

School Teachers' Pay and Conditions of Employment 2001: Revised Guidance

Overview

A revised summary of the statutory pay and conditions of employment of teachers in maintained schools in England and Wales and information about more detailed guidance and where to find the full legal documents.

A summary of the main changes in the School Teachers' Pay and Conditions Document 2001 <http://www.dfes.gov.uk/teachingreforms/rewards/teacherspay/payandconditions2001/download.shtml> is overleaf.

Related Documents:

School Teachers' Pay and Conditions Document 2001

Superseded Documents:

Guidance 0563/2001: School Teachers' Pay and Conditions of Employment 2001 (issued July 2001); Guidance 0105/2000: School Teachers' Pay and Conditions of Employment 2000; School Teachers' Pay and Conditions Document 2000

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A Welsh language version of this Guidance will also be sent to Welsh schools.

Guidance

Teachers & Staffing

Governing bodies and heads of maintained schools and LEAs. England and Wales.

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The main changes in the 2001 Pay and Conditions Document are:

- **A general pay increase of 3.7%, with larger increases of up to 6% for those on the bottom points of the main pay scale and a 30% increase in London area allowances**
- **New guidance on performance pay points**
- **Five recruitment and retention allowances, with more freedom on how they may be used, including the possibility of paying these in the form of “golden handcuffs”**
- **Teachers on protected salaries to receive threshold increase in full (from September 2000)**
- **Points must now be awarded for teaching experience within the European Economic Area**
- **Schools and LEAs may offer financial assistance to teachers with housing costs, relocation expenses and travel expenses**
- **New rules on award of the first SEN allowance**
- **Schools may reset pay ranges for Leadership Group members with effect from 1 September 2001**
- **Reductions in mark-time safeguarding limit to £250 rather than £500 when the teachers concerned receive pay increases**
- **Assessment of AST status has been resumed**
- **Teachers’ working time in 2001/02 to be reduced by one day to mark the Queen’s Jubilee**
- **Standards and procedures for threshold and for AST assessment are included, but procedures for the Fast Track will be issued separately.**

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Guidance on Pay and Conditions for School Teachers 2001

Introduction

1. This Guidance explains the contents of the School Teachers' Pay and Conditions Document 2001

<http://www.dfes.gov.uk/teachingreforms/rewards/teacherspay/payandconditions2001/download.shtml> , which is part of a teacher's contract of employment and places legal duties on teachers and gives them legal rights. The Document sets the legal conditions of employment of school teachers in all maintained schools in England and Wales except for those schools that have opted out under Section 3 of the *School Teachers' Pay and Conditions Act 1991*. **No salaries and conditions of employment other than those provided for in the Document may be applied.**

2. The Document was prepared after consultation on the Tenth Report of the School Teachers' Review Body (STRB) <http://www.dfes.gov.uk/teachingreforms/rewards/teacherspay/strb2001/index.shtml>. It is set out in two sections: I - Pay; and II - Conditions.

3. This Guidance should be made freely available to teachers, whether working in schools or centrally employed in LEAs. The Department has also sent schools and LEAs a leaflet setting out the pay structure and pay scales. There is also separate detailed guidance on threshold assessments, Advanced Skills Teachers, the Fast Track Teaching Programme, and on Performance Management.

4. This Guidance, the School Teachers Review Body's Report, the School Teachers' Pay and Conditions Document 2001 and all related guidance are available on the DfES website at <http://www.dfes.gov.uk/teachingreforms/rewards/teacherspay> or in hard copy from DfES Publication Centre, telephone 0845 60 222 60, fax 0845 60 333 60 or e-mail dfes@prolog.uk.com.

Making Pay Decisions

- The 'relevant body' is responsible for developing a school pay policy and reviewing teachers' salaries annually.
- The constitution and remuneration of a school's leadership group are determined by the relevant body.

The Relevant Body

5. The "relevant body" is responsible for reviewing teachers' salaries. It is either:

- the governing body in a school with a delegated budget¹. The LEA is under a duty to act on a lawful decision by the governing body and arrange appropriate payments to the teacher concerned; or
- the LEA for a teacher employed in a school without a delegated budget (e.g. a nursery school) or for a teacher employed centrally as an unattached teacher (e.g. as part of an LEA's special needs service, a peripatetic teacher or in a Pupil Referral Unit).

Annual Salary Reviews

6. Relevant bodies must review the salaries of all qualified teachers every year and give each one a formal statement saying what their salary is and how it has been arrived at. Each relevant body should have a clear pay policy, which explains how decisions are made, and which has been discussed with staff. The reviews must be carried out in the context of the school's management structure, its performance management and pay policies, and its obligations under Equal Opportunities legislation. The policy should be kept up to date with the current legal position. The Department has made pay software available to help calculate salaries and print salary statements. It is on the DfES website at <http://www.dfes.gov.uk/teachingreforms/rewards/teacherspay> and is also available on disk from DfES publications (telephone 0845 60 222 60 or e-mail Prologistics dfes@prolog.uk.com) and quote *DfES 0577/2001*. Further guidance on pay policies is at Annex A.

The Leadership Group

- All heads, deputies and assistant heads have individual ranges on the leadership pay spine.
- The Relevant Body sets each range and can move school leaders up one point a year for sustained high quality of performance.

7. The size of a school's leadership group is for the relevant body to decide, but it would be exceptional for it to be more than seven. All members should have substantial strategic responsibilities for school leadership, as **heads, deputies and/or assistant heads**. New appointees to the leadership group are not required to have passed the threshold, but governing bodies will want to be satisfied that the performance of these teachers is consistent with the national threshold standards. Further guidance on the leadership group is available on the DfES website.

¹ That is, a delegated budget within the meaning of the School Standards and Framework Act 1998.

8. Teachers have individual ranges on the leadership pay spine, as follows:

- headteachers have a 7-point range - the 'Individual School Range' or ISR;
- deputy and assistant headteachers have a 5-point range.

The relevant body sets each range and can move school leaders up one point a year for sustained high quality of performance, taking account of agreed objectives.

Setting Pay Ranges

9. For pay purposes, every school belongs to one of eight school group ranges. For ordinary schools this is based on pupil numbers at each key stage. For special schools this is based on a combination of pupil numbers at each key stage and the ratio of full-time equivalent staff to pupils. In each case, extra weighting is given to pupils with statements. Annex D of the June 2000 http://www.dfes.gov.uk/teachingreforms/rewards/payandconditions2000/gui_and.shtml explains the weightings and gives an example.

10. **For the headteacher** the relevant body determines an ISR of seven points. The ISR must normally fit inside the group range. A smaller school would normally have an ISR at the bottom of the group and a larger school towards the top. The ISR may be set up to two groups above the school's group when recruiting a new head in the following exceptional circumstances:

- where a school is subject to formal warning, or is a school with serious weaknesses, or subject to special measures, and needs to appoint a new headteacher to turn the school around; or
- where the relevant body has determined that an ISR within the school's group would not be sufficient to attract a suitable candidate to the vacant headship.

11. The ISR must be separated by at least one point from any other leadership pay ranges. Relevant bodies have scope to adjust the ISR on 1 September 2001 if they think it appropriate. They may set the ISR higher for retention purposes if they wish within the appropriate group.

12. When a school needs **to appoint a new head**, the relevant body must review the ISR, taking account of the size and circumstances of the school. They may take account of any recruitment difficulties. Relevant bodies may place a new head on any of the bottom four points of the ISR. The relevant body should formally record its decision on the school's ISR, together with the rationale for the decision.

13. **Deputies and assistant heads** have a range of five points that should reflect job weight and challenge, the circumstances of the school and any recruitment difficulties. Deputies' ranges should start at a higher point than the lowest point on assistant heads' ranges in the same school. Where there are two or more deputies or assistant heads in a school their ranges can be set at different levels if that is appropriate.

14. Ranges for **deputy and assistant heads** can be reviewed when a new appointment is made or there is a material change in the responsibilities of the post, for instance because of restructuring. The relevant body must set these ranges in the gap between the salary of the highest paid classroom teacher and the bottom of the head's ISR. Annex B illustrates the leadership group pay system.

Reviewing Salaries

15. The relevant body should review the performance of leadership group members every year in the light of previously set or agreed performance objectives. It may award a point for sustained high quality of overall performance. Points are effective from September but it will often be more practicable to carry out the review later in the autumn term and backdate the point.

16. All leadership group members should have performance objectives relating to school leadership and management and to pupil progress. Where relevant bodies cannot agree performance objectives with leadership group members, they may, as a last resort, impose them. If this is the case, it is good practice for the leadership group member to give the relevant body a written statement of reasons why he or she cannot agree to the performance objectives set.

17. Relevant bodies should seek to agree performance objectives directly with their head. In the case of deputy and assistant heads, the relevant body would expect to delegate this function to the head. Objectives should become progressively more challenging as the leadership group member gains experience and moves up his or her range. Where possible the relevant body should draw on information from the appraisal arrangements in place.

Classroom Teachers

- Classroom teachers are paid on either the main scale or the upper pay scale.
- Teachers normally progress one point a year up the main pay scale, but can be awarded an extra point for excellent performance.
- Promotion to the upper pay scale is by performance assessment against “threshold” standards. Progression up the upper pay scale is by performance.
- Classroom teachers are also eligible for additional allowances for management responsibilities, recruitment and retention or teaching children with special educational needs.

Main Pay Scale and Upper Pay Scale

18. Qualified teachers other than members of the leadership group or advanced skills teachers ("classroom teachers") are paid on either the main pay scale, or the upper pay scale. The values of both from 1 April are given in Annex C. This section describes how different points are awarded.

19. The salary of classroom teachers is determined by their point on the main pay scale or the upper pay scale, *plus* any additional allowances for management responsibilities, recruitment and retention, or for teaching children with special educational needs. In some cases, a teacher's salary may be enhanced by a safeguarding component that enabled smooth transition to the new pay system.

Annual Salary Review

20. The relevant body *must* undertake a salary review for *every* teacher² in service as at 1 September each year, and whenever a teacher enters or re-enters service on any later date or takes up a new post.

21. The relevant body *may* undertake a salary review at any other time if necessary. Typical instances might be as follows:

- to award a management allowance for significant specified management responsibilities beyond those common to the majority of classroom teachers;
- to award the mandatory one point to a teacher on the main pay scale who becomes a good honours graduate during the year;
- on the expiry of an allowance that is fixed-term or reviewable;
- to correct errors identified at times other than the annual salary review.

22. A salary statement should show an assessment of basic salary and allowances under nine headings:

- a) qualifications point, if appropriate;
- b) experience points;

² These include qualified teachers working part-time or as supply teachers. They also include centrally employed teachers for whom the relevant body is the LEA.

- c) any additional scale point awarded to a fast-track teacher;
- d) any additional scale points awarded for performance ('double increments');
- e) any management allowance, and whether awarded on a permanent or a fixed term basis;
- f) any allowance for teaching children with special educational needs;
- g) any recruitment and retention allowance, and whether awarded on a permanent or a reviewable basis, with salary or as a lump sum;
- h) any other allowances, such as London allowance, social priority allowance or the Inner London Area supplement (where it continues to be paid);
- i) any cash or mark-time safeguarding payable.

23. When a teacher passes the performance threshold, items (a), (b), (c) and (d) will be replaced by the teacher's point on the upper pay scale. The Department has made available software to make it easier for schools to calculate salaries and provide statements. The software is particularly useful for calculating safeguarded sums – mark-time safeguarded sums change each time the teacher's pay is increased.

Qualifications and Experience

24. **Newly appointed teachers** join the main pay scale at point 1, or at point 2 if they are a good honours graduate. Further points are available for qualifications, experience, performance and the Fast Track Teaching Programme, so teachers can progress to point 9.

25. A 'good honours graduate' has:

- a first or second class honours degree; or
- a higher degree, (awarded, as a result of examination or research, by a university in the United Kingdom or the Republic of Ireland, or the Council for National Academic Awards); or
- any other qualification which the LEA considers to be of equivalent standard.

Schools should seek advice from their LEA if they are uncertain whether a particular overseas qualification should be treated as a good honours degree for these purposes. LEAs can obtain advice on the equivalence of qualifications from the National Employers' Organisation for School Teachers³.

26. Teachers will normally be entitled to *one extra point* on the main pay scale for each school year (of at least 26 weeks) employed as a school teacher⁴, or in the case of a teacher trained in another state in the European Economic Area (EEA)⁵, periods of employment teaching in that area. This also applies to part-time and short-notice teachers. For example, teachers employed for four hours a week will be eligible for an experience point provided they have been

³ National Employers' Organisation for School Teachers, Layden House, 76-86 Turnmill Street, London EC1M 5LG. Phone 020 7296 6600. Fax 020 7296 6666

⁴ For this purpose "school teacher" is a teacher employed by a local education authority or a governing body, with the exception of those schools to which an order made under section 3(4) of the School Teachers' Pay and Conditions Act 1991 applies, in the provision of primary or secondary education.

⁵ That is, European Union member states plus Norway, Iceland and Liechtenstein.

so employed for at least 26 weeks during the year. The 26 weeks do not have to run consecutively and they do not all have to be served at the same school. Service should include any worked in an Education Action Zone forum or in a Ministry of Defence (MOD) school in the same twelve months.

27. A point may be withheld if the teacher's performance has been unsatisfactory - normally only where formal competency procedures have been begun. A teacher whose performance is causing concern should be given prior warning and then written notice of this decision and of the reasons for it. Such teachers should be given suitable support and training to help their performance improve and the relevant body may decide to award an experience point for the year's service at any later date.

28. A teacher appointed before 1 September 1999 who becomes a good honours graduate while in service receives *two* points on the main classroom teachers' pay scale – one qualification point and one experience point. A teacher appointed on or after 1 September 1999 who becomes a good honours graduate while in service receives one point. This difference in treatment arises from the fact that before 1 September 1999 there was a 2 point difference in the pay of teachers who were and those who were not good honours graduates.

29. Holiday periods and periods of maternity leave, parental leave and sick leave all count as periods in service. Relevant bodies have discretion to decide that absence for any other reason shall count as a period in service for the eligibility of a mandatory experience point.

30. The relevant body also has discretion to award **additional points** for years of other relevant experience. This may include teaching in City Academies, City Technology Colleges, independent schools, or in overseas schools outside the EEA, or non-teaching experience, whether paid or not, which the relevant body considers appropriate. The relevant body can decide what should count as relevant experience in this context, and how many such points to award. Each case should be considered on its merits. Once awarded, experience points, whether originally mandatory or discretionary, may not be taken away, regardless of whether the teacher remains in the same school or obtains a post in another school. They also count towards that teacher's eligibility for performance threshold assessment.

Performance Points

31. The relevant body may award an additional point on the main pay scale in a given year, where a teacher has demonstrated excellent performance over the previous academic year, having regard to all aspects of the teacher's professional duties - but in particular to classroom teaching. Such points will become a permanent entitlement.

Threshold and Upper Pay Scale

32. Once they have reached the top of the main pay scale, teachers can apply for assessment at a performance threshold to get access to the new upper pay scale. Application is voluntary and there are no limits on the number of times a teacher can apply. The headteacher, or equivalent for unattached teachers, assesses applicants against national standards set by the Secretary of State. Trained external assessors work with heads to ensure fair and consistent judgments. There is no quota on the number of applicants able to pass. Further advice about the threshold, including eligibility, can be found at http://www.dfes.gov.uk/teachingreforms/news/news_thresh.shtml.

33. The relevant body must move onto the upper pay scale any eligible teacher who has been successful in the threshold assessment. This is a personal entitlement regardless of whether the teacher remains in the same school or obtains a post in another school covered by the Document. Eligible teachers who successfully apply for the threshold in 2001 will move to point

1 of the upper pay scale and have this pay rise backdated to 1 September 2001. The deadline for the second round of applications is 29 October 2001 for teachers in both England and Wales.

34. Further progression on the upper pay scale will not be automatic, but is at the discretion of the relevant body. Points may be awarded to recognise **substantial and sustained** performance and contribution to the school as a teacher. Relevant bodies will first be able to award such points with effect from 1 September 2002. Thereafter, points on the upper pay scale should not generally be awarded annually, other than in exceptional circumstances. Normally, at least two years should elapse between a teacher being appointed to the first point on the upper pay scale after passing the threshold, and being awarded the next point on the upper pay scale.

35. The relevant body will be expected to use the outcome of statutory performance or appraisal reviews to inform decisions on pay progression, but they can also draw on other relevant evidence. The Secretary of State would expect the relevant body to consider the totality of a teacher's work when reaching its decisions, bearing in mind the breadth of factors in the threshold standards. Objectives or targets for action form an important framework for assessing performance but there is no automatic link between meeting objectives or targets and the award of a pay point. A teacher who has made good progress on but not quite achieved a very challenging objective or target may have performed better and made a more significant contribution than a teacher who has met in full a less stretching objective or target.

Awarding Allowances

36. Classroom teachers on the main and upper pay scales (but not members of the leadership group or ASTs) can also be awarded allowances under any of the following headings:

- management;
- recruitment and retention;
- special educational needs.

Management allowances

37. There are five levels of management allowances that may be awarded to a teacher who "undertakes significant specified management responsibilities beyond those common to the majority of classroom teachers". The award of management allowances should be linked to a clearly defined job description. Teachers cannot be paid more than one management allowance.

38. Relevant bodies should ensure that teachers with similar levels of responsibility are awarded the same level of management allowance, and that the rules on equal pay between the sexes are respected. The school's context and size will be important factors in determining whether or not a management allowance should be awarded for a specific responsibility or group of responsibilities, and if so, at what level. Not every task which a teacher undertakes outside the classroom will merit a management allowance.

39. A management allowance may be awarded on a temporary or fixed term basis (e.g. to cover the prolonged absence of a senior member of staff, or for a major one-off task). It should be made clear at the outset whether an allowance is awarded on a temporary or a fixed-term basis. Otherwise, teachers are entitled to retain a management allowance while continuing in the same post. A teacher already in receipt of a management allowance who assumes an additional, temporary, responsibility, can be moved to a higher-level management allowance for

the duration of the temporary responsibility.

40. The School Teachers' Review Body proposes to review the need for the fifth management allowance in the 2002-03 pay round, and has asked that schools be discouraged from making new awards of that allowance in the meantime. Instead, relevant bodies may wish to consider offering the fourth management allowance or appointing the teacher to the Leadership Group as an assistant head.

Recruitment and Retention

41. There are five allowances for recruitment and retention which may be awarded by any school. Relevant bodies should make clear to recipients of a recruitment and retention allowance whether the allowance will be treated as permanent while the teacher remains in post, and if not, the date on which it will be reviewed. Allowances can be paid wholly or in part in the form of a lump sum, subject to satisfactory completion of service in the previous year. Such lump sums will be pensionable in the normal way.

42. Review could lead to removal or renewal of an allowance. Reviews will no longer be restricted to a biennial basis. However, teachers who already have allowances subject to biennial review have the right not to have those allowances removed until the review date of either 1 September 2001 or 2002. At those dates, existing allowances may be removed or renewed on the new basis.

43. Allowances may also be paid in the form of "golden handcuffs". This means that an annual allowance may be accumulated for up to three years and paid as a lump sum provided the teacher remains in unbroken service throughout the period. The end of the period will be the date on which the allowance is reviewed. As an example, if the fifth allowance of £5,085 is to be paid as golden handcuffs after 3 years in post, the teacher will receive £15,255 at the end of the period. Allowances may also be paid by a combination of monthly salary payments and a lump sum.

44. Teachers' salary statements should record relevant details about how recruitment and retention allowances will be paid and reviewed.

Special Educational Needs

45. There are two allowances for working with children with special educational needs, as follows:

46. *Special Needs Allowance 1* must be given to classroom teachers in special schools; those taking charge of special classes of children who are hearing-impaired or visually impaired; and those who have been appointed to designated special classes in mainstream schools. It may be awarded on a discretionary basis in other mainstream circumstances in recognition of a particular contribution to the work of the school where SEN is concerned, above and beyond what might be expected of other teachers. *Special Needs Allowance 2* may be awarded where the relevant body considers that the teacher's experience and/or qualifications enhance the value of the work undertaken with SEN pupils. A specialist qualification in special educational needs is likely to enhance a teacher's practical skills and will be one of the factors which a relevant body would wish to bear in mind when judging a teacher's professional expertise. Of more importance, however, will be the quality of expertise that a teacher brings to teaching pupils with special educational needs.

47. The Review Body has expressed concern in its recent reports about the position of teachers working in centrally-provided special educational needs services, who are not attached to a particular school and are thus "unattached teachers" for the purposes of the

Document. The LEA, as relevant body, has the discretion to decide these teachers' salaries in line with whichever provisions of the Document it deems appropriate. The Secretary of State expects that such teachers will be awarded special needs allowances in circumstances where they would be awarded to special needs teachers in schools.

New Appointments and Appointments following a Break in Service

48. Teachers who take up a new post after a break in service must have their basic salary and allowances assessed by the relevant body. That assessment will determine their salary in the new post *unless* general safeguarding applies *or* their entitlement from previous service leads to a higher salary (see paragraphs 76-80 below).

49. The tables at paragraph 26.2 of the School Teachers' Pay and Conditions Document <http://www.dfes.gov.uk/teachingreforms/rewards/teacherspay/payandconditions2001/download.shtml> show how to calculate any accumulated entitlement, as follows:

- for teachers last employed under the 1993 to 1999 Documents, the tables convert the points previously held for qualifications and experience, including full or half points for non-teaching experience.
- for teachers last employed under the 1992 or earlier Documents, the tables convert the teacher's position on the old standard scale or other scales into a minimum points entitlement.

50. Governing bodies and LEAs may give assistance with housing, travel expenses and relocation expenses.

Part-time Teachers

51. Qualified teachers in regular part-time service are eligible for main pay scale points and allowances on the same basis as full-time teachers. They should be paid on a pro rata basis. Part-time teachers are entitled to a point on the main pay scale for experience if, on 1 September in any year, they have completed service (including part-time service) during any 26 weeks of the past year. Part-time teachers can apply for the threshold once they have reached the top of the main pay scale. The Secretary of State believes that, as for short-notice teachers (see paragraphs 86-87 below), the working time of part-time teachers should include, where appropriate, time for duties other than teaching pupils.

Additional Allowances

- London area allowances must be paid to teachers working in the qualifying area.
- Acting allowances may be paid to teachers who act up as heads, deputies or assistant heads.
- There are special arrangements to take account of two discontinued allowances – Social Priority Allowance and the Inner London Area Supplement.

Social Priority Allowance

52. No new allowances may be awarded, but a teacher currently receiving an allowance is entitled to retain it under certain conditions.

London Area Allowance

53. All teachers serving in the London area are entitled to receive an Inner, Outer or Fringe allowance as appropriate. The values are £3,000, £1,974 and £765 per annum respectively.

Inner London Area Supplement

54. The Inner London Area Supplement was discontinued in September 1993 for classroom teachers, and September 1994 for heads, deputies and unqualified teachers. The Secretary of State did however introduce transitional arrangements whereby the relevant body could continue to pay the £822 supplement to any teacher who held it on 31 August 1993, and would also have been entitled to receive it on the following day. These arrangements were continued in successive years.

55. The supplement remains at its existing cash value of £822. Those receiving it on 31 August 2001 will be entitled to it for as long as they remain in the same post, *unless*:

- they receive an additional allowance for management responsibility, teaching children with special needs, or recruitment and retention, *and*
- immediately after the change occurs, the additional sum yields a salary equal to or greater than their cash salary on 31 August 2001 including the supplement.

56. Further points for teaching service, and any awarded to a teacher for gaining a good honours degree, are discounted for this purpose. Classroom teachers, headteachers and deputy headteachers cannot lose their entitlement to the supplement as a result of revalorisation of the pay scale and allowances, nor on passing the threshold. Teachers joining the Leadership Group lose the allowance, as do members of the Leadership Group who receive a point on the leadership pay spine. No new awards of the supplement may be made but unqualified teachers holding the supplement on 31 August 2001 will continue to receive it whilst they remain in post.

Acting allowance

57. Relevant bodies must consider within four weeks whether teachers temporarily carrying out duties of head, deputy, or assistant head should receive an acting allowance. These provisions do not apply to those who are formally appointed, under Schedules 16 and 17 of the School Standards and Framework Act 1998 <http://www.hmsso.gov.uk/acts/acts1998/19980031.htm>, to acting head or acting deputy head posts.

58. It is at the relevant body's discretion to decide whether or not an acting allowance should be paid and from when. An acting allowance should be paid from or backdated to the time when the teacher performs tasks that require the full authority of the post to be exercised. In deciding the level of the allowance, relevant bodies do not have to reflect the pay of the substantive postholder. However, the teacher's pay must be equivalent to the minimum leadership spine point payable in the school for the post in which the teacher is acting.

59. Teachers in receipt of an acting allowance will be subject to all the conditions of employment appropriate to the post to which they are acting up, during the period of being paid that allowance. In the absence of the head, any deputy can be required to assume all the professional duties of the head. An assistant head or another teacher can agree to do so (paragraph 37 of the Document <http://www.dfes.gov.uk/teachingreforms/rewards/teacherspay/payandconditions2001/download.shtml>). Many LEAs have local agreements, which specify time limits after which a deputy head is entitled to be paid as a head. Relevant bodies should check whether they are subject to any such agreements.

60. Classroom teachers, advanced skills teachers and Fast Track teachers cannot be required to assume the professional duties of a head, deputy or assistant head, but if the relevant body asks them to carry out the duties of an absent head, deputy or assistant head and they agree to do so, paragraph 37 of the Document <http://www.dfes.gov.uk/teachingreforms/rewards/teacherspay/payandconditions2001/download.shtml> then applies.

Advanced Skills Teachers

- Any school may appoint Advanced Skills Teachers.
- They have additional duties which are not necessarily concerned with management.
- ASTs are appointed at the bottom of a five point range on the AST pay spine shown at Annex C.

Appointments

61. It is open to any school to create one or more Advanced Skills Teacher (AST) posts. Teachers can only be appointed after they have passed an England and Wales assessment procedure. Details are available on the DfES website at <http://www.dfes.gov.uk/ast> or from Chris Flynn on 020 7273 5998 (e-mail chris.flynn@dfes.gsi.gov.uk).

62. In England, funding is available for AST posts in 2001/2002 through the Standards Fund⁶. In Wales, funding has already been made available to local authorities through the revenue settlement, and funding to support the work of ASTs has been included in the GEST programme.

Professional Duties

63. ASTs are subject to classroom teachers' professional duties and have additional duties - listed in Part XI of the Document <http://www.dfes.gov.uk/teachingreforms/rewards/teacherspay/payandconditions2001/download.shtml> - mainly concerned with the development of other teachers, including, where required, teachers from other schools.

64. The grade has been created to provide a career path for the best classroom teachers who wish, at that stage, not to move into a management post. Once appointed, it is recommended that ASTs should not have management responsibilities over and above those of classroom teachers. ASTs continue to be paid on their own pay spine and may be included in a school's senior management team if the head chooses. The working time provisions for classroom teachers in the School Teachers' Pay and Conditions Document <http://www.dfes.gov.uk/teachingreforms/rewards/teacherspay/payandconditions2001/download.shtml> do not apply to ASTs (see also paragraphs 111-112 of this Guidance).

Pay Spine

65. The relevant body should determine a range of five consecutive points in the AST pay spine (shown at Annex C), and the AST must start on the lowest point of the range. Relevant bodies can review the AST range as of 1 September 2001. In determining or reviewing the range, relevant bodies must have regard to the four statutory criteria, which are the nature of the work to be undertaken including any outreach work, the scale of the challenges to be tackled, the professional competencies required, and any other recruitment considerations. They may also consider the following:

- the status of the grade as an alternative to headship, deputy headship or assistant

⁶Currently Grant 502 (2001-02 Standards Fund Circular, DfEE 0255/2000)

headship for the best teachers who wish to stay in the classroom;

- the need for an appropriately substantial pay increase in relation to the appointee's previous post;
- the need for an appropriate differential between the pay of an AST and his or her headteacher; and
- the salary of any deputy headteacher or member of the leadership group involved in the management of an AST.

ASTs are not eligible for management allowances, recruitment and retention allowances or special educational needs allowances, but they are entitled to London area allowances.

66. When ASTs are appointed, performance objectives should be agreed against which their performance can be reviewed the following September. As with leadership group members, these objectives would be expected to align with those agreed under the Appraisal Regulations.

67. An AST's pay must be reviewed each September following appointment, in the light of the objectives. The Relevant Body can move the AST up the pay spine if the AST has shown continuing excellence in teaching, and contributed towards standards of teaching in school and any other institution where undertaking outreach work.

ASTs Reverting to Classroom Teaching

68. ASTs who leave an AST post to revert to classroom teaching should be deemed to have passed the threshold and will revert to the first point on the upper pay scale. A teacher who has passed the national assessment procedure for AST status but has not taken up an AST post will be deemed to have passed the threshold and be entitled to be paid on the first point of the upper pay scale, as long as he or she has fulfilled the eligibility criteria in respect of points for qualifications and experience.

Fast Track teachers

- Special provisions apply to Fast Track teachers: separate guidance will be issued later.

69. The Fast Track Teaching Programme offers extra financial, training and development support to those who are prepared to make an additional commitment to their professional development, and who pass a national selection procedure.

70. Fast Track teachers who are appointed as newly qualified teachers receive an additional scale point, called a Fast Track point, which counts towards their eligibility for performance threshold assessment. Fast Track teachers are not subject to the working time limits that apply to classroom teachers generally.

71. Separate guidance will be issued by the Department in Autumn 2001, describing the legislative provisions for Fast Track, including the assessment of existing teachers. The first Fast Track teachers will take up post in 2002. Further details of the Fast Track Teaching Programme are available on the Fast Track website at <http://www.dfes.gov.uk/fasttrack>.

72. The Fast Track Teaching Programme will operate in England; the National Assembly for Wales has consulted on whether a Teachers' Accelerated Development Scheme is needed in Wales and is considering the responses.

Supplementary Issues

- The LEA determines the salary of unattached teachers.
- In some circumstances teachers retain their salary following an enforced change of post (“general safeguarding”).
- Where pay restructuring has reduced a teacher’s pay entitlement, the old salary is safeguarded (“assimilation safeguarding”).
- Leadership Group members stepping down to classroom teacher posts are paid as if they have passed the performance threshold, unless they joined the Leadership Group on or after 1 September 2000.
- Unqualified teachers are paid on a separate 10-point scale.
- Teachers on Employment-Based Routes into teaching can be paid as qualified or unqualified teachers.
- Extra payments can be made to teachers for continuing professional development, teacher training or out-of-school activities.

Unattached Teachers

73. Unattached teachers are those who are not attached to a particular school or who are employed otherwise than at a school. They include centrally-employed special needs teachers, peripatetic music teachers, teachers employed through the ethnic minority achievement grant or teachers based in a Pupil Referral Unit (PRU) or another special unit. The LEA is the relevant body and may decide their salaries in accordance with whichever provisions of the Document

<http://www.dfes.gov.uk/teachingreforms/rewards/teacherspay/payandconditions2001/download.shtml> the LEA considers appropriate. Unattached teachers can apply to cross the threshold.

74. Teachers at PRUs continue to be "unattached". Relevant bodies may choose whether to pay the teacher in charge of a PRU on the classroom teachers' scale or on the leadership spine. Teachers in charge of many PRUs should probably be paid as headteachers. They could be paid as deputy or assistant heads where the PRU is particularly small or part of a larger organisational structure, such as where the unit is attached to a school and managed by the head of that school.

75. Teachers in charge of PRUs who are paid as headteachers are subject to the conditions of employment of headteachers. Where other unattached teachers are paid as leadership group members their conditions of employment will be agreed on a separate contractual basis.

General Safeguarding

76. In some circumstances, teachers are entitled to retain their existing salary following a **change of post**. In others, they may do so at the discretion of the LEA. Where teachers lose their post as a result of the statutory closure or reorganisation of a school and are immediately employed in a post where their salary is paid by the same authority, they must be regarded for all salary purposes as if they had remained in the post which they previously held. In other specified circumstances, such as redeployment between schools, the authority has the right to

decide whether safeguarding should apply, but "shall not unreasonably refuse to exercise its discretion in this matter in favour of the teacher".

77. There are special rules in Part VII of the Document <http://www.dfes.gov.uk/teachingreforms/rewards/teacherspay/payandconditions2001/download.shtml>, covering **employment in a different authority**. These safeguarding provisions apply similarly to part-time teachers and to centrally-employed staff paid under the Document.

78. The arrangements for safeguarding are:

- Points for qualifications or experience, or special needs allowances, are safeguarded as long as the teacher continues in the post. A teacher will continue to acquire experience points if he or she has not yet reached point 9 on the main pay scale⁷.
- Management allowances, and recruitment and retention allowances that were awarded on a permanent basis are safeguarded. Temporary management allowances are safeguarded for the agreed time period. Recruitment and retention allowances awarded on a reviewable basis are safeguarded only until the second 1 September following their award, or their most recent confirmation by a relevant body.
- If a teacher with a safeguarded salary moves to the upper pay scale, the teacher receives the threshold increase in full. This is effective from September 2000.

79. The general safeguarding provisions apply to headteachers and other members of the Leadership Group. In these circumstances Leadership Group members are entitled to retain their existing salary point. If they move to another leadership group post, they should be placed on a notional point in an ISR or range, which would be reviewed in the usual way. The safeguarding would cease to apply if the notional pay point rose above the safeguarded point.

Assimilation safeguarding

80. The pay changes introduced last year led to some disparities in pay between the old and new system and this was addressed through safeguarding. When the item concerned was abolished, such as half points on the old pay scale, then the value of that item is frozen or **cash safeguarded** until the teacher changes jobs. When the item continues, but is of a lower value than before, then the difference is **mark-time safeguarded**. Increases in the rest of the teacher's pay lead to a reduction in the mark-time safeguarding, although the maximum reduction in any pay review is £250. The Department recommends schools use its pay software to calculate teachers' safeguarded entitlements.

Stepping down

81. A classroom teacher who has been a head or deputy before 1 September 2000 should be paid on the upper pay scale for post-threshold teachers. A teacher appointed to the Leadership Group on or after 1 September 2000 will only be eligible to be paid on the upper pay scale if he or she steps down after at least three years in the Leadership Group; someone who steps down before three years have elapsed is entitled to be paid on point 9 of the main pay scale.

82. A person who has been receiving an acting allowance is not deemed to have passed the performance threshold and must be paid on the main pay scale on stepping down.

⁷ Unless the teacher is offered and unreasonably refuses to accept an alternative post in an educational establishment maintained by the authority by whom his or her salary is paid.

83. If a school is assigned to a lower group, the headteacher in the new structure will retain his or her pay point on the spine, but the relevant body must review the ISR, and this could restrict the possibility for pay progression.

Unqualified Teachers

84. Unqualified teachers are paid on a single 10-point incremental scale whose values are given in Annex C. It is for relevant bodies to decide where each newly appointed unqualified teacher enters the scale. They may also pay any additional allowance they consider appropriate, having regard to the qualifications and experience of the teacher or the responsibilities of the post. Overseas-trained teachers employed as temporary teachers must be paid as unqualified teachers if they are not on one of the routes to qualified teacher status.

Teachers Employed under the Employment-based Routes into Teaching

85. The relevant body may decide whether to pay such a teacher as a qualified teacher, or as an unqualified teacher. This discretion applies in the case of overseas-trained teachers on the new assessment-only route. More details can be found at <http://www.canteach.gov.uk/teaching/routes/ebr.htm>.

Short Notice Teachers

86. Some teachers are employed on a day-to-day or other short notice basis, often as supply teachers. Such teachers are paid on a daily basis, calculated on the assumption that a full working year consists of 195 days. There is no statutory provision concerning the length of their working day, but the Secretary of State considers it should be 6.5 hours of working time (including an allowance for duties other than teaching pupils). Such teachers should always be offered the opportunity of being involved in other duties as well as teaching pupils, and should then be paid at the full daily rate. For some, however, other commitments may mean that they cannot be available for work beyond the pupil day. Pay for periods of employment of less than a day is calculated pro rata.

87. Short notice teachers are covered by the same rules as teachers in regular service, whether qualified or unqualified. Technically, every new appointment as a short notice teacher attracts a new salary assessment. But to minimise paperwork, short notice teachers may find it convenient to keep an authenticated record of the first points assessment that they receive in each school year in respect of qualifications, experience, and performance. These points carry forward to the next appointment, but relevant bodies have discretion to reassess the allowances held by any short notice teacher for management responsibilities, recruitment and retention, or for teaching children with special educational needs. This reassessment could lead them to add allowances.

Payment for Continuing Professional Development

88. Relevant bodies have discretion to make additional payments to any of the following, who undertake voluntary CPD at weekends or during school holidays:

- full-time teachers (including unqualified teachers and those on employment-based routes);
- part-time teachers;
- deputy headteachers and assistant headteachers.

89. Headteachers, advanced skills teachers and Fast Track teachers are not eligible for payments. These payments are intended to reduce the number of school days on which

teachers would be away from the classroom attending training courses. For full-time teachers, payments may only be made for training undertaken outside their directed time, that is, outside the 1265 hours on which the Document requires them to be available for specified work.

90. Full-time teachers cannot be required to undertake CPD outside their directed time and part-time teachers cannot be required to undertake CPD outside the time when they are normally employed to teach. Some teachers may not wish, or be able, to attend training courses at weekends and during holidays. Heads and school governors should respect the right of individuals to make their own choice and take proper account of equal opportunities.

91. It is for relevant bodies to decide which CPD activities teachers may be paid for and to set an appropriate level of payment bearing in mind the Review Body's view that all payments should be funded from money saved on supply cover. This might include using funding from the Standards Fund in England or GEST in Wales, subject to the requirements set out in the Department's or Assembly's annual Circulars, or funding from other INSET/supply budgets. It is not necessary to issue a separate contract for CPD undertaken outside directed time.

Payment for Initial Teacher Training Activities

92. Relevant bodies have discretion to make additional payments to the following, for activities related to providing initial teacher training (ITT):

- teachers, including those in the leadership group;
- advanced skills teachers; and
- Fast Track teachers.

Such payments may be made only for ITT which is provided as an ordinary incident in the conduct of the school. Student teachers undertaking ITT are not eligible for such payments.

93. Teachers undertaking school-based ITT activities do so on an entirely voluntary basis (*unless* they are advanced skills teachers for whom this is a professional duty) and are eligible for payments under paragraph 43 of the Document <http://www.dfes.gov.uk/teachingreforms/rewards/teacherspay/payandconditions2001/download.shtm> . 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. These activities, which have always taken place in schools, may be regarded as an ordinary incident in the conduct of the school.

94. There are other aspects of ITT activities which teachers cannot be expected to undertake as part of their job, and which would not 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 include:

- planning an ITT course;
- preparing course materials;
- undertaking the marketing, finance and administration of the course; and
- taking responsibility for the well-being, tuition and award of qualifications to the ITT students.

It is appropriate for separate non-teaching contracts of employment to be issued covering those aspects of involvement in ITT, which are clearly not part of the teaching job.

95. Relevant bodies must set an appropriate level of payment for ITT activities in the light of the school's circumstances and, in particular, the amount of money available to the school through its partnership with a higher education institution. A Court ruling confirmed that funding from the school's own budget may also be used for those ITT activities which are an ordinary incident in the conduct of the school.

Payment for Out-Of-School Hours Learning Activity

96. Relevant bodies can decide whether to make payments to teachers who participate in out-of-school hours learning. The level of payment is a matter which should be covered by the school's policy statement on salaries. The range of activities for which relevant bodies might consider it appropriate to make payments includes: breakfast clubs, homework clubs, summer schools (study support, literacy and gifted and talented), outdoor activities and clubs linked to curricular, arts and hobby interest areas.

97. The discretionary payment can be made subject to the conditions in paragraph 44 of the Document

<http://www.dfes.gov.uk/teachingreforms/rewards/teacherspay/payandconditions2001/download.shtml> . Teachers' involvement in out-of-school hours learning activity is entirely voluntary and payments can only be made for substantial and, where appropriate, regular commitment outside a teacher's 1,265 hours of directed time. Payment can therefore be made for activity at the weekends, during the school holidays and during the school week. Leadership group teachers, advanced skills teachers and Fast Track teachers are not eligible for payments. Teachers employed part-time are similarly not eligible as they are not subject to teachers' working time provisions. However, there is already sufficient flexibility for relevant bodies to make payments to teachers employed part-time by offering separate contracts of employment, or extensions to their existing contracts.

98. The level of the discretionary payment is entirely for the relevant body to determine, and it must regularly review the basis on which payments have been made to the teacher concerned. It is good practice for such reviews to take place at least annually.

Income Tax, National Insurance and Pensions

99. All payments for INSET, initial teacher training, and out-of-school hours learning activity will be subject to income tax and National Insurance contributions. All payments made under the Document are pensionable, with the exception of School Achievement Awards and any financial assistance with housing, relocations costs or travel expenses.

Conditions of Employment

- Separate conditions of employment apply to headteachers, deputies, assistant headteachers and other teachers.
- Newly qualified teachers have limits on the amount of time they are required to teach during their induction year.
- Teachers are required to cover unforeseen absences of colleagues for three days.
- Classroom teachers are required to work a specified number of hours/days in any school year. All teachers are subject to the Working Time Directive.

Headteachers

100. Headteachers must carry out their professional duties in accordance with, and subject to, certain overriding requirements. These include the provisions of the Education Acts and any orders and regulations made under them, and the authority's statutory scheme of local management. Subject to these overriding requirements, headteachers are responsible for the internal organisation, management and control of their schools. In carrying out their duties, headteachers must consult, where appropriate, the authority, the governing body, the staff of the school, and parents. The Document <http://www.dfes.gov.uk/teachingreforms/rewards/teacherspay/payandconditions2001/download.shtml> lists 23 specific professional duties. These include formulating the overall aims and objectives of the school and policies for their implementation. A headteacher is required to participate "to such extent as may be appropriate having regard to his other duties, in the teaching of pupils at the school, including the provision of cover for absent teachers". Since April 2000, headteachers have also been required to assess teachers who apply for the threshold, with assessments being subject to validation by an external assessor.

101. The professional duties of headteachers include, under "management of staff", a duty:

- to report to the chair of governors annually on the professional development of all teachers at the school;
- to advise the governing body on the adoption of effective procedures to deal with incompetent teachers; and
- to keep the governing body informed of the general operation of the procedures.

This should not imply any additional requirements beyond the normal procedures to be expected in an effective performance management system. Many headteachers will already have systems in place to report to the chair of governors on the professional development of all teachers and to advise the governing body on the adoption and operation of effective procedures for dealing with incompetent teachers.

Deputy Headteachers

102. Deputy headteachers have the same professional duties as classroom teachers (see paragraph 104 below). In addition, deputy headteachers are required to do the following:

- to play a major role, under the direction of the headteacher, in formulating the aims and objectives of the school;

- to undertake major responsibilities arising from the headteacher's professional duties which have been reasonably delegated to the deputy;
- to undertake, as necessary, the full range of professional duties of the headteacher in the event of the latter's absence from school; and
- to assist the headteacher in carrying out threshold assessment of other teachers (although the final judgement should be made by the headteacher).

Assistant Headteachers

103. Assistant headteachers have the same professional duties as deputy headteachers, other than the requirement to deputise for an absent headteacher.

Teachers other than members of the Leadership Group

104. Classroom teachers, advanced skills teachers, and Fast Track teachers must work under the reasonable direction of the headteacher and shall perform in accordance with any directions which may reasonably be given to them by the headteacher from time to time, such particular duties as may reasonably be assigned to them. Twelve professional duties are deemed to be included among those which a teacher may be required to perform. These include:

- teaching;
- making assessments and reports on pupils;
- appraisal and covering for absent colleagues; and
- assisting the headteacher in carrying out threshold assessment of other teachers. This only applies to teachers with management responsibilities who have an overview of the relevant aspects of the work of the teachers concerned. In all cases the final judgement rests with the headteacher.

Induction arrangements for newly qualified teachers

105. Regulations covering the induction of newly qualified teachers are now in force in England and are explained in DfES Guidance 0090/2000. Provisions on induction in the Document apply where the Induction Regulations apply - that is in England but not in Wales. The National Assembly for Wales has consulted on options for induction arrangements in Wales for newly qualified teachers and is considering this matter at present.

106. The Document sets out duties on headteachers, as follows:

- to ensure that inductees do not teach more than 90% of a normal teaching timetable;
- to oversee the induction arrangements;
- to ensure that all the staff at the school who are involved in inducting a newly qualified teacher (NQT) do so according to the regulations;
- to ensure that NQTs have job descriptions that do not make unreasonable demands; and
- to review the existing job description where a post is filled by an NQT.

107. The professional duties of teachers include a duty to participate in their own and other teachers' inductions. DfES Guidance 0090/2000 explains the role of the induction tutor and the requirements for regular observation and professional review of progress of NQTs. In addition, the professional duties of advanced skills teachers include participating in the induction of other teachers. NQTs who fail their induction period but who continue to be employed pending the outcome of their appeal will be restricted in the professional duties they are required to undertake. They will not be allowed to take responsibility for a class or to teach a subject to a group of children which is not also taught that subject by a qualified and experienced teacher at the school.

Management of Cover and Teacher Absence

108. Teachers' (including deputy and assistant headteachers') professional duties include supervising and "so far as is practicable" teaching any pupils whose teacher is not available. However, an individual teacher is not normally required to provide cover for a teacher who is absent for three or more consecutive working days, or where such an absence was known to the relevant body for two or more working days in advance. Exceptional cases are when :

- the teacher is a supply teacher, or
- the teacher has been assigned to carry out specified duties for less than 75% of the pupil week.

109. The Secretary of State hopes that everything possible can be done to minimise the disruption to pupils' education caused by teachers' absence from the classroom. Wherever possible, training courses should be scheduled during non-teaching days on which teachers are required to be available for work, or during evenings, weekends and school holidays in which case the appropriate extra payment may be possible (paragraphs 88-91).

110. Heads should monitor levels of teacher absence on a regular basis and give priority to its effective management. Relevant bodies should consider how effective their schools' existing systems are in managing and monitoring teacher absence due to illness, and improve them if required. The Department issued a checklist of good management practice to all schools in England in May 2000 (see website reference <http://www.dfes.gov.uk/circulars/dfes>). Schools should have efficient arrangements in place to provide appropriate internal or external cover in cases of absence, together with sufficient resources for external cover within school budgets or through insurance schemes.

Working Time

111. The Document specifies full-time classroom teachers' working time. This does not apply to members of the leadership group, advanced skills teachers, Fast Track teachers or teachers employed on a part-time basis, whose working time is not defined although they are subject to the provisions of the Working Time Regulations. The working time of part-time teachers should be specified in their contracts. The main terms for classroom teachers are as follows in a normal school year:

- a teacher employed full-time must be available for work for 195 days , of which 190 shall be days on which "he may be required to teach pupils";
- such a teacher "shall be available to perform such duties at such times and such places as may be specified by the headteacher.... for 1,265 hours , those hours to be allocated reasonably throughout those days in the school year on which he is required to be available for work";

- a teacher is required to work "such additional hours as may be needed to enable him to discharge effectively his professional duties";
- professional duties include, in particular, marking pupils' work, and writing reports on pupils, as well as preparing lessons, teaching material and teaching programmes;
- the division of a teacher's 1,265 hours of "directed time" between teaching and other duties is for headteachers to determine.

112. School year 2001/02 does not follow the normal pattern because of the additional Bank Holiday on 3 June 2002 to commemorate Queen Elizabeth II's Golden Jubilee. For 2001/02 the working time limits are reduced to 194 days of which 189 are days on which teachers may be required to teach, and to 1,258.5 hours. Because the Bank Holiday falls at half term, schools have been advised to take the last day of the 2002 Summer term in lieu.

113. LEA personnel departments, or other personnel advice providers, should be able to advise on the application of the Working Time Regulations within the framework of the School Teachers' Pay and Conditions Act 1991 http://www.legislation.hmso.gov.uk/acts/acts1991/Ukpga_19910049_en_1.htm and the Document. <http://www.dfes.gov.uk/teachingreforms/rewards/teacherspay/payandconditions2001/download.shtml> A DTI booklet entitled "A Guide to Working Time Regulations" is available. To obtain a copy call 0845 6000 925. Guidance is also available in the regulatory guidance section of the DTI website <http://www.dti.gov.uk/IR/regs.htm>.

Guidance on School Salary Policy

1. It is important that teachers understand how the relevant body will take pay decisions. Every school should have a salary policy – either separate from, or part of, a performance management policy. It should explain how salary decisions will be taken in the context of a school's arrangements for managing staff. All procedures for determining pay should be consistent with the principles of public life - objectivity, openness and accountability. The policy statement should make clear the school's compliance with the Race Relations, Sex Discrimination, Equal Pay and Disability Discrimination Acts.

2. Schools' policies will need to be updated to explain how new pay discretions will be used in schools. The headteacher should formulate a policy for consultation and agreement by the governing body. It should explain:

- how the school will take decisions on pay;
- the use of allowances (for management, recruitment and retention or SEN);
- arrangements for deciding discretionary performance points.

The relevant body should make clear:

- the timetable for annual salary reviews;
- who takes the decisions on pay;
- how any complaints about pay are to be handled in the school (whether through the school's ordinary grievance procedure or through a special procedure).

Roles and Responsibilities

3. The role of the relevant body will be:

- to approve the pay policy statement;
- to determine what amount should be set aside from the school's budget for discretionary pay awards;
- to consider recommendations from the headteacher about what awards should be given on the basis of the policy and budget;
- to appoint governors to determine the pay of the head;
- to ensure that awards are made without discrimination;
- to monitor the overall distribution of awards and the impact of the policy;
- to inform all staff of the policy adopted.

4. The role of the head will be:

- to formulate the policy for discussion by staff and agreement by the governing body;
- with the help of other senior staff as appropriate, to review performance information for eligible teachers and make recommendations to the governing body or pay committee;
- to monitor the impact of the arrangements on teachers and teaching at the school, and to report to the governing body.

5. Where the governing body is the relevant body, it may delegate pay decisions formally to a committee. Regulations⁸ require that a head must withdraw from any discussion or vote on his or her own pay. Any other employee must withdraw from any meeting during consideration of the pay or performance appraisal of any other employee, and not vote on related matters. The Regulations do not prevent governors from hearing representations from the interested party. A headteacher could present his or her views in a note, or make a presentation, so long as he or she withdraws during the decision making process.

6. In England, with effect from 1 September 2000, Regulations require governing bodies to appoint two or three governors to appraise the headteacher. This committee should undertake the headteacher's performance review for pay purposes, and governing bodies are advised to delegate to it responsibility for deciding whether or not to award a point on the pay spine. Different governors should consider any subsequent complaints.

Handling Performance Pay

7. An important part of the policy will be to make clear to teachers the new opportunities they have to receive performance pay points, and the timetable and procedures for considering and awarding them. It should be the responsibility of the head to review performance information for eligible staff, with the help of other senior staff if appropriate, and to make recommendations to the governing body or pay committee.

8. The policy should set out:

- the procedures for deciding the award of performance pay points;
- the timetable for making decisions;
- the criteria used to determine awards;
- the information on which decisions would be based;
- procedures for ensuring confidentiality.

9. Performance pay awards are at the discretion of the relevant body. They should be made from a designated sum of money set aside for that purpose by the governing body within the school's overall budget and similarly within the LEA's budget. The resources may include sums allocated by the Government specifically for that purpose, but governing bodies could add to that if they wish.

10. The same procedures should apply to all those eligible for an award, except for the headteacher. The headteacher's pay should be handled directly by the governors dealing with

⁸ *Schedule 6 to the Education (School Government) (England) Regulations 1999 and Schedule 7 to the Education (School Government) Wales Regulations 1999.*

pay, informed by a review of overall performance and taking into account any advice from their external adviser⁹ with regard to the headteacher's performance in meeting his or her objectives.

11. Recommendations for use of the funds would be made by the headteacher, for confirmation by a Pay Committee or by other governors appointed for that purpose. Staff employed at the school should not be involved.

12. Recommendations should take the form of a list, with brief supporting information. Governors would have access to underlying performance information if they needed it, but would not normally be expected to become involved in the detail of performance assessments - which are the operational responsibility of the head, as the senior professional in the school.

13. Pay reviews should be based on evidence about the teacher's performance set against the statutory criteria for the award of the relevant performance point. The main source of evidence will normally be the review of the teacher's performance carried out under appraisal arrangements in place. Other verifiable evidence may also be taken into account and teachers can submit additional evidence if they wish. Teachers must not be disadvantaged from consideration for performance points where arrangements for annual performance review are not in place: the relevant body and the headteacher should ensure they have adequate performance information on which to make decisions.

14. Decisions on performance pay should be based on an overall assessment of the teacher's performance. Progress against objectives or targets for action provides an important focus for assessing performance – but the assessment must also take account of how challenging the objectives or targets were. Staff should not be discouraged from agreeing challenging objectives or targets and a teacher who has made good progress against a challenging objective or target may well have made a stronger contribution to school than one who has achieved less challenging objectives or targets in full. Therefore, meeting objectives or targets does not automatically qualify a teacher for a performance point – nor does not meeting objectives or targets disqualify a teacher from an award.

15. The Document sets out national criteria for the award of performance points, which should be applied by headteachers and relevant bodies in their local context to make their decisions. Almost all teachers will have the possibility of getting performance awards against the national criteria, as follows:

- for **headteachers** – sustained high quality of performance, with particular regard to leadership, management and pupil progress at the school;
- for **other members of the leadership group** – sustained high quality of performance, taking account of their contribution to school leadership and management and pupil progress;
- for **ASTs**, continuing excellence in teaching, and contribution to standards of teaching at the AST's own schools or (as appropriate) other institutions where the AST carries out outreach work;
- for **post-threshold teachers**: sustained and substantial performance and contribution to the school. The Government would expect performance and contribution to the school to show a greater breadth and depth than is indicated by the threshold standards themselves. Schools should determine at the start of the school year what might constitute sustained

⁹ England only at present.

and substantial high quality of performance and contribution to the schools. Examples may include undertaking a significant professional development activity that makes a measurable impact on pupil progress at the school or tackling an aspect of pupil under-achievement that the school wants to address. The STRB have recommended that in all but the most exceptional circumstances, post-threshold teachers move through the upper pay scale at no less than two year intervals;

- teachers on the **main classroom teachers' pay scale** may be awarded an extra point on the scale for excellent performance.

16. The process will be helped to be open and fair if schools discuss on the basis of the draft policy what these criteria will look like in the context of their school. For example, a substantial contribution to the school by a post-threshold teacher might involve working with colleagues on curriculum practices that improved teaching across a subject area or department; taking the lead on an aspect of the school's development plan; or tackling a school priority such as narrowing the achievement gap between boys and girls.

Job Descriptions

17. Job descriptions should be agreed at the time of appointment and kept up to date. This is particularly important for classroom teachers awarded management allowances. Teachers' duties are set out in paragraph 58 of the Document <http://www.dfes.gov.uk/teachingreforms/rewards/teacherspay/payandconditions2001/download.shtml> . A job description does not qualify a teacher's obligation to undertake these duties under the reasonable direction of the headteacher; but it indicates how these generic duties are expected to apply to the teacher's work in the school.

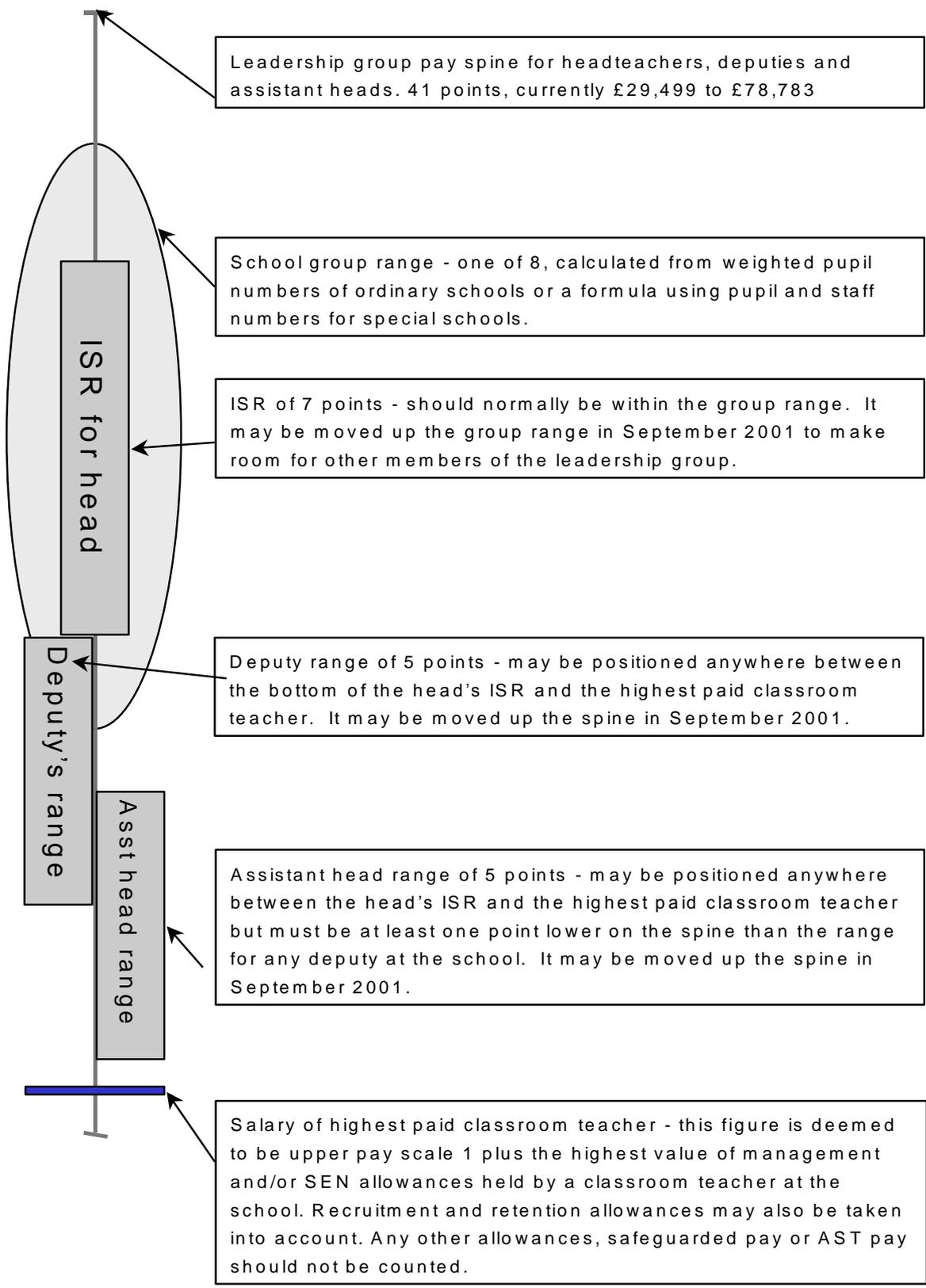
Increases to boost pension

18. The relevant body should not exercise pay discretions with the objective of increasing final salary for pension purposes. If in any of the three years immediately before retirement, a teacher receives an increase in contributable salary which is more than 10% above the "standard increase", the average salary will *not* be calculated using the full contributable salary, *unless* the employer pays an additional contribution. The additional contribution would be a lump sum equivalent to the value of the extra pension benefits arising from any increase above 10%. The salary increase paid to teachers passing the threshold does not count for this purpose. Full details are in the Teachers' Pensions Regulations 1997 <http://www.hmsso.gov.uk/si/si1997/1973001.htm>.

Unsatisfactory performance

19. An experience point may be withheld, or a performance point above the threshold withdrawn, if capability procedures have been triggered. This is a serious matter for the teacher concerned, and should always be placed within the context of the framework for the systematic review of teachers' performance. The school should already have in place procedures for handling capability issues.

Leadership group pay system



Teachers' Pay Spines, Scales and Allowances

Spine for the leadership group

Spine point	£ pa
L1	29,499
L2	30,237
L3	30,993
L4	31,767
L5	32,559
L6	33,375
L7	34,278
L8	35,064
L9	35,940
L10	36,864
L11	37,821
L12	38,694
L13	39,660
L14	40,647
L15	41,658
L16	42,768
L17	43,755
L18	44,853
L19	45,963
L20	47,103
L21	48,270
L22	49,467
L23	50,694
L24	51,951
L25	53,238
L26	54,558
L27	55,911
L28	57,297
L29	58,719
L30	60,177
L31	61,668
L32	63,201
L33	64,767
L34	66,372
L35	68,019
L36	69,705
L37	71,439
L38	73,206
L39	74,988
L40	76,863
L41	78,783

Ranges for headteachers

Group	Range of spine points	£ pa
1	L6 – L16	33,375 – 42,768
2	L8 – L19	35,064 – 45,953
3	L11 – L22	37,821 – 49,467
4	L14 – L25	40,647 – 53,238
5	L18 – L29	44,853 – 58,719
6	L21 – L33	48,270 – 64,767
7	L24 – L37	51,951 – 71,439
8	L28 – L41	57,297 – 78,783

Spine for advanced skills teachers

Spine Point	£ pa
1	27,939
2	28,437
3	28,938
4	29,436
5	29,934
6	30,435
7	30,936
8	31,434
9	31,932
10	32,430
11	32,931
12	33,597
13	34,260
14	34,926
15	35,589
16	36,255
17	36,921
18	37,587
19	38,253
20	38,919
21	39,582
22	40,413
23	41,247
24	42,075
25	42,909
26	43,737
27	44,571

Pay structure for qualified teachers

(other than leadership group members and ASTs)

	Spine point	£ pa
Main pay scale		
(a)	1	16,038
(b)	2	17,001
	3	17,892
	4	18,831
	5	19,821
	6	20,862
	7	22,035
	8	23,358
	9	24,843

Upper pay scale

1	26,919
2	27,915
3	28,947
4	30,018
5	31,128

- (a) Point 1 is the minimum starting salary for a newly qualified entrant with lower than a second class honours degree.
- (b) Point 2 is the minimum starting salary for a newly qualified entrant with a second class honours degree or better.

Additional allowances

	£ pa
management 1	1,539
management 2	3,111
management 3	5,343
management 4	7,353
management 5	9,927
recruitment & retention 1	942
recruitment & retention 2	1,848
recruitment & retention 3	2,802
recruitment & retention 4	3,903
recruitment & retention 5	5,085
special needs 1	1,572

special needs 2	3,111
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Scale for unqualified teachers

Scale point	£ pa
1	12,456
2	13,014
3	13,557
4	14,121
5	14,691
6	15,237
7	15,798
8	17,103
9	18,585
10	19,698

London allowances **£ pa**

London area allowance

Inner	3,000
Outer	1,974
Fringe	765

Inner London area supplement 822