progression Criteria – Clarification

UPS3 teachers play a critical role in the life of the school. They provide a role model for teaching and learning, make a distinctive contribution to the raising of pupil standards and contribute effectively to the work of the wider team. They take advantage of appropriate opportunities for professional development and use the outcomes effectively to improve pupils' learning.

continued

(1) The Education (School Teacher Appraisal) (England) Regulations 2001, and The Education (School Teacher Appraisal) (Wales) Regulations 2002.

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

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

Progression on UPS should be based on two successful consecutive performance management reviews⁽²⁾, other than under the exceptional circumstances as set out in the STPCD.

A successful performance review as prescribed by the appraisal regulations⁽³⁾ involves a performance management process of:

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

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

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

Transitional arrangements for post-threshold teachers on U4 and U5 (paragraph 20)

20. The current pay of the small number of teachers awarded points U4 or U5 before 1 September 2004 is now effectively frozen. LEAs and schools should be aware that further transitional arrangements for these teachers may be introduced in 2005 along with the

(2) The timing of implementing performance management arrangements in Wales means that for the 2004 cohort the requirement to have had two successful consecutive performance management reviews does not apply, providing the teacher has made good progress towards meeting his/her objectives.

(3) See footnote 1.

introduction of other changes to pay structure that are currently under review.

Threshold assessment (paragraph 21)

Role of the relevant body in threshold assessment

21. The relevant body has legal responsibility for the threshold process. However, it is required to delegate the receipt and assessment of applications to the headteacher (or person with management responsibility in the case of unattached teachers). That person should handle all practical aspects of the process, including the giving of feedback to threshold applicants.
22. The headteacher (or person with management responsibility in the case of unattached teachers) should promptly notify the relevant body of his decision on the application when it has been assessed. The relevant body, on receiving notification of a successful threshold application, is under a duty to move the teacher concerned to U1 in accordance with paragraph 19 of the Document. For guidance and an explanatory table on payment dates, relevant bodies should refer to the *Performance Threshold Standards Assessment 2004/05, Round 5 Support Pack for Schools* (www.teachernet.gov.uk/performancecethreshold).

Applications, Evidence Period and Absence

23. Threshold assessment is a voluntary process and entirely a matter of choice for individuals. Teachers are responsible for applying for threshold and they must apply to the head teacher of the school at which they are employed to teach (or head of service if applicable).
24. Teachers are responsible for summarising evidence – in the form of concrete examples from their day-to-day work – to show that they have worked at the threshold standards indicated over at least the last two and not more than three years immediately leading up to and ending at the date of their application. The evidence of teaching should be taken from all educational settings where the applicant has taught children of school age (up to 19 years of age). A year for the purposes of threshold evidence is defined in paragraph 1.8 of the

Document and it permits certain periods of absence to be counted towards the period of a year.

25. Teachers who have not been teaching children up to 19 years of age in the two years immediately preceding applying and who are not covered by the specific absences defined in paragraph 1.8 of the Document, or where the relevant body does not exercise its discretion to recognise the absence, but who have worked for an aggregate period of at least two years in the five years preceding their application, should cite evidence from the most recent two to three year period (or an aggregate) ending at the point when they last taught children up to 19 years of age. They should not cite evidence more than five years old.
26. The absences not covered by paragraph 1.8 of the Document could be as a result of the teacher being absent on secondment, study leave, or because they took a career break for reasons other than those specifically covered by paragraph 1.8 and regardless of whether the break was in-service or not.

Feedback

All Teachers – returning the application form and oral feedback

27. Heads should promptly notify teachers of the outcome of the assessment and in all cases no later than 20 working days of informing the relevant body of the decision. All teachers should have their original assessed application forms returned to them showing the comments of the headteacher.
28. All teachers should also receive oral feedback from their head on each standard and the reasons for the outcome of their applications. They should receive advice on aspects of performance that would benefit from further development.
29. Feedback should be sensitive, informative and developmental. Feedback should link effectively to the school's performance management arrangements and should enable the teacher and his/her manager to identify clear priorities for future professional development.

Unsuccessful Applicants - written feedback

30. In the case of unsuccessful applicants, heads should give written feedback on the reasons for the outcome of the application, standard by standard, including those where the standards have been met, within 20 working days of informing the relevant body of his decision.
31. Heads should record details of any additional evidence they use in determining that the standard(s) are not yet met on the model application form. The model application form with a record of the concise reasons for which standard has/has not been met and why, should provide sufficient written feedback, although the head may supplement these. In all cases the aim should be to give clear advice in oral feedback about how the teacher needs to develop in order to reach the standards. If in discussion with the teacher it has been necessary to amplify the comments then the key additional points made should be confirmed in writing.

Appeals against not meeting the threshold standards

32. Paragraphs 12 - 13 of this guidance cover appeals against pay decisions, including appeals against not meeting the threshold standards.

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

33. Teachers who cite evidence from more than one school (e.g. supply teachers who have had specific individual contracts with schools and therefore were attached to those schools, or teachers who have changed jobs) should submit their application to the relevant body of the school they are contracted to work in on the date of submission of their application.
34. That headteacher should consult with the heads of the other schools in assessing the application and those heads should participate in the assessment.

Teachers who work in two or more schools simultaneously

35. In exceptional circumstances, where a threshold applicant is simultaneously employed to teach at two or more schools (e.g. part-time teachers simultaneously employed in two or more schools, or supply teachers simultaneously employed in two or more schools and attached to those schools) the teacher should submit their application to the headteacher of the school at which they spend most time and the head of that school should normally assess the application, with appropriate input from the heads of the other schools. Where the teacher spends equal time in every school, they should submit their application to the headteacher of the school at which they have been employed the longest and the head of that school should normally be responsible for making the assessment. The assessing head should consult with the other headteachers in assessing the application and they should participate in the assessment. Where all the relevant heads agree, it is also possible for any one of them to assess the application if appropriate.
36. Teachers can only make one application, regardless of the number of schools they work in. Regardless of the number of heads who contribute to the assessment, only one head should decide whether each of the standards has been met.

Management allowances (paragraph 23)

37. Management allowances should be linked to a clearly defined job description. Relevant bodies should ensure that teachers with similar levels of responsibility are awarded the same level of management allowance, and that equal pay legislation is respected.
38. All new management allowances awarded from 1 April 2004⁽⁴⁾ must be fixed-period, not exceeding one year⁽⁵⁾. Where a new management allowance is awarded, written notification given to the teacher at the time of the award should specify:
- what the allowance has been awarded for;

(4) Any management allowances formally awarded – that is, offered – before 1 April 2004 fall under the former arrangements. This means that allowances could either be given on a permanent basis, for as long as the teacher remains in the same post, or on a fixed-period basis determined at the time of the award. This applies even if posts have not yet been taken up and payment has not yet commenced, or if the offer was not accepted until on or after 1 April. It also applies where teachers within the same school were offered a management allowance before 1 April, either for the first time or at a new level.

(5) The phrase 'fixed-period' does not relate to the post itself, but to the payment of the allowance element.

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- the level of allowance; and
 - the start date and duration of the award (maximum one year).
39. Relevant bodies should bear in mind that a new framework and guidance for management allowances is under review. This is in the context of a recommendation from the STRB that management allowances should be for 'specific, additional, weighty responsibilities targeted on teaching and learning'. This builds on paragraphs 14-16 of Section 4 of this publication (Guidance on the National Agreement). The STRB also recommended that teachers with such responsibilities, including those already in receipt of non-fixed period awards made before 1 April 2004, should move on to the new management allowance framework. **The review is therefore considering all management allowances, not just those awarded recently.** The Government proposes that new arrangements should be introduced as soon as possible. The STRB is reporting again on this matter in January 2005.
40. Until the new arrangements are finalised, therefore, relevant bodies cannot give assurances or guarantees to teachers about the future of any particular management allowance award, or whether a teacher will continue to receive it in future. However, there is a strong commitment to ensuring that the new system is transparent and that all teachers should be treated fairly and equally under whatever new management allowance framework is developed.
41. Whilst not wishing to pre-empt the outcome of the review and the STRB report, when awarding new management allowances LEAs and schools should take account of the STRB recommendations referred to in paragraph 39 above. Any new framework for allowances will take careful account of the need to reward such teaching and learning responsibilities in future.

Special educational needs allowances (paragraph 24)

42. Where a discretionary special educational needs allowance is awarded, as well as specifying the level, the teacher's written

notification given at the time of the award should specify the reason for the award.

Advanced Skills Teachers (ASTs) (paragraphs 27-30)

Pay issues

43. When setting the salary range for an AST post (paragraph 27), relevant bodies should also consider the following:
 - the status of the grade as an alternative to posts paid on the leadership spine;
 - the need for an appropriately substantial pay increase in relation to the appointee's previous post;
 - whether the post would or may otherwise have attracted an allowance (for example, for SEN);
 - any recruitment or retention considerations.
44. The relevant body should determine the pay range for ASTs when they propose to make new appointments or where there is significant change in the responsibilities of existing ASTs, for example, higher level responsibilities such as leading a large whole school or LEA project to improve an aspect of teaching and learning; or where there are changes in the school's situation which lead to a wider review of salaries.
45. Relevant bodies should ensure that they review the performance of ASTs who are eligible for consideration for movement up their pay range in accordance with paragraph 27. They should take full account of the following notes on the clarification of the application of the criteria for advanced skills teacher pay progression, in the light of any considerations set out in the relevant body's own pay policy as referred to in paragraphs 8 and 9 of this guidance.

Application of Advanced Skills Teacher Pay Progression Criteria - Clarification

46. Advanced Skills Teachers play a critical role in the life of the school. Through their own excellent teaching and their work with other teachers or on whole school projects they play a leading role in enhancing the quality of teaching and learning throughout the school. Their outreach work opens the school to wider relationships which enrich the experiences and raise the performance of both colleagues and pupils. Their outreach work also benefits and is of great value to the wider teaching community.
47. To achieve progression, the Document requires individuals on the advanced skills teacher spine to have demonstrated sustained high quality performance. To be fair and transparent, judgements must be properly rooted in evidence and there must have been a successful review of overall performance.
48. Such a performance management review should take place each year and a successful review can result in a movement of one or more points up the teacher's pay range.
49. A successful performance review as prescribed by the appraisal regulations⁽⁶⁾ will involve a performance management process of:
- Performance objectives;
 - Classroom observation;
 - Other evidence.
50. To ensure that there has been high quality performance the performance review will need to assess that the teacher has grown professionally by developing their teaching expertise and their performance of AST professional duties.
51. In order to take outreach work into account in determining whether there should be any movement up the AST pay spine (paragraph 27), relevant bodies should ensure that good systems are in place to monitor and evaluate this, particularly if it is organised and

(6) See footnote 1.

managed by someone outside the school, such as an LEA AST coordinator.

Application for AST assessment

52. A teacher who does not already hold a certificate of eligibility for AST appointment should submit a written application for such a certificate to the headteacher of the school at which he is currently employed when he applies for an AST post.
53. If he is simultaneously employed at more than one school the head teachers of the schools concerned should agree which one of them is to act as the designated head teacher to carry out the head teacher's duties under paragraph 57.10. If they cannot agree, then the designated head teacher should be either the head teacher of the school at which he is employed for the greatest number of hours or, if there is no difference, the head teacher of the school at which he has been employed for longest. If he is not currently employed as a teacher he should give his application to the head teacher of the school at which he was last employed.
54. An unattached teacher should give his application to his line manager.
55. The head teacher or line manager should complete the application within 20 working days of receiving it, adding his evaluation of the teacher's suitability for certification. He should give the teacher a copy of the completed application promptly.
56. Where the teacher is employed at more than one school, the designated head teacher should consult the headteachers of the other schools at which the teacher is employed before completing the application.
57. Where a teacher applies for an AST post at the school at which he is employed as a teacher, the head teacher should submit the completed application to an assessor if the teacher:
 - a. is selected for interview for the post; or

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- b. is selected, or recommended by the governing body, for appointment to the post without interview.
58. Where a teacher applies for an AST post at another school, the person who completed his application should give it to the head teacher of the school at which the post is situated. That head teacher should submit the completed application to an assessor in the above circumstances.
59. Where a teacher applies for an AST post which is not attached to a particular school, the person who completed his application should give it to the relevant Chief Education Officer's nominee. That person should submit the completed application to an assessor in the above circumstances.

Review of AST assessment

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

**Fast Track teachers (applicable in England only)
(paragraphs 31-36)**

61. Relevant bodies should consider paying Fast Track teachers, who are not newly qualified teachers in their first year of teaching, a recruitment or a retention incentive of an appropriate value. These incentives are subject to the same conditions as other recruitment and retention incentives as described in paragraphs 73-80 below.
62. A school should have a named Fast Track mentor for each Fast Track teacher. The Fast Track mentor should:
- liaise with the Fast Track Area Co-ordinator to agree appropriate and challenging objectives for the teacher. This will include supporting the Fast Track teacher to develop a Career Progression Plan;

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- hold regular meetings with the Fast Track teacher to discuss progress on meeting objectives, the teacher's performance as a whole, and to consider further development needs that can then be discussed with the Area Co-ordinator; and
 - facilitate professional development opportunities for the Fast Track teacher within the school.
63. Teachers on the Fast Track Programme are expected to perform to a high standard at all times. Their performance should be monitored through the normal performance management process. If a Fast Track teacher does not perform to the high standard expected, the headteacher should notify the Fast Track Personal Leadership Tutor (or Lead Tutor), who will liaise with the school to help the teacher bring about the improvements required.

Unattached teachers (paragraph 46)

64. Teachers working in centrally-provided services not attached to a particular school are "unattached teachers". For those working in special educational needs services, LEAs' pay policies should make provision for such teachers to be awarded SEN allowances in circumstances where they would be awarded to special needs teachers in schools.
65. Relevant bodies should determine whether to pay a teacher in charge of a Pupil Referral Unit (PRU) as a classroom teacher or on the leadership group scale. Teachers in charge of a number of PRUs should normally be paid as headteachers.

General safeguarding (paragraph 47)

66. Relevant bodies should keep cases where a teacher's pay has been safeguarded following a reorganisation or school closure under regular review, and should consider offering these teachers posts commensurate with their salaries, subject to appropriate training as required.

Additional payments (paragraph 50)

Continuing Professional Development

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

Initial Teacher Training Activities

68. Relevant bodies should decide whether to make additional payments to any teacher for activities related to providing initial teacher training (ITT). Such payments may be made only for ITT which is provided as an ordinary incident in the conduct of the school. Relevant bodies should set an appropriate level of payment for ITT activities in their pay policy.
69. Teachers undertaking school-based ITT activities do so on an entirely voluntary basis (unless they are ASTs for whom this is a professional duty). Such activities might include supervising and observing teaching practice; giving feedback to students on their performance and acting as professional mentors; running seminars or tutorials on aspects of the course; and formally assessing students' competences.
70. Other aspects of ITT activities cannot be regarded as an ordinary incident in the conduct of the school. Such activities include the additional requirements of School Centred ITT (SCITT), where schools take the lead in providing ITT courses. They may include planning and preparing materials for an ITT course, and taking responsibility for the well-being and tuition of ITT students.
71. Separate non-teaching contracts of employment should be issued to cover those aspects of involvement in ITT which require the exercise

of a teacher's professional skills or judgment but which go beyond activities which may be described as an ordinary incident in the conduct of the school. No teacher should routinely carry out administrative and clerical ITT-related activities. Paragraphs 6 – 13 of Section 4 set out guidance on this, linking to paragraph 65.12.3 and Annex 5 of the Document.

Out-of-School Hours Learning Activities

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

Recruitment and retention (paragraph 51)

73. All recruitment and retention allowances, incentives or benefits awarded to teachers, other than those awarded on a fixed-term basis, ceased to exist on 1 April 2004. However, any recruitment and retention allowances, incentives and benefits previously awarded under paragraphs 24 or 48 of the 2003 Document on a fixed-term basis (including 'golden handcuffs') continue for the duration of the existing award, to a maximum of three years from 1 April 2004.
74. All new payments for recruitment and retention purposes must be made under the recruitment and retention incentives and benefits provisions in paragraph 51. Relevant bodies are free to determine the value of any award. New awards may only be given for a fixed period of up to three years to new teachers for recruitment purposes, and up to three years for retention purposes. Awards made for retention purposes are renewable in exceptional circumstances. The relevant body or LEA should determine the nature of those circumstances as appropriate and cover this in its pay policy.

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75. All relevant bodies should consider as part of their pay policy deliberations (see paragraphs 8 - 9 above):
- whether recruitment and retention incentives and benefits should be offered to new or existing teachers;
 - if so, their nature, value, duration and the circumstances in which they will be paid.
76. Where a teacher is given an incentive or benefit under paragraph 51, written notification given at the time of the award should state:
- whether the award is for recruitment or retention;
 - the nature of the award (cash sums, travel or housing costs etc.);
 - when/how it will be paid (as applicable);
 - unless it is a 'one-off' award, the start date and duration of the incentive (taking into account that the maximum of any one award is three years);
 - the basis for any uplifts which will be applied (as applicable).
77. Relevant bodies should also ensure they have taken action following the April 2004 changes, where teachers' existing awards ceased or where they continued for a period of time.

Teachers whose existing awards ceased

78. Where teachers were in receipt of non-fixed term recruitment and retention allowances or incentives before 1 April 2004, which ceased to exist on that date, relevant bodies should have considered carefully whether to:
- award a retention incentive, under the new arrangements, of the same value as before;
 - award, in addition or instead, a different type of incentive from the one given previously;

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- award a different amount; or
 - make no new award (relevant bodies will need to consider very carefully the impact on the teacher's position if they exercise this option).
79. Relevant bodies should also have considered carefully:
- the duration of any incentive (maximum three years);
 - what uplifts will be applied during the period of the award (if any).

Where awards continued

80. Relevant bodies should also have considered the financial value of teachers' preserved benefits – that is, fixed-term awards which are continuing. To increase the amount paid for recruitment and retention purposes to any teacher in receipt of a continuing award, relevant bodies may:
- make an additional award under the new provisions; and/or
 - consider replacing the preserved award with a new, higher award. However, this may not be for a shorter period of time than the original award (or three years if the original award would have run beyond 1 April 2007) without the consent of the teacher.

SECTION 4 – Guidance on Changes to the Document resulting from the National Agreement

1. This section of the guidance relates to the changes to the School Teachers' Pay and Conditions Document (the Document) relating to the National Agreement. It has been agreed and endorsed by the signatories to that Agreement, who believe that the changes will help to reduce teacher workload and raise standards by freeing teachers to focus on teaching and learning. The signatories are committed to keeping the implementation of all aspects of the National Agreement under review.
2. The guidance refers both to contractual changes that have already been put in the Document in 2003 and 2004 and to those that will come into force in September 2005 (contained in Annex 6 of the Document). Schools are encouraged to work towards these changes as far as possible in advance of their statutory introduction. The publication of the future amendments and associated guidance will assist them in achieving that aim.

2003 CHANGES

ADMINISTRATIVE AND CLERICAL TASKS

Purpose of the provisions

3. Teachers should have support so that they can focus on teaching and learning and expect that administrative and clerical processing will normally be done by support staff and/or through more effective use of ICT. These provisions will ensure that teachers cannot routinely be required to undertake administrative and clerical tasks.
4. The contractual changes apply to all teachers at a school, including teachers on the leadership spine and ASTs whether on permanent, fixed term or temporary contracts and to teachers on part-time contracts.
5. The contract for headteachers has never contained a duty to perform this type of task. However, some headteachers have often

felt obliged to undertake such work. This is a distraction from their leadership role - they should identify and delegate any tasks which should stop, or be more appropriately carried out by members of the school support staff.

Defining administrative and clerical tasks

6. Some administrative tasks are straightforward – filing pupil records, recording absence data and collecting money. Others, such as administering examinations, ordering equipment and compiling and submitting bids require more expertise, but not necessarily that of a qualified teacher.
7. Many activities in schools require a mixture of professional and administrative input. For example, writing reports on pupils' progress requires the expertise of a qualified teacher. But that expertise is **not** required for many of the processes involved in producing the report - for example, “topping and tailing” reports or collating them either manually or using an ICT-based system. These elements should not routinely be done by teachers.
8. For the purposes of paragraph 65.12.3, the key tests for any task currently undertaken by teachers must be:
 - a) Does it need to be done at all?
 - b) Is the task of an administrative or clerical nature?
 - c) Does it call for the exercise of a teacher's professional skills or judgment?
9. If the answers to a) and b) are yes and the answer to c) is no, then the task should be transferred from teachers. The list at Annex 5 contains a number of examples. It is not intended to be exhaustive.

“Routinely required”

10. Tasks do not have to be done on a daily basis to be classed as routine. Many tasks, such as collating reports, may only be done once per year - this would still be classed as routine.

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11. Schools will need to review their administrative systems and provide appropriate support for teachers. It will also be important that teachers make good use of that support. This may require improved organisation of administrative activities by all school staff – it would be unreasonable, for example, for a teacher to ask for large bulk photocopying jobs to be done immediately before a lesson. Schools must ensure that the administrative system in place is robust enough to meet the needs of the remodelling agenda and is clearly understood by both those who use it and those who provide it.
 12. The changes reflected in these legal provisions are not mechanistic or about narrow issues of job demarcation. They are about teacher time being more exclusively devoted to high quality professional teaching tasks.
 13. Consequently, teachers should not be given the option to “choose” to continue doing administrative and clerical work. It is not an appropriate use of teacher time. Head teachers will need to ensure that administrative and clerical tasks are transferred from teachers, even where this involves a difficult adjustment for some teachers. Teachers’ professional responsibilities are paramount and, in order to achieve the objective of raising standards and tackling workload, they must spend a larger proportion of their working time on those responsibilities.

Teachers with management allowances for administrative and clerical tasks

14. There may be cases where teachers have management allowances for carrying out tasks that should be transferred. In such cases, and in order to justify the continued award of the allowance, the teacher will need to undertake an alternative responsibility more focused on teaching and learning or may **manage** the task he/she previously performed. In the context of the remodelling agenda the first option is the preferred one. There is no formal requirement to reach agreement on the nature of the alternative responsibilities, although it is good management practice to seek to do so.
15. A similar process will need to be put in place for members of the leadership group whose present responsibilities include some that

are of an administrative and clerical nature which should now be transferred. Removing these tasks will enable them to focus more on teaching and learning and fulfil their contractual role as defined in paragraph 59.2 in the Document. This includes: formulating the aims and objectives of the school; establishing the policies through which they should be achieved; managing staff and resources to that end; and monitoring progress towards their achievement.

16. In order to assist with the delivery of future contractual changes in the Agreement, schools will need to have freed up existing time currently spent by teachers undertaking administrative and clerical work. Where they have not already done so, headteachers must seek to resolve the residual issues in paragraphs 14 and 15 above as quickly as possible.

Reviewing administrative systems

17. Administrative systems, and specifically the tasks listed in Annex 5, should be reviewed to identify what is currently being done and who is doing it. This review will also provide the opportunity to determine if there are different ways in which tasks can be carried out or if they need to be carried out at all. Alternative arrangements will need to be made for any administrative task currently being carried out by a teacher, which does not require their professional skills or judgement.
18. In transferring administrative and clerical tasks to support staff, headteachers should have regard to the suitability of the task to the member of staff's current role; whether sufficient time is available or could be freed up; whether additional training is needed; and any implications for pay and grading. Any revision of job descriptions should normally be agreed between the headteacher and the member of staff. An extension of working hours must be by agreement.
19. Where the need for additional staff is identified, headteachers may wish to take the opportunity to consider whether the new post could embrace a number of the facets of extended support staff roles identified in the Agreement. Many schools have also benefited from the creation of specific specialist roles such as health and safety officers, examination and timetabling officers, attendance clerks

and technical support staff. Small schools may wish to consider whether for certain tasks a post could be shared with a neighbouring school or schools.

20. Experience suggests that support staff will become more efficient in undertaking administrative tasks than teachers, not just because of the better division of labour, but because for them these tasks will be a primary function, rather than an unwanted distraction from teaching and learning.

Management

21. Managing the work of other staff (paragraph 65.11) must not include routinely seeking or giving advice on contractual issues such as pay and conditions of employment. There is no requirement in the Document on teachers to provide such advice. These matters should be referred to the individual with specific responsibility for personnel issues and/or the employer.
22. Teachers have a duty to direct and supervise the work of support staff, including in particular those undertaking teaching and learning activities. However, it should not automatically follow that they are required to undertake formal aspects of their line management. Many schools will see it as appropriate and good practice for this role to be undertaken by a more senior member of support staff.

WORK/LIFE BALANCE

Purpose of the provisions

23. All teachers and headteachers should enjoy a reasonable work/life balance. The Document has been amended to reflect this. Similar changes will also be incorporated, subject to Parliament, into Governing Body regulations to be amended later.

Implementing work/life balance

24. Work/life balance is about helping teachers combine work with their personal interests outside work. It can help to recruit and retain

better motivated staff through giving them greater control of their working lives and a stronger sense of ownership. A school that is committed to work/life balance:

- recognises that effective practices to promote work/life balance will benefit both teachers and pupils;
- highlights the joint responsibility to discuss workable solutions and encourages a partnership between individual teachers and their line managers;
- develops, monitors and evaluates appropriate policies and practical responses that meet the specific needs of the school, having regard to fairness and consistency; valuing teachers for their contribution to raising standards, not their working pattern;
- communicates its commitment to work/life balance to its staff;
- demonstrates leadership and encourages senior managers to lead by example.

25. Employers have a duty to employees at common law and a legal duty under health and safety legislation, including the Health and Safety at Work Act 1974 and related legislation and the Working Time Regulations 1998. In addition, four new provisions have been made to encourage schools to develop effective work/life balance strategies:

- Additional hours for classroom teachers over and above the annual 1265 must be reasonable;
- For those teachers (deputy and assistant headteachers, ASTs and fast-track teachers) not covered by the 1265 annual limit on directed time, overall hours should be reasonable;
- Head teachers must have regard to the desirability of all teachers at the school (including himself and other members of the leadership group) being able to achieve a satisfactory balance between the time required to discharge their

professional duties and the time required to pursue their personal interests outside work;

- To the extent that headteachers direct their own work, they are covered by the provision above. However, in addition to these, regulations (to be amended) will include a similar obligation on the governing body, which will help to ensure that the headteachers are not required to work unreasonable hours and can achieve a reasonable work/life balance.
26. These changes are part of a wider commitment to secure downward pressure on excessive hours worked in schools over the next four years, with progressive year on year reductions from the current level of some 52 hours per week during term-time. Overall teacher hours will continue to be monitored by the Office for Manpower Economics on behalf of the School Teachers' Review Body on an annual basis.
27. Individual schools will face varying degrees of challenge in achieving this objective. A number of other strategies will support headteachers and governing bodies. These include:
- The revision of circulars 2/98 and 22/98 to deal with non-contractual provisions such as the conduct and frequency of meetings. This will assist in tackling teacher workload and unnecessary bureaucracy at school level;
 - The change management programmes in England and Wales, including advice and guidance from the new National Remodelling Team in England, where schools will also be able to call on the support of a network of local facilitators / advisers;
 - The operation of the Implementation Review Unit, and similar arrangements to be established in Wales, which will make a concerted attack on unnecessary paperwork and bureaucratic processes for teachers, headteachers and all who work in schools.
28. Effective preparation is essential before introducing work/life balance policies. Head teachers should consider how best to take

this forward. Consultation with staff and trade union representatives could also aim to develop agreed strategies and procedures for implementation. It is essential to communicate new policies effectively, perhaps through INSET days or the inclusion of work/life balance in staff reviews and appraisals.

29. Maintaining effective work/life balance will require on-going monitoring and evaluation of work pressures. Some teachers will find it difficult to “let go” of work – headteachers will need to take steps to ensure that such issues are addressed and resolved with the teacher concerned. It is not in the pupils’ interest for teachers to be working excessively long hours.

LEADERSHIP AND MANAGEMENT TIME

Purpose of the provisions

30. Members of the leadership group need time to focus on their leadership responsibilities and be supported in leading the reform agenda and managing change in their schools.
31. Many teachers outside the leadership group also have some form of leadership and management responsibility, including those of subject leaders and coordinators, heads of departments or faculties, ASTs, special educational needs co-ordinators and initial teacher training mentors.
32. Teachers with leadership and management responsibilities are now entitled, as far as is reasonably practicable, to a reasonable allocation of time within school sessions⁽¹⁾ to support the discharge of their responsibilities. This is in addition to the contractual provisions on work/life balance and guaranteed planning preparation and assessment time (PPA), which will be introduced from 1 September 2005.
33. The provision for leadership and management time will apply to all teachers at the school with leadership and management responsibilities, whether employed on permanent, fixed term or

(1) The Education (School Day and School Year) (England) Regulations 1999 state that “every day on which a school meets shall be divided into two sessions which shall be separated by a break in the middle of the day” and that “at least 380 sessions shall be held at a school during any school year”. Under SI1999/2255 heads are required to inform parents of “the times at which each school session begins and ends on a school day”.

temporary contracts. It also applies to teachers on part-time contracts.

34. Head teachers will also be legally entitled to a reasonable allocation of leadership and management time as a result of this and other amendments. These make it clear that leadership is one of the core duties of a headteacher and that they should be involved in teaching to such extent as may be appropriate having regard to his leadership and other functions and duties. In addition, provision for dedicated headship time will be introduced from 1 September 2005.

Implementation

35. Given the varying nature and extent of responsibilities held by teachers, it is difficult to identify a formula for the amount of time which might be appropriate for each responsibility. This is a matter for the school. However, this, and the nature of the contractual provision, will be kept under review as the remodelling agenda progresses and as the future resource position becomes clear.
36. The provision of leadership and management time is intended to be a contribution to the time needed to discharge the relevant responsibilities. Subject to that qualification some time for leadership and management must be allocated within school sessions, taking account of the nature and extent of the responsibilities of each member of staff and the management structure of the school. In order for the time to be meaningful, it should not be allocated in short blocks, for example ten to twenty minutes here and there.
37. The Document requires cover to be allocated on an equitable basis. While leadership and management time may be used for cover within the contractual limits effective from September 2004, it should not be used disproportionately.
38. Time for leadership and management is likely to be identified using one, or a combination, of the following strategies:
- Existing non-contact time already allocated specifically for that purpose;

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- A proportion of existing non-contact time, originally allocated to support a variety of tasks, including leadership and management responsibilities;
 - Re-designation of some or all of the non-contact time previously allocated to support a variety of tasks, including those which do not require the professional expertise of a qualified teacher and should be transferred to appropriate support staff;
 - The release of teachers from pupil contact time which does not involve teaching. This includes pupil supervision, registration, attendance at assemblies and other similar tasks that can be carried out by appropriate support staff. Where appropriate, this should be in accordance with the provisions of the regulations and guidance made under section 133 of the Education Act 2002.
39. Some schools, particularly in the primary sector, do not currently provide time for leadership and management responsibilities within school sessions. In such cases, where there are demonstrable difficulties in allocating all the time considered reasonable to support leadership and management responsibilities by September 2003, schools must identify an initial allocation of time (i.e. not no time at all) and plan to ensure that the allocation is increased to the amount of time considered reasonable as soon as possible and certainly no later than September 2005.
40. Schools should ensure that whatever is done now in relation to the provision of leadership and management time will be sustainable once guaranteed PPA time takes effect in September 2005.

No detriment

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

ASSIGNED TEACHERS

Purpose of the provisions

42. These changes are related to regulations made under section 133 of the Education Act 2002 and accompanying guidance. They are designed to protect the role of the qualified teacher and prevent job substitution. They should be read in conjunction with the regulations and guidance.
43. The regulations clarify the respective roles of qualified teachers and other staff in schools, and specify circumstances under which certain kinds of staff without qualified teacher status (usually support staff) may carry out 'specified work' related to teaching and learning, including requirements for appropriate supervision of support staff by a qualified teacher.
44. The changes to the Document place a duty on headteachers to ensure that each class or group timetabled for core and foundation subjects and for religious education has a teacher assigned to teach it. The assigned teacher is responsible for the progress of the pupils in the class/group over the course of the academic year. Assigned teachers may be assisted in their work by other teachers deployed on the timetable to take that class/group for particular activities or lessons and by support staff, some of whom will carry out 'specified work'.
45. Paragraph 4 of Schedule 2 of the regulations concerns the appointment of instructors – person with special qualifications or experience or both. In circumstances where there is no qualified teacher, or trainee on the Graduate, Registered or Overseas-Trained Teacher Programmes available for an appointment, the body which normally appoints staff in the relevant school, either the LEA or Governing Body, may appoint an instructor, provided that they have made the necessary judgement as to the instructor's qualifications and experience.

2004 CHANGES

Cover

Purpose of the provisions

46. Cover for absence is not an effective use of the time of teachers at a school. In the past, many teachers have borne a heavy burden of cover for absent colleagues, but this should be increasingly unusual. Schools should be providing downward pressure on cover, before and after the introduction of the contractual change, to achieve the objective in the National Agreement that teachers at a school should only rarely cover for absent colleagues.

Definition of absence

47. Absence occurs when the teacher normally responsible for teaching a particular class is absent from the classroom during the time they have been timetabled to teach. The absence could be for a variety of reasons, including internal and external activities as well as sickness. It could be short- or long-term. All absence needs to be carefully managed to minimise the impact on teaching and learning for the pupil.
48. From 1 September 2004, two new contractual changes on cover come into effect:
- a limit on the amount of cover that can be provided by an individual teacher; and
 - an amended duty for headteachers to ensure that cover for absent teachers is shared equitably among all teachers in the school (including the headteacher), taking account of their teaching and other duties and of the desirability of not using a teacher at the school until all other reasonable means of providing cover have been exhausted.
49. Schools should, as far as possible, work towards compliance with these changes prior to their statutory introduction in September 2004.

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50. The contractual changes apply to all teachers at a school, including teachers on the leadership spine and ASTs whether on permanent, fixed term or temporary contracts and pro-rata to teachers on part-time contracts. A similar amendment to paragraph 57.23 also ensures that headteachers are covered by the contractual limit.
 51. Work is currently underway to establish the likely impact of the contractual limit and to agree the process and timescale for achieving the objective that teachers at a school should only rarely cover for absent colleagues and interim targets towards achieving this.

Reducing the burden of cover

52. From 1 September 2004, each individual teacher has a 38-hour limit on the amount of cover he/she can be required to do in each academic year. This limit must not be exceeded. No weekly or termly limit within the 38 hours is identified within the contractual limit. However, headteachers should seek to ensure, as far as practicable, an even spread of cover throughout each term.
53. All cover for absence undertaken by teachers at a school counts towards the limit. The Document requires cover to be allocated on an equitable basis. Where schools designate on the timetable non-contact periods specifically for cover these must count towards the 38 hour limit on the occasions when they are used. Leadership and management time can also be used for cover but should not be used disproportionately. The time used counts against the limit.
54. The guaranteed PPA time of teachers at a school will form part of the legal conditions of employment from September 2005 and cannot be used for cover.
55. Where schools are currently, regularly and significantly exceeding 38 hours, they will need to begin to plan and implement strategies for reducing cover in advance of the introduction of the contractual change.

Gained time

56. During the academic year, particularly in the summer term, teachers who take examination classes/groups are often released from some of their timetabled teaching commitments as a result of pupils being on study or examination leave. Such time is known as gained time.
57. There are activities directly relevant to teaching and learning for which it would be appropriate and desirable to use gained time and which it would be reasonable for a headteacher to direct teachers to undertake. An agreed list of these activities is listed below:
- Developing/revising departmental/subject curriculum materials, schemes of work, lesson plans and policies in preparation for the new academic year. This may include identifying appropriate materials for use by supply staff and/or cover supervisors;
 - Assisting colleagues in appropriate, planned team teaching activities;
 - Taking groups of pupils to provide additional learning support;
 - Supporting selected pupils with coursework;
 - Undertaking planned activities with pupils transferring between year groups or from primary schools;
 - Where the school has a policy for all staff to release them for CPD during school sessions, gained time may be used for such activities.
58. If teachers are directed to cover during gained time, it must count towards the 38-hour limit.

Exam invigilation

59. By September 2005 schools will need to have made arrangements to transfer the task of invigilation from teachers to appropriate support staff. During the period up to 2005, while schools are

working towards the transfer, there may be a need to continue to use the gained time of some teachers for invigilation.

Educational visits

60. Educational visits are planned activities. Where teachers are absent due to participating in such activities, the absence is most appropriately covered by supply teachers or by using cover supervision. If a teacher at the school is used to cover for such an absence the amount of cover will count towards the limit.
61. Where a teacher acquires non-contact time in the timetable as a result of a class or group they would normally have taught being absent on an educational visit, then the guidance for gained time above should apply. Activities to be undertaken by teachers in such gained time must be planned well in advance of the visit.
62. The extended roles for support staff, which are an integral part of the remodelling agenda, provide the opportunity for schools to consider the use of appropriate adults, other than teachers, to undertake educational visits.

Exceptions

63. The only exceptions to the application of the contractual limit are teachers employed wholly or mainly to undertake cover.

No detriment

64. The amount of cover undertaken by teachers currently varies from school to school. There may also be minor variations for individual teachers from year to year.
65. In some schools teachers already do considerably less than 38 hours, while in others they do significantly more. Where the burden of cover is already less than 38 hours, no steps should be taken in advance of the introduction of the contractual limit which would result in a worsening of current working conditions. Once the limit has been introduced it is not appropriate for schools to seek to increase the amount of cover to the limit.

Strategies for managing cover

66. Absence needs to be dealt with in a managed way to ensure that all possible steps are taken to enable pupils to continue to learn in spite of a teacher's absence. The strategies for managing cover will need to take account of the type of absence. For example, long-term sickness, or maternity leave, will be more predictable and, therefore, more manageable than sudden illness. In order to protect pupil standards, longer-term absences should normally be covered by a qualified teacher.
67. Schools have a range of options for providing cover, including through supply teachers, higher level teaching assistants, cover supervisors, "floating teachers" employed for the purposes of cover, and, where other options have been exhausted, teachers employed at the school (within their contractual limit of 38 hours).

Supply teachers

68. Supply teachers can be used to cover for all types of absence. Where supply teachers are providing cover, they must, as far as reasonably possible, be actively teaching and not mainly supervising pupils.
69. It is also important that they are managed properly and effectively, with regard to their teaching and developmental needs. They should have appropriate access to CPD to maintain their standards of subject knowledge, pedagogy and behaviour management skills.
70. Schools are encouraged to adopt good practice in the use of supply teachers. These include:
- careful induction into the school using materials that are matched to their period of employment;
 - the provision of simply structured and clearly explained medium-term and short-term plans that also define the teaching expectations, the resources to be used, the demands that should be made of the class and the homework that should be set;

- the provision of information about the abilities and prior attainment of the pupils in the class;
- effective management so that all involved understand what is required and the professional standards that must be met.

These measures were identified in an OfSTED report on schools' use of temporary teachers (December 2002).

71. Schools will also need to have regard to the Part-Time Workers' Regulations which in certain circumstances may apply to supply teachers. Those who are not casual (i.e. not employed on a day to day basis) have, under these regulations, an entitlement to pro-rata terms and conditions enjoyed by other teachers at the school. This would include access to CPD enjoyed by teachers at the school.

Cover supervision

72. Cover for short-term absences may be provided by persons who are not qualified teachers. To the extent that, during the period of cover, such persons are involved in specified work, they should operate subject to the regulations made under section 133 of the 2002 Act and accompanying guidance. Many schools currently employ such staff on a casual as required basis. In future, a permanent arrangement is likely to be more manageable and effective.
73. Those providing cover supervision may be existing members of staff whose job description has been reviewed in accordance with the first joint guidance note issued by the Workforce Agreement Monitoring Group (April 2003) or they may be new staff appointed on contracts which have a defined range of appropriate administrative or support tasks, but which include cover as one of their key functions.
74. The headteacher will need to ensure that any persons used in this way have been appropriately trained, particularly in pupil behaviour management. Such training is essential if those responsible for cover supervision are to make a real contribution to reducing the burdens on teachers.
75. Cover supervision is particularly valid where work has been set, or where pupils are able to undertake effective self-directed learning,

for example within an ICT Learning Centre in a school. Strategies should be devised to ensure that the arrangements for providing appropriate work for pupils who are being supervised do not place excessive additional burdens of planning, preparation and assessment on teachers. This could include developing banks of appropriate material and/or attaching a cover supervisor to a year band, department or faculty to enable them to, for example, support the teachers in administrative tasks and to be involved in the planning and preparation of cover when necessary.

Higher level teaching assistants

76. The primary function of higher level teaching assistants is to support and assist qualified teachers. They may be deployed as one of the strategies schools choose to release teachers for guaranteed PPA time, provided that they carry out work specified in the regulations made under section 133 of the 2002 Act under the direction and supervision of a qualified teacher.
77. In addition, they may be used for short-term cover, but headteachers would need to balance their use in this way against the educational desirability of regularly removing them from planned activities with the teachers to whom they are normally assigned.

Maintaining a record of cover

78. The member of the support staff administering the cover arrangements should keep a record of the amount of cover undertaken by each teacher. It would also be advisable to maintain records of cover undertaken by other staff whose contract and job description specifies that a proportion of their time will be available to provide cover supervision.

2005 CHANGES

Exam Invigilation

Purpose of the provisions

79. Invigilating examinations is not a productive use of teachers' time. From September 2005, teachers will no longer routinely be required to invigilate external examinations (e.g. National Curriculum tests, GCSE and AS/A2 examinations). Schools should work towards these changes and maximise the use of support staff as external examination invigilators prior to the contractual change.
80. Teachers may, however, be required to conduct practical and oral examinations in their own subject area and to undertake the preparation of pupils and those aspects of assessment, recording and reporting associated with external examinations which require the professional input of a qualified teacher.
81. Teachers may also be required to supervise internal examinations and tests where these take place during their normal timetabled teaching time. However, if a school reorganises the timetable for 'mock' examinations to replicate the public examination process then teachers should not be required to invigilate.
82. The principle underpinning the change is that invigilation does not require a teacher's professional expertise. In this context, it is a reasonable expectation that a teacher should be present at the beginning of an external examination in their subject area to check the paper and to ensure that there are no problems with it. Those invigilating the examination should be made aware of the procedure for dealing with emergencies and for contacting a teacher in the subject area under examination should any candidate raise a concern or problem with the paper which requires their professional judgement. It may also be appropriate for a teacher to be present at the end of an external examination to ensure its efficient conclusion.
83. None of these tasks constitutes invigilation and all of them require a teacher's professional expertise. When carrying out such tasks,

teachers should not be expected to stay in the examination hall/room for any longer than is necessary to perform the task.

GUARANTEED PLANNING, PREPARATION AND ASSESSMENT TIME

Purpose of the provisions

84. The purpose of guaranteed PPA time is to relieve some of the existing workload pressures on teachers and to raise standards by providing some time for planning, preparation and assessment within the timetabled teaching day.
85. With effect from 1 September 2005, all teachers at a school (including headteachers) with timetabled teaching commitments, whether employed on permanent, fixed term, temporary or part-time contracts, will have a contractual entitlement to guaranteed planning, preparation and assessment time within the timetabled teaching day.
86. Schools will be expected to work towards the change as far as possible in advance of September 2005. This will be particularly important for schools which do not currently allocate any non-contact time for such activities.

Principles underpinning the allocation and use of guaranteed PPA time

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

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

No detriment

90. The 10% guaranteed PPA time is a minimum figure. Any teacher who is already in receipt of more than this amount of time specifically for planning, preparation and assessment should not have his/her existing allocation reduced to 10%.

Implementation

91. At present, some teachers may not have a regular timetabled allocation of non-contact time. For these teachers, a reduction in teaching time will be necessary to provide guaranteed PPA time.
92. Other teachers may already receive non-contact time, some or all of which may be designated for PPA-related activities. Where additional time is needed to meet the minimum allocation for such teachers, then one, or a combination, of the following strategies will be necessary:
- A reduction in teaching time;
 - Changes in the use of existing non-contact time;
 - Redesignation and redistribution of non-contact time currently allocated to teachers in the school for other tasks which will transfer to appropriate support staff, such as the administration of cover, organisation of work experience and the administration of examinations.
93. From September 2005, a teacher who is timetabled to teach 20 hours out of a 25-hour teaching week must receive at least two hours of guaranteed PPA time. This time must appear on the teacher's timetable. Any non-contact time allocated for other

activities (e.g. non- guaranteed PPA time, meetings, time for leadership and management responsibilities, and any time set aside to provide cover) must be additional to the guaranteed PPA time.

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

Use of higher level teaching assistants

95. Some schools may choose to use higher level teaching assistants (HLTAs) as one of the strategies for releasing teachers for guaranteed PPA time, providing that the headteacher is satisfied that the HLTA meets all the provisions of the regulations and guidance made under section 133 of the Education Act 2002. Where HLTAs are deployed in this way, the teacher's guaranteed PPA time must not be encroached upon. In case of problems with a class, the HLTA would need to use the school's usual referral system, in the same way a qualified teacher would in case of difficulties or an emergency.
96. In some cases, HLTAs will be deployed to release a teacher with whom they work regularly and where they are familiar with the programme of work of the class. This will help to maintain continuity and to enable the work of the HLTA to be incorporated into the teacher's normal planning, preparation and assessment cycle.
97. Other schools may deploy HLTAs in specialist roles where they have relevant expertise and/or training (for example, in sport or modern foreign languages), under the direction and supervision of a single teacher in the school. In either case, arrangements for deploying HLTAs should aim to reduce the overall workload burden on the teachers they support.

Newly qualified teachers

98. In addition to their guaranteed PPA time, newly qualified teachers will also benefit from the contractual provisions of paragraph 57.8.5 which states that teachers serving induction periods under the induction regulations do not teach for more than 90% of the time a teacher at that school who does not receive a management allowance would be expected to teach.

DEDICATED HEADSHIP TIME

Purpose of the provisions

99. Head teachers must have dedicated time to lead their schools, as well as manage them. Therefore, from September 2005, governing bodies will be expected to ensure that headteachers have dedicated headship time, having regard to resources in the school and to further national guidance that will be developed in good time before the provisions are implemented. Schools should work towards this change as far as possible prior to its statutory introduction.

Context

100. There is a distinct problem where headteachers with significant teaching loads (for example those who teach for more than 50% of the school timetable) have inadequate time during school sessions for their leadership and managerial role. Prior to September 2005, the momentum behind the remodelling of the school workforce and a number of other specific provisions that will be introduced should help, including:
- The work/life balance provisions;
 - The introduction of leadership and management time and reference to the leadership function in paragraph 55 of the Document, which will effectively limit how much teaching a head can be expected to do;
 - The limits on cover.



101. From September 2005 headteachers will also be entitled to guaranteed PPA time, commensurate with their teaching load.