

# UNATTACHED TEACHER PAY POLICY

This document applies to all Council employees on Teachers' Terms & Conditions.

*This document may not be applicable to employees who transferred into LCC under TUPE legislation and remain on the terms and conditions of their previous organisation.*

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## **RESPONSIBILITIES**

Senior managers in the Director/Service Area are responsible for:

- determining the duties and the pay range/scale point/allowance to be attached to unattached teaching posts;
- applying the requirements of the School Teachers' Pay and Conditions Document;

Lincolnshire County Council remains responsible for equal pay/value and for ensuring that equal pay/value is achieved between service areas. Advice must be sought from your HR Adviser when determining pay and allowances.

## **DETERMINING TEACHERS' PAY**

Senior managers must pay the minimum rate and not exceed the maximum rate of the pay ranges for unattached teaching posts as prescribed by the School Teachers' Pay and Conditions Document, (as amended from time to time).

Senior managers do, however, have discretion to operate within the:

- full range of incentive allowances, subject to certain criteria, (see School Teachers' Pay and Conditions Document)
- equal pay/value requirements.

Teachers receiving an allowance on a permanent basis will enjoy salary safeguarding whilst they remain employed by the Directorate within the terms of the School Teachers' Pay and Conditions Document.

If an unattached teacher, displaced by closure or amalgamation and nominated for consideration by a school by the Council, is appointed, then salary safeguarding applies to the individual concerned. Salary safeguarding does not apply to unattached teachers moving to Academy status.

Under no circumstances can an honorarium payment be made to a teacher

## **DEALING WITH PAY APPEALS**

Appeals against pay determinations and pay progression should be made through the pay appeal mechanism set out in the Pay Policy.

# **PAY AND RELATED MATTERS**

## **1 GENERAL STATEMENT**

The Pay Policy aims to relate:

- (i) unattached teacher's performance to the Teacher Standards and any other standards that are applicable to the individual's role.
- (ii) to the educational needs of all children and young people;
- (iii) to the professional development of unattached teachers;
- (iv) to recognise the individual contribution unattached teachers make to education within the County.

All matters relating to this policy will be dealt with by the senior manager of the service in consultation with the People Management Service.

## **2 AIMS OF THE POLICY**

To ensure that for all unattached teachers working for the Council their pay is being managed in a fair, transparent and consistent manner in line with the School Teachers' Pay and Conditions Document.

## **3 REVISION OF POLICY**

The Teacher Pay Policy will normally be revised when the People Management Service so advises the Directorate management team, or when changes to relevant terms and conditions determine a revision is required. Whenever a revision is undertaken, an open consultative approach will be adopted by the Council.

## **4 EQUALITIES**

The Council seeks to provide equal opportunities for all staff regardless of matters relating to age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex or sexual orientation.

## **5 JOB DESCRIPTIONS**

Job descriptions will be provided for all unattached teachers. Consultation over content will take place when they are drawn up and at the time of any proposed review with a view to reaching agreement with individual post holders.

## **6 PERFORMANCE MANAGEMENT/APPRaisal**

Performance management/appraisal is a shared commitment to high performance. It helps to focus attention on more effective coaching and monitoring to raise the quality of teaching and to benefit children and young people across the County. It means providing appropriate and effective personal learning and development to ensure job satisfaction, a high level of

expertise and progression of teachers in their chosen profession. The Council has a bespoke appraisal process in place for Unattached Teachers.

Pay progression is subject to a successful appraisal review. Where it is considered that teachers are eligible for pay progression, the recommendation made by the designated senior manager will be based on the assessment of their performance against the agreed objectives. The decision made by the senior manager will also be based on the statutory criteria and guidance as set out in the School Teacher's Pay and Conditions Document (STPCD) and any relevant standards, for example the Teacher Standards, as well as performance against previously agreed objectives in line with the Service's annual service plan.

Where there has been unsatisfactory performance, the senior manager may consider it appropriate to withhold pay progression and move to the Council's Capability Policy and Procedure.

Teachers' performance will be assessed in line with the Council's Appraisal Policy and Unattached Teacher Appraisal Procedure.

## **7 DISCRETIONS APPLICABLE TO TEACHERS**

The senior manager for the service will ensure that the discretionary elements of pay are dealt with in a fair and equitable manner and in accordance with the requirements and guidance of the School Teachers' Pay and Conditions Document. The following will apply:

### **Teaching Staff**

The salaries of qualified teachers, other than those in the Leadership Group and Leading Practitioners, are determined by:

- the point on the main or upper pay range determined through appointment or annual appraisal

plus

- any Teaching and Learning Responsibility payments

and/or

- any additional allowances held for recruitment and retention
- any additional allowances held for teaching children with special educational needs

or

- if the individual is entitled to a higher salary because of safeguarding.

A salary review will be undertaken in respect of every teacher as at 1 September each year and a salary statement issued by 31 October. A review may be undertaken at any other time during the year but only if there is a need to do so, for example, following successful performance improvement following a capability procedure.

The salary assessment will be made under the following headings:

## **Teachers on Main Pay Range**

Teachers on the Main Pay Range will be paid on the six-point scale on the Main Pay Range. See School Teachers' Pay Policy.

*Experience (main pay range only)* – pay progression will be awarded following a successful performance management/appraisal review. Reviews will be deemed to be successful unless concerns about standards of performance have been raised in writing with the teacher during the annual performance management/appraisal cycle and have not been sufficiently addressed through support provided by the service.

To complete a year's service a teacher must be employed by the Council for a minimum of 26 weeks on a full or part-time basis during the academic year.

Additional pay progression may be awarded to a teacher on the main pay range on 1st September where the individual has demonstrated excellent performance over the previous academic year having regard to all aspects of the individual's professional duties.

Senior managers may withhold pay progression where performance during the previous academic year is deemed to have been unsatisfactory. In such cases the teacher will be notified in writing before the end of the academic year that the senior manager is considering such action before they make a final determination. The senior manager may at a later date decide to reinstate the pay progression where they consider it appropriate to do so.

The senior manager will normally regard teaching experience outside the maintained sector or outside England and Wales as directly relevant for the purposes of appointing to the appropriate point in the pay range. Where a teacher has non-teaching experience, the senior manager will consider its value to the post held and decide on an individual basis whether or not to grant points for that experience.

## **Moving from the Main Pay Range to the Upper Pay Range**

Teachers on the Upper Pay Range will be paid on the three-point scale on the Upper Pay Range. See School Teachers' Pay Policy.

Applications for movement through the threshold to have effect from 1<sup>st</sup> September should be lodged with the senior manager on or before 31<sup>st</sup> October of the same year. Applications must be in writing to the senior manager.

The senior manager will move onto the upper pay range any eligible teachers who have been successful in the threshold assessment. The assessment will have regard to the two most recent performance management/appraisal reviews and will be considered successful where:

- The teacher is **highly competent** in all the elements of the Teacher Standards.
- The teacher's achievements and contributions to the service are **substantial and sustained** (for example – 2 years minimum).

Once on UPR, progression up the range will be based on two consecutive, successful performance reviews although meeting performance objectives will not lead to automatic movement up the pay range. Reviews will be deemed to be successful unless significant concerns about standards of performance have been raised in writing with the teacher during the annual performance management/appraisal cycle and have not been sufficiently addressed through support provided by the school.

Senior managers may withhold pay progression where performance during the previous two academic years is deemed to have been unsatisfactory. In such cases the teacher will be notified in writing before the end of the academic year that the senior manager is considering such action before they make a final determination. The senior manager may at a later date decide to reinstate the pay progression where they consider it appropriate to do so.

The senior manager will award any such points from 1 September and these will normally be awarded once every two years, other than in exceptional circumstances. Points will not be awarded by more than one at a time in the course of a single annual salary determination.

### **Leading Practitioners**

Leading Practitioners will be paid on the Leading Practitioner. See School Teachers' Pay Policy.

Where the service determines that the structure includes Leading Practitioners, then existing Advanced Skills Teachers and Excellent Teachers will be assimilated to the Leading Practitioner Pay Range at a pay point or individual pay range which maintains as a minimum their existing pay entitlements. Where there are less Leading Practitioner posts than existing AST and Excellent Teachers, the service will undertake to consult on a restructure with advice from their HR Adviser.

Progression up the range will be based on two consecutive, successful performance reviews although meeting performance objectives will not lead to automatic movement up the pay range. Reviews will be deemed to be successful unless significant concerns about standards of performance have been raised in writing with the teacher during the annual performance management/appraisal cycle and have not been sufficiently addressed through support provided by the school by the conclusion of that process.

### **Teaching and Learning Responsibility Payments**

Assignment of TLR payments will be in line with the agreed staffing structure which will include an assessment of the leadership and management duties in light of the criterion and factors below.

The senior manager may award a TLR1 or TLR2 to an unattached teacher for undertaking a sustained additional responsibility in the context of their staffing structure for the purpose of ensuring the continued delivery of high quality teaching and learning and for which the teacher is made accountable.

The senior manager may award a fixed-term TLR3 to an unattached teacher for clearly time-limited school improvement projects, or one-off externally driven responsibilities. Clear criteria for the award, level and duration will be set out and agreed.

In determining the value of TLR payments, the senior manager will have considered job weight; posts of equal weight in the context of the service should be allocated equal value. Any changes to these arrangements will be subject to staff consultation.

### Criterion and Factors for the Award of Teaching and Learning Responsibility Payments and Values

#### Criterion

A Teaching and Learning Responsibility 1, 2 or 3 payment (“TLR”) may be awarded to an unattached teacher for undertaking a sustained additional responsibility in the context of the service’s staffing structure for the purpose of ensuring the continued delivery of high-quality teaching and learning for which they are made accountable.

#### Factors

Before awarding a TLR1, TLR2 or TLR3, the senior manager must be satisfied that the unattached teacher’s duties include a significant responsibility that is not required of all unattached teachers, and that it -

- is focused on teaching and learning;
- requires the exercise of a teacher’s professional skills and judgement;
- requires the teacher to lead, manage and develop a subject or curriculum area; or to lead and manage pupil development across the curriculum;
- has an impact on the educational progress of pupils other than the teacher’s assigned groups of children and young people; and
- involves leading, developing and enhancing the teaching practice of other staff within the County.

In addition, before awarding a TLR 1, the relevant body must be satisfied that the significant responsibility referred to in the previous paragraph includes in addition line management responsibility for a significant number of people.

If the senior manager awards TLRs of different values for two or more unattached teachers, the minimum difference in value between each award of a TLR 1 is £1,500; and between each award of a TLR 2 is £1,500.

Leading Practitioners are not eligible for TLR payments.



## **Recruitment and Retention Allowances**

Where it deems that there is a strong case to do so, the senior manager will pay recruitment awards and retention awards to unattached teachers for a maximum of three years. Retention awards may be extended in “exceptional circumstances”. The value of any award will be determined on an ad hoc basis and must be discussed with the HR Adviser for the service.

The senior manager will review the level of payment annually.

The senior manager may enter into a “golden handcuffs” arrangement with an individual where allowances may be accumulated for up to three years and then paid as a lump sum at the end of the defined period, provided that the teacher concerned remains in post.

## **Special Educational Needs Allowances**

An SEN allowance of no less than £2,022 and no more than £3,994 per annum is payable to an unattached teacher in accordance with this paragraph.

The senior manager must award an SEN allowance to an unattached teacher:

- (a) in any SEN post that requires a mandatory SEN qualification
- (b) is based or works predominantly in special schools
- (c) who teaches pupils in one or more local authority unit or service
- (d) in any non-designated setting (including any PRU) that is analogous to a designated special class or unit, where the post:
  - involves a substantial element of working directly with children with special educational needs
  - requires the exercise of a teacher’s professional skills and judgement in the teaching of children with special educational needs, and
  - has a greater level of involvement in the teaching of children with special educational needs than is the normal requirement of teachers throughout the unit or service

Where an SEN allowance is to be paid, the senior manager must determine the spot value of the allowance, taking into account the structure of the SEN provision and the following factors:

- whether any mandatory qualifications are required for the post,
- the qualifications or expertise of then teacher relevant to the post and
- the relative demands of the post

## **Other Payments**

The senior manager may make such payments as they see fit to an unattached 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 service;

- (c) participation in out-of-school hours learning activity agreed between the teacher and the senior manager or, in the case of the head teacher, between the head teacher and the senior manager for the service;
- (d) additional responsibilities and activities due to, or in respect of, the provision of services by the head teacher relating to the raising of educational standards to one or more additional schools. This does not apply to the provision of services by a head teacher to a school in relation to which such head teacher has been appointed either on a permanent or on a temporary basis.

Senior managers may wish to (but are not required to) determine an hourly rate for work undertaken of this nature. This may be an hourly rate as per short notice/supply teachers or a flat rate payment in line with the unattached teacher's level of responsibility and the size of the commitment.

## **Other Teaching Staff**

### **Part-time Teachers**

Unattached Teachers employed on an ongoing basis by the service but who work less than a full working day or week are deemed to be part-time. The senior manager will give them a written statement detailing their working time obligations and the mechanism used to determine their pay, subject to the provisions of the statutory pay arrangements.

NB: The contractual change from September 2005 gives part time teachers entitlement to PPA time pro-rata for full time teachers.

### **Short Notice/Supply Teachers**

Unattached Teachers who work on a day-to-day or other short notice basis have their pay determined in line with the statutory pay arrangements in the same way as other unattached teachers. Teachers paid on a daily basis will have their salary assessed as an annual amount, divided by 195 and multiplied by the number of days worked.

Unattached Teachers who work less than a full day will be hourly paid and will also have their salary calculated from an annual amount (which will then be divided by 195 then divided again by the appropriate factor provided by People Management to arrive at the hourly rate) or (which will then be divided by 1265 to achieve the hourly rate.)

### **Unqualified Teachers**

*NB. The points in this section are suggestions only. Senior Managers have complete discretion as to how points are awarded to UQ teachers.*

The senior manager, will, when determining on which point to place unqualified teachers on the unqualified teachers' pay range when they are appointed, take account of any relevant qualifications and experience. Unqualified teachers will be appointed above the minimum in the following circumstances:

### **Qualifications:**

- Two points for a recognised overseas teaching qualification.
- Two points for a recognised post-16 teaching qualification.
- Two points for a recognised qualification relevant to their subject area.

The senior manager may pay an allowance to unqualified teachers whose basic salary is not considered adequate having regard to their responsibilities, qualifications and experience. The value of allowance will normally be determined by the difference between point 1 of the qualified scale and the assessed point on the unqualified scale (should this be lower).

The senior manager will pay an unqualified teacher on one of the employment based routes into teaching on the unqualified teacher pay scale, other than in exceptional circumstances.

### **Additional points**

- One point on the main scale for each year of service as an overseas-trained teacher
- One point on the main scale for each year of service teaching in further education, including sixth form colleges.
- One point on the main scale for each year of service teaching in higher education

With regard to non-teaching experience, the senior manager will consider its value to the post held and decide on an individual basis whether or not to grant points for that experience.

## **8 JOB RELATIVITY**

The senior manager will seek to ensure that there is proper pay relativity between teaching jobs within the Council and will have full regard to the requirements relating to equal pay/value.

## **9 SALARY SACRIFICE**

The Council childcare voucher scheme is intended to provide employees (including all unattached teachers) with the opportunity to have a proportion of their salary paid in childcare vouchers. Further information about the scheme can be found on NETLinc or by calling the Customer Service Centre.

## **10 APPEALS PROCEDURE**

The arrangements for considering appeals are as follows:

A member of staff may appeal against any determination in relation to their pay or any other decision taken by the senior manager that affects their pay.

The grounds for appeal are that the senior manager which made the decision:

- a) incorrectly applied any provision of the relevant national or local conditions of service;
- 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 member of staff.

The order of proceedings is as follows:

1. The member of staff receives written confirmation of the pay determination and where applicable the basis on which the decision was made.
2. If the member of staff is not satisfied, they should seek to resolve this by discussing the matter informally with the senior manager within ten working days of the decision.
3. Where this is not possible or where the member of staff continues to be dissatisfied, they may follow a formal process
4. The member of staff should set down in writing the grounds for questioning the pay decision (which must relate to the grounds as set out above) and send it to the Directorate management team within ten working days of the notification of the decision being challenged or of the outcome of the discussion referred to above.
5. The Directorate management team will provide a hearing within ten working days to allow the member of staff to make representations against the decision in person. Its decision and a subsequent right of appeal (if applicable) will be communicated in writing to the member of staff.
6. Any appeal will be heard by a panel of three senior managers who were not involved in the original determination normally within 20 working days of the receipt of the written notification of appeal. The member of staff will be given the opportunity to make representations in person and be accompanied by a trade union representative or 'friend' if they so wish. The decision of the appeal panel will be given in writing, and where the appeal is rejected will include a note of the evidence considered and the reasons for the decision. This decision is final and, as this appeals process functions as the staff grievance procedure with regard to pay matters, there is no further recourse to that general procedure.