Department for Education

School Teachers' Pay and Conditions Document 2012 and Guidance on School Teachers' Pay and Conditions

School Teachers' Pay and Conditions Document 2012

and

Guidance on School Teachers' Pay and Conditions

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SECTION 1 – Introductory

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

Introduction

1. The Education Act 2002 gives the Secretary of State power to issue guidance on pay and conditions matters, to which those concerned must have regard.

2. Since 2003 this publication has brought together the two key parts of the framework for the England and Wales pay arrangements – the School Teachers' Pay and Conditions Document ('the Document') and the statutory guidance. The Document (Section 2 – the statute) and the guidance (Sections 3 and 4) need to be read together to provide a complete picture of pay and conditions arrangements for teachers in England and Wales.

3. The statutory requirements for teachers' pay and conditions for maintained schools in England and Wales are set out in the Document, and schools and local authorities (LAs) must abide by these. LAs and governing bodies are required to have regard to the statutory guidance, and in respect of guidance on procedural matters a court or tribunal may take any failure to do so into account in any proceedings. Broadly speaking, this means that any party not following this guidance would need to have good reason not to do so and would need to be able to justify any departure from it.

4. There have been a number of changes to the Document since the 2011 version. Details are set out in paragraph 8 below.

5. LAs and schools can find additional informative material on pay matters on the Department for Education's website at www.education.gov.uk. This material includes a pay calculator and model pay statements. For general pay queries please call 0370 000 2288 or send an email through the Department's website at www.education.gov.uk/contactus/.

6. The changes which have been made to the Document and statutory guidance since 2011 result from changes made during the course of the year to legislation.

7. The Document (Section 2) and statutory guidance in Section 3 were consulted on with all key representatives of the teacher and head teacher unions, the employers' association and other interested parties as part of the normal statutory consultation process.

Summary of changes to pay and conditions since 2011

8. The main changes to the Document since 2011 are as follows:

   (a) references to the Teachers' Standards rather than the Core Standards (for England only);

   (b) there have been changes to the annexes in Section 2. Annex 1 no longer includes the Core Standards as these will not apply from 1 September 2012. The Teachers' Standards (which apply in England from 1 September) and the Practising Teacher Standards (which apply to teachers in Wales) have been included in a new Annex 2 for ease of reference;

   (c) references reflecting the new arrangements for teacher appraisal in both England and Wales;

   (d) a teacher employed full-time must be available for work 195 days/1265 hours (the figures for the previous two years having been 194 and 1258.5 respectively due to additional public holidays); and

   (e) references to the General Teaching Council for England (GTCE) have been removed due to the abolition of the GTCE.

Amendments to Section 3 guidance

9. A number of amendments, updates and clarifications have been made to the statutory pay guidance in Section 3, in line with the 2012 changes to the Document and comments made in the statutory consultation process.

TEACHERS' STANDARDS IN ENGLAND FROM SEPTEMBER 2012

INTRODUCTION, LEGAL STANDING AND INTERPRETATION

1. The Teachers' Standards published by the Secretary of State for Education introduce some significant changes in terms of structure, content and application. This introduction is designed to assist those who will be using these Standards to understand those changes and to implement the Teachers' Standards effectively.

2. The Teachers' Standards come into effect on 1 September 2012, though the Teaching Agency has been using the conduct elements from 1 April 2012 as a reference point when considering whether a teacher's conduct has fallen significantly short of the standard of behaviour expected of a teacher. They replace the standards for Qualified Teacher Status (QTS) and the Core Standards previously published by the Training and Development Agency for Schools (TDA), and the General Teaching Council for England's *Code of Conduct and Practice for Registered Teachers*.

3. **The Teachers' Standards will apply to the vast majority of teachers in England regardless of their career stage**. The Teachers' Standards apply to: trainees working towards QTS; all teachers completing their statutory induction period; and those covered by the new performance appraisal arrangements (with the exception described in para 4 below). Part 2 of the Teachers' Standards relating to professional and personal conduct will be used to assess cases of serious misconduct, regardless of the sector in which the teacher works.

4. From 1st April 2012, teachers with Qualified Teacher Learning and Skills (QTLS) status are able to teach in schools as fully qualified teachers. This change has been made to give schools greater access to experienced teachers of vocational subjects, as recommended in Professor Alison Wolf's *Review of Vocational Education*. Head teachers have the freedom to decide which standards they assess the performance of QTLS holders against. They can either assess QTLS holders' performance against the Teachers' Standards or against any other set of standards relating to teacher performance issued by the Secretary of State or against any other professional standards that are relevant to their performance or against any combination of those three. Before, or as soon as practicable after the start of each appraisal period, QTLS teachers (like other teachers) will be informed of the standards against which their performance in that appraisal period will be assessed.

5. The Teachers' Standards define the minimum level of practice expected of trainees and teachers from the point of being awarded QTS. The Teachers' Standards constitute the 'specified standards' within the meaning given to that phrase in Schedule 2 of The Education (School Teachers' Qualifications) (England) Regulations 2003.

6. The Teachers' Standards need to be applied as appropriate to the role and context within which a trainee or teacher is practising. Providers of Initial Teacher Training (ITT) will assess trainees against the Teachers' Standards in a way that is consistent with what could reasonably be expected of a trainee teacher prior to the award of QTS. Providers will need to ensure that their programmes are designed and delivered in such a way as to allow all trainees to meet these Standards, as set out in the Secretary of State's *Requirements for Initial Teacher Training*.

7. Similarly, head teachers (or appraisers) will assess qualified teachers against the Teachers Standards to a level that is consistent with what should reasonably be expected of a teacher in the relevant role and at the

relevant stage of their career (whether a Newly-Qualified Teacher (NQT), mid-career teacher, or a more experienced practitioner). The professional judgement of head teachers and appraisers will therefore be central to appraisal against these Standards.

8. The Teachers' Standards replace the Core Standards, and will be used to assess an NQT's performance at the end of their induction period in employment. The Teachers' Standards themselves do not specify any new or different elements to the expectations placed on NQTs as opposed to those required for the award of QTS. The decision about whether an NQT has met the Teachers' Standards to a satisfactory level at the end of their first year of full employment will therefore need to be made on the basis of what should reasonably be expected of an NQT working in the relevant setting and circumstances, within the framework set out by the Standards. That judgement should reflect the expectation that NQTs have effectively consolidated their training, and are demonstrating their ability to meet the Teachers' Standards consistently over a sustained period in their practice.

9. Following the period of induction, the Teachers' Standards will continue to define the level of practice at which all qualified teachers are expected to perform. From September 2012, teachers' performance will be assessed against the Teachers' Standards as part of the new appraisal arrangements in schools.

Presentation of the Teachers' Standards: Annex 2 of Section 2

10. There are three parts, which together constitute the Teachers' Standards: the **Preamble**, **Part 1** and **Part 2**.

11. The **Preamble** summarises the values and behaviour that all teachers must demonstrate throughout their careers. **Part 1** comprises the Standards for Teaching; **Part 2** comprises the Standards for Professional and Personal Conduct.

12. In order to meet the Teachers' Standards, a trainee or teacher will need to demonstrate that their practice is consistent with the definition set out in the **Preamble**, and that they have met the Standards in both **Part 1** and **Part 2**.

13. The Teachers' Standards are presented as separate headings, numbered from 1 to 8 in **Part 1**, each of which is accompanied by a number of bulleted sub-headings. The bullets, which are an integral part of the Standards, are designed to amplify the scope of each heading. The bulleted sub-headings should not be interpreted as separate standards in their own right, but should be used by those assessing trainees and teachers to track progress against the standard, to determine areas where additional development might need to be observed, or to identify areas where a trainee or teacher is already demonstrating excellent practice relevant to that standard.

Progression and Professional Development

14. The Teachers' Standards have been designed to set out a basic framework within which all teachers should operate from the point of initial qualification. Appropriate self-evaluation, reflection and professional

development activity is critical to improving teachers' practice at all career stages. The Standards set out clearly the key areas in which a teacher should be able to assess his or her own practice, and receive feedback from colleagues. As their careers progress, teachers will be expected to extend the depth and breadth of knowledge, skill and understanding that they demonstrate in meeting the Standards, as is judged to be appropriate to the role they are fulfilling and the context in which they are working.

Date of introduction of the Teachers' Standards

15. The Teachers' Standards come into effect on 1 September 2012, on which date they become the 'specified standards' as defined in Schedule 2 of The Education (School Teachers' Qualifications) (England) Regulations 2003. The Regulations require that in order to be recommended for the award of QTS, in most cases* a person must meet the specified standards that are in place at the time of assessment. Providers of initial teacher training need to ensure that all trainees who complete their training on or after 1 September 2012 are assessed against the standards that are in place as at the time of assessment, in accordance with the Regulations.

16. NQTs who qualified under the previous standards but started induction on or after 1 September 2012, or have started but not completed induction by 1 September 2012, will need to be assessed against the Teachers' Standards at the end of their induction.

17. Existing teachers who have already passed induction will be expected to use the Teachers' Standards instead of the previous Core Standards for appraisal, identifying professional development, and other related purposes.

18. When considering new cases of serious misconduct received from 1 April 2012, the Teaching Agency, acting on behalf of the Secretary of State, will have regard to the personal and professional conduct aspects of the Teachers' Standards document instead of the General Teaching Council for England's (GTCE) *Code of Conduct and Practice for Registered Teachers*. The Teaching Agency will still be able to refer to the GTCE's *Code of Conduct* for any partially completed cases it receives from the GTCE at the point of its abolition.

Note on Terminology Used / Glossary

Specific terminology used in the Teachers' Standards should be interpreted as having the following meaning:

• **'Fundamental British values'** is taken from the definition of extremism as articulated in the new Prevent Strategy, which was launched in June 2011. It includes 'democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs'.

• **'Parents'** is intended to include carers, guardians and other adults acting *in loco parentis*.

* For some categories QTS can be awarded without undertaking ITT in England and meeting the QTS standards. Those exempt from meeting the QTS standards are individuals who have already successfully completed ITT or are recognised as teachers in another UK country and EEA nationals who are recognised as teachers in another EEA member state.

• **'Pupils'** is used throughout the Standards, but should be taken to include references to children of all ages who are taught by qualified teachers, including those in the Early Years Foundation Stage, and those in post-16 education.

• **'School'** means whatever educational setting the Standards are applied in. The Standards are required to be used by teachers in maintained schools and non-maintained special schools. Use of the Standards in Academies and Free Schools will depend on the specific establishment arrangements of those schools. Independent schools are not required to use the Standards, but may do so if they wish.

• **'Special educational needs'**, as defined by the Department for Education's *Special Educational Needs Code of Practice* (2001), refers to children who have a learning difficulty. This means that they either: have a significantly greater difficulty in learning than the majority of children of the same age; or have a disability which prevents or hinders them from making use of educational facilities of a kind generally provided for children of the same age in schools within the area of the local education authority.

• **'Statutory frameworks'** includes all legal requirements, including but not limited to the requirement to promote equal opportunities and to provide reasonable adjustments for those with disabilities, as provided for in the Equality Act 2010. The term also covers the professional duties of teachers as set out in the School Teachers' Pay and Conditions Document.

Standards for Teachers in Wales
It should be noted that the Teachers' Standards outlined in the above box are not applicable to teachers in Wales.

However, the statutory pay standards that form part of the framework for post-threshold, excellent and advanced skills teachers set out in Annex 1 of the Document (Section 2) are applicable to teachers in both England and Wales – see the pay guidance (Section 3) for further guidance.

This means that the position for teachers in Wales is:

- The setting of Qualified Teacher Status (QTS) standards is the responsibility of the Welsh Government. The QTS standards are set out in legislation which can be accessed at:

http://wales.gov.uk/legislation/subordinate/nonsi/educationwales/2009/3220099/?lang=en.

- The setting of the Practising Teacher Standards for Newly Qualified Teachers is also the responsibility of the Welsh Government. The standards may be found at Annex 2 of the Document and the standards and relevant guidance (circular 017/2009) can be accessed at: http://wales.gov.uk/topics/educationandskills/publications/guidance/becomingateacher/?lang=en.

- Post-threshold teachers, excellent teachers and advanced skills teachers – pay standards as contained within Annex 1 of the Document.

- The Welsh Government has also made the National Professional Qualification for Headship (NPQH) mandatory for all head teachers taking up their first substantive head teacher post from September 2005. A copy of the regulations can be accessed at: http://www.opsi.gov.uk/legislation/wales/wsi2005/20051227e.htm

SECTION 2 - School Teachers' Pay and Conditions Document 2012

This Document contains provisions relating to the statutory conditions of employment of school teachers in England and Wales and has been prepared by the Secretary of State for Education in anticipation of an order being made under section 122 of the Education Act 2002 ("the Act")[(1)]. That Order refers to this Document and directs that its provisions have effect in accordance with it pursuant to section 124(3) of the Act. The anticipated order will be the School Teachers' Pay and Conditions Order 2012 ("the Order").

This Document relates to teachers employed by a local authority or by the governing body of a foundation, voluntary aided or foundation special school (other than a school to which an order made under section 128(2) of the Act applies) in the provision of primary or secondary education (otherwise than in an establishment maintained by a local authority in the exercise of a social services function).

When the Order comes into force, this Document will from 1st September 2012 replace the 2011 Document given effect by the School Teachers' Pay and Conditions Order 2011[(2)].

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(1) 2002 (c.32.)
(2) S.I. 2011/1917

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PART 1 - COMMENCEMENT AND INTERPRETATION

1.1 The provisions of this Document take effect from 1st September 2012.

1.2 In this Document-

"the 2002 Regulations" means the School Teacher Appraisal (Wales) Regulations 2002[3] and any reference to "appraiser", "appraisal" or "results of the appraisal" within the context of a reference to these Regulations must be construed in accordance with them;

"the 2006 Regulations" means the Education (School Teacher Performance Management) (England) Regulations 2006[4] and any reference to "reviewer", "review", "results of the review" or "planning and review statement" within the context of a reference to those Regulations must be construed in accordance with them;

"the 2011 Regulations" means the School Teacher Appraisal (Wales) Regulations 2011[5]and any reference to "reviewer", "review", "results of the review" or "planning and review statement" within the context of a reference to these Regulations must be construed in accordance with them;

"the 2012 Regulations" means the Education (School Teachers' Appraisal) (England) Regulations 2012[6] and any reference to "appraisal" "appraisal report" or "results of the appraisal" within the context of a reference to those Regulations must be construed in accordance with them;

"the Act" means the Education Act 2002[7];

"advanced skills teacher" means a teacher who holds an advanced skills teacher post;

"advanced skills teacher post" means a post-

(a) in which the post-holder is required-

(i) to be a qualified teacher who, in accordance with an earlier Document, has been certified by an assessor as meeting the standards for advanced skills

(3) S.I. 2002/1394, as amended by S.I. 2007/944 and 2009/2159 (W.183) and revoked by S.I. 2011/2940
(4) S.I. 2006/2661. revoked by S.I. 2012/115
(5) S.I. 2011/2940.
(6) S.I. 2012/115 as amended by 2012/431
(7) 2002 (c.32.).

teachers applicable at the relevant time; or

(ii) to be a qualified teacher who, in accordance with this Document, has satisfied the person to whom the task has been delegated that such post-holder meets the Teachers' Standards, has been assessed by an assessor as meeting the post-threshold teacher standards and has been certified by that assessor as meeting the excellent teacher standards and the advanced skills teacher standards; or

(iii) to be a post-threshold teacher who, in accordance with this Document, has satisfied the person to whom the task has been delegated that such post-holder meets the Teachers' Standards and the post-threshold teacher standards and has been certified by an assessor as meeting the excellent teacher standards and the advanced skills teacher standards; or

(iv) to be an excellent teacher who, in accordance with this Document, has satisfied the person to whom the task has been delegated that such post-holder meets the Teachers' Standards, the post-threshold teacher standards and the excellent teacher standards and has been certified by an assessor as meeting the advanced skills teacher standards; and

to undertake one or more of the duties in paragraphs 59.1 and 59.2 in accordance with paragraph 59.3; and

(b) which has been designated as such either by the relevant body or by the employer in the case of a person employed in the following circumstances-

(i) at an MOD school;

(ii) at an Academy, city technology college or city college for the technology of the arts[8];

(iii) at a non-maintained special school[9];

(iv) by an Education Action Forum[10];

(v) in an establishment maintained by a local authority in the exercise of a social services function; or

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

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

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

(vi) by a person appointed in accordance with a direction made by the Secretary of State under section 497A of the Education Act 1996[11] to perform the functions of an authority and who immediately before such employment was employed by that authority;

"advanced skills teacher standards" means the professional standards which an advanced skills teacher is required to meet, as set out in Annex 1, where each advanced skills teacher standard is prefixed by the letter 'A';

"assessor" in relation to advanced skills teacher and excellent teacher assessments means an assessor appointed under arrangements made by the Secretary of State under paragraph 29;

"assistant head teacher" means a qualified teacher with leadership responsibilities across the whole school who is appointed to the post of assistant head teacher;

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

"chartered London teacher" means a qualified teacher who has been awarded Chartered London Teacher status in accordance with paragraph 34;

"classroom teacher" means a qualified teacher who is not a member of the leadership group, an excellent teacher or an advanced skills teacher;

"core standards" in England means the professional standards which all post-threshold teachers, excellent teachers and advanced skills teachers were required to meet between 2007 and 2011, as set out in Annex 1 of any of the Documents published between 2007 and 2011 where each core standard is prefixed by the letter 'C'; in Wales core standards for these purposes means the end of Practising Teacher Standards as determined by the Welsh Government, as set out in Annex 2 of this Document and which can be accessed via the Welsh Government's website[12]:

(11) Section 497A was inserted in the Education Act 1996 (c.56) by the School Standards and Framework Act 1998 (c.31) and amended by the Act.

(12) http://wales.gov.uk/topics/educationandskills/publications/circulars/practitioners/?lang=en

"deputy head teacher" means, in relation to England[13], a qualified teacher appointed to the teaching staff of a school as a deputy head teacher in accordance with the School Staffing (England) Regulations 2009[14] and includes a teacher appointed as an acting deputy head teacher but not a teacher who is assigned and carries out the duties of a deputy head teacher without being so appointed;

"earlier Document" means any Document referred to in any order made under section 122 of the Act or section 2 of the School Teachers' Pay and Conditions Act 1991[15], other than this Document;

"ERA 1996" means the Employment Rights Act[16];

"employment–based teacher training scheme" means in relation to England the scheme established by the Secretary of State under the Education (School Teachers' Qualifications) (England) Regulations 2003[17], or, in relation to Wales, any scheme established by the Welsh Ministers under the Education (School Teachers' Qualifications)(Wales) Regulations 2012[18];

"European Economic Area and Switzerland" means-

(a) the European Community;

(b) subject to the conditions laid down in the EEA Agreement, the area comprising the Republic of Iceland, the Kingdom of Norway and the Principality of Liechtenstein; and

(c) subject to the conditions laid down in the Swiss Agreement, the Swiss Confederation;

"excellent teacher" means a teacher who holds an excellent teacher post;

"excellent teacher post" means a post-

(a) in which the post-holder is required–

(i) to be a post-threshold teacher who, in accordance with the 2004 Document or any earlier Document, has been assessed as meeting the standards for

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(13) In relation to Wales, "deputy head teacher" is defined with "head teacher".
(14) S.I. 2009/2680 as amended by S.I. 2012/1740.
(15) 1991 (c.49),repealed by the Act.
(16) 1996 (c.18.) Part VIII was substituted by Part 1 of Schedule 4 to the Employment Relations Act 1999 (c. 26). Part VIIIA was inserted by section 47 of the Employment Act 2002 (c. 22).
(17) S.I. 2003/1662, as amended by S.I. 2007/2782.
(18) S.I. 2012/724

advanced skills teachers applicable at the relevant time; or

(ii) to be a post-threshold teacher who has been certified by an assessor as meeting the standards in Annex 2 of the 2005 Document or of the 2006 Document; or

(iii) to be a post-threshold teacher who, in accordance with any of the Documents published between 2007 and 2011 has satisfied the person to whom the task has been delegated that such post-holder meets the core standards and the post-threshold teacher standards, and has been certified by an assessor as meeting the excellent teacher standards or the advanced skills teacher standards;

(iv) to be a post-threshold teacher who, in accordance with this Document has satisfied the person to whom the task has been delegated that such post-holder meets the Teachers' Standards and the post-threshold teacher standards, and has been certified by an assessor as meeting the excellent teacher standards or the advanced skills teacher standards;

to undertake the duties in paragraph 60 and

(b) which has been designated as such either by the relevant body or by the employer in the case of a person employed in the following circumstances-

(i) at an MOD school;

(ii) at an Academy, city technology college or city college for the technology of the arts;

(iii) at a non-maintained special school;

(iv) in an establishment maintained by a local authority in the exercise of a social services function; or

(v) by a person appointed in accordance with a direction made by the Secretary of State under section 497A of the Education Act 1996 to perform the functions of an authority and who immediately before such employment was employed by that authority;

"excellent teacher standards" means the professional standards which an excellent teacher is required to meet, as set out in Annex 1, where each excellent teacher standard is prefixed by the letter 'E';

"Fast Track teacher" means a classroom teacher who has been recognised as a Fast Track teacher in accordance with an earlier Document and who has not ceased to be so recognised;

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

"first key stage" means the first key stage as defined in section 82(1) (a) of the Act in relation to England and the foundation stage as defined under section 102 of the Act in relation to Wales;

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

"the Fringe Area" means-

(a) in Berkshire- the Districts of Bracknell Forest, Slough and Windsor and Maidenhead;

(b) in Buckinghamshire- the Districts of South Buckinghamshire and Chiltern;

(c) in Essex- the Districts of Basildon, Brentwood, Epping Forest, Harlow and Thurrock;

(d) in Hertfordshire- the Districts of Broxbourne, Dacorum, East Hertfordshire, Hertsmere, St Albans, Three Rivers, Watford and Welwyn Hatfield;

(e) in Kent- the Districts of Dartford and Sevenoaks;

(f) in Surrey- the whole county; and

(g) in West Sussex- the District of Crawley;

"graduate teacher" means in relation to England a teacher who has been granted an authorisation to teach in accordance with paragraphs 5 to 9 of Schedule 2 to the Education (Teachers' Qualifications and Health Standards) (England) Regulations 1999[(19)] before 1st September 2002 or in relation to Wales paragraphs 5 to 9 of Schedule 2 to the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999[(20)] before 1st September 2004;

"head teacher" means, in relation to England, a person appointed to the teaching staff of a school as head teacher, and includes a

(19) S.I. 1999/2166, as amended by S.I. 2002/2704, 2001/1391, 2001/2896 and 2001/3737. These Regulations have been revoked by S.I. 2003/1662 and 2003/3139.

(20) S.I. 1999/2817. Schedule 2 was revoked by S.I. 2004/1744.

person appointed as acting head teacher to carry out the functions of a head teacher pursuant to section 35(3) or 36(3) of the Act but not a teacher who is assigned and carries out duties of a head teacher without being so appointed;

"head teacher" and "deputy head teacher" mean, in relation to Wales, a qualified teacher appointed to the post of head teacher and deputy head teacher respectively in a school, and include a teacher appointed as acting head teacher or deputy head teacher pursuant to section 54 or 55 of, or paragraph 4 of Schedule 16 or paragraph 5 of Schedule 17 to, or regulations made under section 72 of, the School Standards and Framework Act 1998[(21)] but not a teacher who is assigned and carries out duties of a head teacher or deputy head teacher without being so appointed;

"hearing impaired" means deaf or partially hearing;

"individual school range" means the head teacher's pay range determined in accordance with paragraph 12;

"Induction Regulations" means the Education (Induction Arrangements for School Teachers) (England) Regulations 2012[(22)] or the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2005[(23)], as amended from time to time;

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

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

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

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

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

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(21) 1998 (c.31.)
(22) S.I. 2012/1115.
(23) S.I. 2005/1818 (W.146), as amended by S.I. 2007/2811 and S.I. 2012/1675.

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

"the Outer London Area" means the area comprising the areas of the London boroughs of Barnet, Bexley, Bromley, Croydon, Enfield, Harrow, Havering, Hillingdon, Hounslow, Kingston-upon-Thames, Redbridge, Richmond-upon-Thames, Sutton and Waltham Forest;

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

(a) (i) in accordance with an earlier Document, has been assessed as having met the performance threshold standards throughout the relevant period in accordance with an earlier Document; or

(ii) in accordance with any of the Documents published between 2007 and 2011 has satisfied the person to whom the task has been delegated that the teacher meets the core standards and has been assessed by that person as having met the post-threshold teacher standards throughout the relevant period;

(iii) in accordance with this Document has satisfied the person to whom the task has been delegated that the teacher meets the Teachers' Standards; or has been assessed by the person as having met the Teachers' Standards, and the post-threshold teacher standards;

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

(c) has held an advanced skills teacher post;

(d) has been certified by an assessor appointed by the Secretary of State as meeting the standards set out in Annex 2 of an earlier Document or the advanced skills teacher standards but who has not been appointed to an advanced skills teacher's post, and would otherwise have been placed on point M6 of the pay scale;

(e) at any time has been employed as a qualified teacher-

(i) in an MOD school;

(ii) by an Education Action Forum;

(iii) at an Academy, city technology college or city college for the technology of the arts;

(iv) at a non-maintained special school;

(v) in an establishment maintained by a local authority in the exercise of a social services function; or

(vi) by a person appointed in accordance with a direction made by the Secretary of State under section 497A of the Education Act 1996 to perform the functions of an authority and who immediately before such employment was employed by that authority;

and whilst employed as such was assessed as meeting all the threshold standards throughout the relevant period provided that, at the date of application, the teacher had completed five years of employment (interpreted in accordance with paragraph 1.8) as a qualified teacher;

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

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

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

(i) has been employed as a qualified teacher otherwise than by a relevant body and during such employment was assessed as meeting all the threshold standards and the assessment was approved by an assessor appointed under arrangements made for that purpose by the Secretary of State;

"post-threshold teacher standards" means the professional standards which a post-threshold teacher is required to meet, as set out in Annex 1, where each post-threshold teacher standard is prefixed by the letter 'P';

"preliminary stage" means any period of schooling prior to the first key stage;

"pupil referral unit" has the meaning given to that expression in

section 19(2) of the Education Act 1996[24];

"qualified teacher" means a person who satisfies requirements specified in regulations under section 132 of the Act[25];

"registered teacher" means in relation to England a teacher who has been granted an authorisation to teach in accordance with paragraphs 12 to 18 of Schedule 2 to the Education (Teachers' Qualifications and Health Standards) (England) Regulations 1999[26] before 1st September 2002, or, in relation to Wales, paragraphs 12 to 18 of Schedule 2 to the Education (Teachers' Qualifications and Health Standards)(Wales) Regulations 1999[27] before 1st September 2004;

"relevant body" means-

(a) in the case of a teacher at a school without a delegated budget, the authority by which that school is maintained;

(b) in the case of a teacher at a school which has a delegated budget, the governing body of that school; and

(c) in the case of an unattached teacher, the authority by which the teacher is employed;

"relevant period" means-

(a) in the case of teachers subject to the 2002 or 2011 Regulations, the two year period immediately preceding the date of the application for assessment against the post-threshold teacher standards;

(b) in the case of teachers subject to the 2006 or 2012 Regulations, the two year period covered by the teacher's most recent appraisals or performance management reviews preceding the date of the application for assessment against the post-threshold teacher standards; or

(c) in the case of teachers who have not been engaged in the provision of education to children of school age throughout the relevant period as defined in (a) or (b), the most recent aggregate period of two years when they were so engaged in the five years immediately preceding the date of the application;

and a "year" for these purposes is defined in accordance with the definition of "year of employment" in paragraph 1.8(a);

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(24) 1996 (c.56.)

(25) S.I.2003/1662, as amended by S.I. 2007/2782 (in relation to England) and S.I. 2012/724 (in relation to Wales).

(26) S.I. 1999/2166, revoked by S.I. 2003/3139.

(27) S.I. 1999/2817, Schedule 2 of which was revoked by S.I. 2004/1744.

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

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

"school causing concern" means a school to which section 15 of the School Standards and Framework Act 1998[(28)] applies by virtue of subsection (1) (school subject to a formal warning), (4) (school requiring significant improvement) or (6) (school requiring special measures);

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

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

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

"SEN allowance" means a special educational needs allowance awarded to a classroom teacher in accordance with paragraph 25;

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

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

"Swiss Agreement" means the Agreement, made between the European Community and its Member States of the one part and the Swiss Confederation of the other, on the Free Movement of Persons signed at Luxembourg on 21st June 1999[(29)] and which came into force on 1st June 2002;

"teacher" means, except where otherwise stated, a teacher who is a school teacher within the meaning of section 122 of the Act;

"teacher in further or higher education" means a teacher who is-

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(28) 1998 (c.31), as amended by the Learning and Skills Act 2000 (c. 21), and by section 55 of the Act, the Education Act 2005 (c.18), the Education and Inspections Act 2006 (c.40) and the Apprenticeships, Skills, Children and Learning Act 2009 (c.22).

(29) Cmnd. 4904.

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

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

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

"teacher who has met the Northern Ireland threshold standards" means a teacher who was entitled to be paid on the teachers' upper salary spine as determined by the Department of Education of Northern Ireland under article 69(1) and (6) of the Education and Libraries (Northern Ireland) Order 1986[30];

"teacher who has met the sixth form college standards" means a teacher who was entitled to the Professional Standards Payment managed by the Sixth Form Colleges' Forum;

"Teachers' Standards" in England means the new Teachers' Standards set out in Annex 2, which (from the date of this Document onwards), all post-threshold teachers, excellent teachers and advanced skills teachers are required to meet[31]. In Wales the equivalent of the Teachers' Standards are the Practising Teacher Standards, as determined by the Welsh Government as set out in Annex 2 of this Document and which can be accessed via the Welsh Government's website[32];

"the 1988 Document" means the document published by Her Majesty's Stationery Office entitled "School Teachers' Pay and Conditions Document 1988[33]";

"the 1993 Document" means the document published by Her Majesty's Stationery Office entitled "School Teachers' Pay and Conditions Document 1993"[34] and includes that document as amended by the Education (School Teachers' Pay and Conditions) Order 1994[35];

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

(31) The Teachers' Standards also apply to main scale teachers in England. With the exception of teachers who are qualified teachers by virtue of holding and maintaining Qualified Teacher Learning and Skills (QTLS) status, all teachers subject to the Education (School Teachers' Appraisal) (England) Regulations 2012 must have their performance assessed against the Teachers' Standards. The definition of Teachers' Standards in this Document does not include main scale teachers because all references to the Teachers' Standards in the Document are made in the context of applications for assessment against the post-Threshold, Excellent Teacher and Advanced Skills Teacher standards.

(32) http://wales.gov.uk/topics/educationandskills/publications/circulars/practitioners/?lang=en

(33) ISBN 0 11 270654 1.

(34) ISBN 0 11 270843 9.

(35) S.I. 1994/910.

"the 1999 Document" means the document published by Her Majesty's Stationery Office entitled "School Teachers' Pay and Conditions Document 1999"[36] and includes that document as amended by the Education (School Teachers' Pay and Conditions) Order 2000[37];

"the 2000 Document" means the document published by Her Majesty's Stationery Office entitled "School Teachers' Pay and Conditions Document 2000"[38] and includes that document as amended by the Education (School Teachers' Pay and Conditions) (No.3) Order 2000[39], the Education (School Teachers' Pay and Conditions) (No.4) Order 2000[40], the Education (School Teachers' Pay and Conditions) Order 2001[41], the Education (School Teachers' Pay and Conditions)(No.2) Order 2001[42] and the Education (School Teachers' Pay and Conditions)(No.3) Order 2001[43];

"the 2001 Document" means the document published by Her Majesty's Stationery Office entitled "School Teachers' Pay and Conditions Document 2001"[44] and includes that document as amended by the Education (School Teachers' Pay and Conditions)(No.6) Order 2001[45], the Education (School Teachers' Pay and Conditions)(No.7) Order 2001[46] and the Education (School Teachers' Pay and Conditions) Order 2002[47];

"the 2004 Document" means the document published by Her Majesty's Stationery Office entitled "School Teachers' Pay and Conditions Document 2004"[48] and includes that document as amended by the Education (School Teachers' Pay and Conditions) Order 2005[49] and the Education (School Teachers' Pay and Conditions) (No. 2) Order 2005[50];

"the 2005 Document" means the document published by Her Majesty's Stationery Office entitled "School Teachers' Pay and Conditions Document 2005"[51] and includes that document as amended by the Education (School Teachers' Pay and

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(36) ISBN 0 11 271069 7.
(37) S.I. 2000/868; revoked by S.I. 2000/2321.
(38) ISBN 011 2710905.
(39) S.I. 2000/2321; revoked by S.I. 2001/2962.
(40) S.I. 2000/3106; revoked by S.I. 2001/2962.
(41) S.I. 2001/720; revoked by S.I. 2001/2962.
(42) S.I. 2001/1254; revoked by S.I. 2001/2962.
(43) S.I. 2001/1284; revoked by S.I. 2001/2962.
(44) ISBN 011 2711073.
(45) S.I. 2001/3243; revoked by S.I. 2002/2223.
(46) S.I. 2001/3435; revoked by S.I. 2002/2223.
(47) S.I. 2002/838; revoked by S.I. 2002/2223.
(48) ISBN 011 2711634.
(49) S.I. 2005/539; revoked by S.I. 2005/2212.
(50) S.I. 2005/1101; revoked by S.I. 2005/2212.
(51) ISBN 011 2711634.

Conditions) (No.4) Order 2005[52] and the Education (School Teachers' Pay and Conditions) Order 2006[53];

"the 2006 Document" means the document published by Her Majesty's Stationery Office entitled "School Teachers' Pay and Conditions Document 2006"[54] as amended by the Education (School Teachers' Pay and Conditions) (No. 2) (Amendment) Order 2006[55] and the Education (School Teachers' Pay and Conditions) (No. 2) (Amendment) Order 2007[56];

"the 2007 Document" means the document published by Her Majesty's Stationery Office entitled "School Teachers' Pay and Conditions Document 2007"[57];

"the 2008 Document" means the document published by Her Majesty's Stationery Office entitled "School Teachers' Pay and Conditions Document 2008";[58]

"the 2009 Document" means the document published by Her Majesty's Stationery Office entitled "School Teachers' Pay and Conditions Document 2009";[59]

"the 2010 Document" means the document published by Her Majesty's Stationery Office entitled "School Teachers' Pay and Conditions Document 2010";[60]

"the 2011 Document" means the document published by Her Majesty's Stationery Office entitled "School Teachers' Pay and Conditions Document 2011";[61]

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

"TLR" means a teaching and learning responsibility payment awarded to a classroom teacher in accordance with paragraph 21;

"unattached teacher" means-

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

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(52) S.I. 2005/3479; revoked by S.I. 2006/2133.
(53) S.I. 2006/1274; revoked by S.I. 2006/2133.
(54) ISBN 0-11-271188-X.
(55) S.I. 2006/3171; revoked by S.I. 2007/2282.
(56) S.I. 2007/1688; revoked by S.I. 2007/2282.
(57) ISBN 978-0-11271194-0.
(58) ISBN 978-0-11-271198-8.
(59) ISBN 978-0-11-271199-5
(60) ISBN 978-0-11-271200-8 as amended by S.I. 2011/192
(61) ISBN 978-0-11-271220-6

(b) a teacher employed otherwise than at a school; or

(c) in Parts 2 to 7, a teacher at a pupil referral unit (including a teacher in charge);

"unqualified teacher" means a teacher who is not a qualified teacher and who is prescribed by Order under section 122(5) of the Act as a school teacher for the purposes of that section[62];

"unlawful discrimination" means, in relation to excellent teacher or advanced skills teacher assessments, any discrimination against a teacher by an assessor, which if the assessor were the relevant body would constitute unlawful discrimination, and "unlawfully discriminate" must be construed accordingly;

"visually impaired" means blind or partially sighted.

1.3 The Interpretation Act 1978[63] applies to the interpretation of this Document as if it were an Order made under the Act.

1.4 Where, by or in consequence of a structural or boundary change (or both such changes) as defined in section 14 of the Local Government Act 1992[64] effected by an order made under section 17 of that Act (as amended), an authority ("the transferor authority") ceases to exercise the functions of an authority in relation to an area and such functions are thereafter exercisable by another authority ("the transferee authority") in relation to that area, the transferor authority and the transferee authority must be regarded, in this Document, as the same authority.

1.5 Where, by virtue of the Local Government (Wales) Act 1994[65], the functions of an abolished authority ("the old authority") under the Education Acts in relation to an area are vested in a new authority in relation to that area ("the new authority"), the old authority and the new authority must be regarded, in this Document, as the same authority.

1.6 Where a table containing a pay scale, pay spine or salary range contains four columns of annual salaries, the column headed "England and Wales (excluding the London Area)" applies to teachers serving in England and Wales except those serving in the London Area, and the column headed "Inner London Area" applies to teachers serving in the Inner London Area, the column headed "Outer London Area" applies to teachers serving in the Outer London Area and the column headed "Fringe Area" applies to teachers serving in the Fringe Area.

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(62) S.I. 2003/1709.
(63) 1978 (c.30.)
(64) 1992 (c.19.)
(65) 1994 (c.19.)

1.7 An unqualified teacher who is a head teacher must be treated as a qualified teacher for the purposes of Parts 2 and 3 of this Document.

1.8 For the purposes of paragraph (e) of the definition of post-threshold teacher and paragraphs 18, 19.4.2, 26.2.1(b), 33.1(b), 34.4(a) and 35.7(b), and for the purposes of the definition of "the relevant period" in paragraph 1.2 -

(a) a person has completed a "year of employment" if the person has completed periods of employment amounting to at least twenty-six weeks in aggregate within the previous school year, in the case of paragraphs 18, 26.2.1(b) and 33.1(b) or within the previous twelve months in the case of paragraphs 19.4.2 and 34.4(a). For these purposes, a period of employment runs from the beginning of the week in which the employment commences to the end of the week in which the employment is terminated and includes any holiday periods and any periods of absence from work in consequence of sickness or injury, whether the person's service during that period has been full-time or part-time or regular or otherwise;

(b) where a person is absent from work-

(i) in exercise of her right to maternity leave conferred by section 71 or 73 of the ERA 1996[66] or her contract of employment and has the right to return to work by virtue of those sections or her contract of employment; the right to parental leave conferred by section 76 of the ERA 1996; the right to paternity leave conferred by section 80A, 80AA, 80B or 80BB of the ERA 1996[67]; or the right to adoption leave conferred by section 75A or 75B of the ERA 1996[68]; or

[66] 1996 (c.18.) Sections 71 and 73 were both amended by section 17 of the Employment Act 2002 (c.22) and further amended by paragraphs 31 and 32 of Schedule 1 to the Work and Families Act 2006 (c.18) respectively.

[67] Sections 80A and 80B were inserted by section 1 of the Employment Act 2002 (c.22) and sections 80AA and 80BB were inserted by sections 3 and 4 respectively of the Work and Families Act 2006 (c.18.).

[68] Sections 75A and 75B were inserted by section 3 of the Employment Act 2002 c. 22 and amended by paragraphs 33 and 34 of Schedule 1 to the Work and Families Act 2006 (c. 18) respectively.

(ii) because of her pregnancy;

the period of absence counts towards the period of service of at least twenty-six weeks referred to in paragraph (a); and

(c) where a person is absent from work for any reason other than as specified in paragraph 1.8(a) or (b), the relevant body may determine that the period of absence counts as if the person was in employment during it.

1.9 Authorities and governing bodies, in exercising functions and discretions conferred on them by this Document, and persons exercising functions under this Document in accordance with arrangements made by the Secretary of State under paragraph 29 must have regard to any relevant guidance given by the Secretary of State. In applying provisions of this Document authorities and governing bodies must have regard to any guidance about the procedure to be followed given by the Secretary of State.

1.10 Any reference to a numbered sub-paragraph is a reference to the sub-paragraph of that number in the paragraph in which that reference appears, except where otherwise stated.

PAY

PART 2 - GENERAL

Entitlement to salary and allowances

2.1 Subject to paragraphs 40, 41, 43 and 46-

(a) a qualified teacher in full-time service is entitled to remuneration consisting of a salary determined under Part 3 or 4 and any allowances payable under Part 4, 6 or 7; and

(b) an unqualified teacher in such service is entitled to remuneration consisting of a salary determined under Part 5 and any allowances payable under that Part or Part 7.

2.2 The relevant body must determine that a graduate teacher, a registered teacher or a teacher on the employment-based teacher training scheme is to-

(a) be paid and be eligible for allowances as a qualified teacher; or

(b) be paid and be eligible for allowances as an unqualified teacher.

2.3 A teacher employed on a part-time basis is entitled to remuneration consisting of a salary and any allowances to which the teacher is entitled calculated in accordance with paragraph 46.

2.4 A teacher employed in a school which has a delegated budget is entitled to be paid by the authority any remuneration to which the teacher is entitled by virtue of the provisions of this Document or any determinations made under it.

Pay policy and grievance procedures

3.1 The relevant body must-

(a) adopt a policy that sets out the basis on which it determines teachers' pay and the date by which it will determine the teachers' annual pay review; and

(b) establish procedures for addressing teachers' grievances in relation to their pay in accordance with the Acas Code of Practice.

Timing of salary determination and notification

4.1 Subject to paragraph 4.3, the determination of the remuneration of

a teacher must be made-

(a) annually with effect from 1st September;

(b) whenever a teacher takes up a new post (including taking up a post in the leadership group, as an advanced skills teacher or as an excellent teacher) on a date other than 1st September, with effect from the teacher taking up that post;

(c) where a teacher has been assessed as meeting the post-threshold teacher standards and is entitled to be paid as a post-threshold teacher pursuant to paragraph 19; or

(d) at any other time when a change falls to be made in a teacher's salary in any circumstances provided for in this Document.

4.2 When determining the remuneration of a teacher, the relevant body must have regard to its pay policy and to the teacher's particular post within its staffing structure.

4.3 Where the relevant body determines to reduce a teacher's remuneration, that determination must take effect no earlier than the date when it was actually made.

4.4 When the relevant body has determined the remuneration of a teacher, it must, at the earliest opportunity and in any event not later than one month after the determination, ensure that the teacher is notified in writing of that determination, of any payments or other financial benefits awarded under paragraph 50, of any safeguarded sums to which the teacher is entitled under paragraphs 24, 33, 36, 43, 44 and 45, where a copy of the school's staffing structure and pay policy may be inspected and-

(a) in the case where the teacher is a member of the leadership group or an advanced skills teacher, of the basis on which remuneration has been determined and the criteria (including performance objectives where the teacher is not subject to the 2002 Regulations, the 2006 Regulations, the 2011 Regulations or the 2012 Regulations) on which the salary will be reviewed in the future;

(b) in the case where the teacher was appointed as a member of the leadership group, an advanced skills teacher or an excellent teacher for a fixed period or under a fixed-term contract, of the date or, where appropriate, the circumstance, the occurrence of which will bring the fixed period or fixed-term contract to an end;

(c) in the case where the teacher is a classroom teacher or an unqualified teacher in respect of whom the relevant body has made a determination under paragraph 2.2(a), of-

(i) the number of points awarded under paragraph 17 under each criterion set out in paragraph 18 or, as the case may be, of the teacher's position on the pay scales set out in paragraph 19;

(ii) the nature and value of any allowance awarded under paragraph 25; and

(iii) in relation to any TLR awarded under paragraph 21, its value, the nature of the significant responsibility for which it was awarded and, if the award is made whilst the teacher occupies another post in the absence of a post-holder, the date on which as well as any circumstances in which (if occurring earlier than that date) it will come to an end.

(d) in the case where the teacher is an unqualified teacher to whom paragraph 4.4(c) does not apply, of-

(i) the teacher's position on the unqualified teachers' pay scale determined under paragraph 35;

(ii) the sum payable under paragraph 35(1)(b) if any; and

(iii) the value of any unqualified teacher's allowance awarded under paragraph 36 and the additional responsibility, qualifications or experience in respect of which the allowance was awarded.

4.5 In this paragraph, "remuneration" means salary plus any allowances but does not include any sum paid in respect of the award of Chartered London Teacher status or under paragraphs 48 and 49.

Teachers paid a safeguarded sum

5.1.1 Sub-paragraphs 1.2 and 1.3 apply to a teacher who is paid a safeguarded sum or safeguarded sums under paragraphs 24, 33, 36, 43, 44 and 45.

5.1.2 If the safeguarded sums exceed £500 in total, the relevant body must review the teacher's assigned duties and allocate such additional duties to the teacher as they reasonably consider are appropriate and commensurate with the safeguarded sum, for

as long as the teacher continues to be paid the safeguarded sum.

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

5.2.1 Sub-paragraph 2.2 applies to paragraphs 24, 36, 43 and 44, whenever the relevant body is required to consider whether a point of a higher value ("the new point") or an allowance (including the award of an increase in the value of an allowance made by a decision of the relevant body) ("the new allowance"), or the combined value of a new point and a new allowance, is equal to or exceeds the combined value of a previous pay point and a safeguarded sum.

5.2.2 The relevant body must take into account all the safeguarded sums to which the teacher is entitled and cease paying only the safeguarded sum or combination of safeguarded sums that is equal to or less than the total increase in the teacher's remuneration attributable to the new point or the new allowance.

5.3 For the purposes of paragraphs 24, 33, 36 and 44, the safeguarding period ends on the third anniversary of the relevant date; and in the case of a determination made by the relevant body between –

(a) 1st September and 31st December, the relevant date is 1st January immediately after the end of that period;

(b) 1st January and 31st March, the relevant date is 1st April immediately after the end of that period; and

(c) 1st April and 31st August, the relevant date is 1st September immediately after the end of that period.

PART 3 - QUALIFIED TEACHERS - LEADERSHIP GROUP PAY

Pay spine for the leadership group

6.1 A head teacher must be paid such salary based upon the leadership group pay spine set out in sub-paragraph 4 as the relevant body determines in accordance with paragraph 7.

6.2 A deputy head teacher must be paid such salary based upon the leadership group pay spine set out in sub-paragraph 4 as the relevant body determines in accordance with paragraph 13.

6.3 An assistant head teacher must be paid such salary based upon the leadership group pay spine set out in sub-paragraph 4 as the relevant body determines in accordance with paragraph 15.

6.4 The pay spine for members of the leadership group is-

Pay Spine for the Leadership Group 2012				
Spine point	***Annual Salary England and Wales (excluding the London Area)***	***Annual Salary Inner London Area***	***Annual Salary Outer London Area***	***Annual Salary Fringe Area***
	£	£	£	£
L1	37,461	44,540	40,433	38,493
L2	38,400	45,483	41,373	39,433
L3	39,358	46,445	42,328	40,391
L4	40,339	47,423	43,314	41,376
L5	41,343	48,432	44,318	42,382
L6	42,379	49,466	45,351	43,416
L7	43,521	50,610	46,496	44,560
L8	44,525	51,611	47,499	45,557
L9	45,637	52,720	48,609	46,673
L10	46,808	53,894	49,784	47,844
L11	48,024	55,104	50,993	49,056
L12	49,130	56,216	52,106	50,169
L13	50,359	57,445	53,335	51,398
L14	51,614	58,700	54,583	52,650
L15	52,900	59,980	55,869	53,930
L16	54,305	61,392	57,277	55,342
L17	55,553	62,640	58,526	56,596
L18	56,950	64,036	59,925	57,985
L19	58,362	65,448	61,338	59,398
L20	59,809	66,895	62,784	60,849
L21	61,288	68,375	64,264	62,331
L22	62,811	69,897	65,782	63,849
L23	64,367	71,447	67,338	65,400
L24	65,963	73,049	68,934	67,002
L25	67,602	74,686	70,575	68,636
L26	69,275	76,358	72,247	70,314
L27	70,991	78,072	73,962	72,025
L28	72,752	79,835	75,725	73,785
L29	74,554	81,640	77,525	75,593
L30	76,409	83,495	79,381	77,442
L31	78,298	85,384	81,274	79,336
L32	80,244	87,327	83,215	81,283
L33	82,238	89,322	85,213	83,277

L34	84,271	91,356	87,246	85,309
L35	86,365	93,451	89,337	87,404
L36	88,504	95,587	91,473	89,540
L37	90,704	97,793	93,679	91,740
L38	92,948	100,031	95,921	93,985
L39	95,213	102,296	98,185	96,246
L40	97,590	104,679	100,565	98,629
L41	100,028	107,118	103,003	101,065
L42	102,534	109,617	105,502	103,573
L43	105,097	112,181	108,070	106,137

Annual determination of a head teacher's salary

7.1 This paragraph applies for the purpose of the determination of a head teacher's salary.

7.2 For the purpose of determining the salary of a head teacher who is not subject to the 2002 Regulations, the 2006 Regulations, the 2011 Regulations or the 2012 Regulations-

(a) the relevant body and the head teacher must seek to agree performance objectives relating to school leadership and management and pupil progress, and in default of agreement the relevant body must set such performance objectives; and

(b) the relevant body must appraise the performance of the head teacher taking account of the performance objectives agreed or set under sub-paragraph 2(a).

7.3 The relevant body must determine the salary of a head teacher in accordance with the following-

(a) subject to paragraphs 44 and 45, a head teacher's salary must not be less than the minimum of the individual school range and must not exceed the maximum of the individual school range;

(b) save to the extent that movement up the pay spine is necessary to ensure that the salary of the head teacher equals the minimum of the individual school range, there must not be any movement up the pay spine unless-

(i) in the case where the head teacher is not subject to the 2002 Regulations, the 2006 Regulations, the 2011 Regulations or the 2012 Regulations, an appraisal of the head teacher's performance has been carried out under sub-paragraph 2(b) and there has been a

sustained high quality of performance, having regard to the performance objectives agreed or set under sub-paragraph 2(a); or

(ii) where the head teacher is subject to the 2002 Regulations, the 2006 Regulations, the 2011 Regulations or the 2012 Regulations, there has been a sustained high quality of performance by the head teacher, having regard to the results of the most recent appraisal carried out in accordance with the 2002, 2011 or 2012 Regulations, or the results of the most recent review carried out in accordance with the 2006 Regulations as the case may be;

(c) when making any determination under sub-paragraph 3(b) in the case of a head teacher who is subject to the 2006 Regulations or the 2012 Regulations, the relevant body must have regard to any recommendation on pay recorded in the head teacher's most recent appraisal report or planning and review statement;

(d) save to the extent that a movement up the pay spine is necessary to ensure that the salary of the head teacher equals the minimum of the individual school range, a head teacher's salary must not be increased by more than two points in the course of one school year;

(e) on appointment at a particular school, including under sub-paragraph 12.2.4, a head teacher must be paid a salary equal to the amount specified for one of the bottom four points of the individual school range;

(f) where the relevant body raises the individual school range, any performance points awarded by the relevant body for the previous year must be calculated on the basis of the lower individual school range before the head teacher's pay is assimilated onto the higher range; and

(g) where in accordance with the provisions of an earlier Document the relevant body has determined an individual school range the maximum of which exceeds the highest point on the leadership group pay spine, it must continue to determine the value of each point above the highest point for so long as that individual school range applies.

Determination of the school's head teacher group

8.1 The relevant body must assign its school to a head teacher group for the purposes of paragraph 12 in accordance with this paragraph and paragraphs 9, 10 and 11.

8.2 A school must be assigned to a head teacher group whenever the relevant body sees fit.

8.3 The head teacher groups, and pay ranges in relation thereto, are as follows-

Head Teacher Groups and Pay Ranges					
Group	***Range of spine points***	***Annual Salary Range England and Wales (excluding the London Area)***	***Annual Salary Range Inner London Area***	***Annual Salary Range Outer London Area***	***Annual Salary Range Fringe Area***
		£	£	£	£
1	L6 - L18	42,379 – 56,950	49,466 – 64,036	45,351 – 59,925	43,416 – 57,985
2	L8 - L21	44,525 – 61,288	51,611 – 68,375	47,499 – 64,264	45,557 – 62,331
3	L11 - L24	48,024 – 65,963	55,104 – 73,049	50,993 – 68,934	49,056 – 67,002
4	L14 - L27	51,614 – 70,991	58,700 – 78,072	54,583 – 73,962	52,650 – 72,025
5	L18 - L31	56,950 – 78,298	64,036 – 85,384	59,925 – 81,274	57,985 – 79,336
6	L21 - L35	61,288 – 86,365	68,375 – 93,451	64,264 – 89,337	62,331 – 87,404
7	L24 - L39	65,963 – 95,213	73,049 – 102,296	68,934 – 98,185	67,002 – 96,246
8	L28 - L43	72,752 – 105,097	79,835 – 112,181	75,725 – 108,070	73,785 – 106,137

Unit totals and head teacher groups - ordinary schools

9.1 Subject to paragraph 11, an ordinary school must be assigned to a head teacher group in accordance with the following table by reference to its total unit score calculated in accordance with sub-paragraph 2-

Total unit score	*School group*
Up to 1,000	1
1,001 to 2,200	2
2,201 to 3,500	3
3,501 to 5,000	4
5,001 to 7,500	5
7,501 to 11,000	6
11,001 to 17,000	7
17,001 and over	8

9.2 Subject to sub-paragraph 3, the total unit score must be determined in accordance with the number of pupils on the school register, calculated as follows-

Key Stage	*Units per pupil*
For each pupil in the preliminary stage and each pupil in the first or second key stage	7
For each pupil in the third key stage	9
For each pupil in the fourth key stage	11
For each pupil in the fifth key stage	13

9.3.1 The number of pupils on the school register, and the number of pupils at each key stage, must be determined by the numbers as shown on the most recent return of the Department for Education School Census, or the most recently available Welsh Government Annual School Census submitted to the Department for Education or Welsh Government respectively on behalf of the school;

9.3.2 Each pupil with a statement of special educational needs must, if in a special class consisting wholly or mainly of such pupils, be counted as three units more than the pupil would otherwise be counted as by virtue of sub-paragraph 2, and if not in such a special class be counted as three such units only where the relevant body so determines;

9.3.3 Each pupil who attends for no more than half a day on each day for which the pupil attends the school must be counted as half as many units as the pupil would otherwise be counted as under sub-paragraphs 2 or 3.2.

Unit totals and head teacher groups - special schools

10.1 Subject to paragraph 11, a special school must be assigned to a

head teacher group in accordance with the following table by reference to its modified total unit score calculated in accordance with sub-paragraphs 2 to 5-

Modified total unit score	***School group***
Up to 2,200	2
2,201 to 3,500	3
3,501 to 5,000	4
5,001 to 7,500	5
7,501 to 11,000	6
11,001 to 17,000	7
17,001 and over	8

10.2 The relevant body must calculate the proportion of staff to pupils at the school expressed as a percentage ("the staff-pupil ratio") in accordance with the following formula-

$$\frac{A}{B} \times 100$$

where A is the number of teachers and support staff weighted as provided in sub-paragraph 2.1, and B is the number of pupils at the school weighted as provided in sub-paragraph 2.2.

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

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

10.3 The relevant body must calculate the staff-pupil ratio modifier in accordance with the following table by reference to the staff-pupil ratio determined in accordance with sub-paragraph 2-

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

10.4 The relevant body must determine the school's total unit score in accordance with the number of pupils on the school register calculated as follows-

Key Stage	*Units per pupil*
For each pupil in the preliminary stage and each pupil in the first or second key stage	10
For each pupil in the third key stage	12
For each pupil in the fourth key stage	14
For each pupil in the fifth key stage	16

10.5 The relevant body must determine the school's modified total unit score by multiplying the school's total unit score determined under sub-paragraph 4 by the staff-pupil ratio modifier calculated under sub-paragraph 3.

10.6 In this paragraph-

(a) the number of pupils on the school register must be determined by the numbers as shown on the most recent return of the Department for Education School Census, or the most recently available Welsh Government Annual School Census submitted to the Department for Education or Welsh Government respectively on behalf of the school; and

(b) "support staff member" means a member of the school staff who is not-

(i) a teacher;

(ii) a person employed in connection with the provision of meals;

(iii) a person employed in connection with the security or maintenance of the school premises; or

(iv) a person employed in a residential school to supervise and care for pupils out of school hours.

Unit totals and head teacher groups - particular cases

Expected changes in number of registered pupils and teaching establishments

11.1.1 Subject to sub-paragraph 1.2, where in the case of an ordinary school the total unit score and in the case of a special school the modified total unit score is expected by the relevant body to rise or fall after the date to which the assignment refers, the relevant body may instead assign the school to the appropriate group which would result after the expected change in numbers has taken place.

11.1.2 Where the relevant body is the governing body of a school which has a delegated budget, no assignment must be made until the

authority has been consulted.

New schools

11.2.1 Subject to sub-paragraphs 2.2 and 2.3, in the case of a school which is newly opened or not yet open, the relevant body must assign the school to the group appropriate in the case of an ordinary school to the total unit score and in the case of a special school to the modified total unit score expected by the authority or, in the case of a school with a delegated budget, by the governing body after consulting the authority to be relevant not less than four years from the date of opening.

11.2.2 The relevant body must, as necessary, revise its assignment as the expectations on which its calculation was based change.

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

Determination of a school's individual school range (ISR)

12.1 The relevant body must determine a school's ISR in accordance with sub-paragraph 2.

12.2.1 The ISR must consist of seven consecutive spine points within the range specified in paragraph 8.3 in relation to the school's head teacher group ("the head teacher group range").

12.2.2 The relevant body must ensure that the minimum of the ISR:

(a) is not less than the minimum of the head teacher group range;

(b) is at least the next point higher on the leadership group scale than the maximum of the pay range of any deputy or assistant head teacher at the school; and

(c) is at least the next point higher on the leadership group scale than the salary of the highest paid classroom teacher (calculated in accordance with sub-paragraph 3);

and where the determination of the ISR would be set lower but for sub-paragraphs (b) or (c) the relevant body must set it no higher than is necessary to secure that the minimum of the ISR exceeds by one point the maximum of the deputy or assistant head teacher range or the salary of the highest paid classroom teacher (as the case may be).

12.2.3 The relevant body must ensure that the maximum of the ISR (where determined on or after 1 September 2011) does not

exceed the maximum of the head teacher group range.

12.2.4 Where the head teacher is appointed as a head teacher of more than one school on a permanent basis the relevant body of the head teacher's original school or, under the Collaboration Regulations[69], the collaborating body, must determine the ISR by the application of the total unit score of all of the schools calculated in accordance with paragraphs 9, 10 and 11.

12.3.1 For the purpose of determining the ISR, a deputy head teacher's pay range or an assistant head teacher's pay range, the relevant body must calculate the salary of the highest paid classroom teacher in accordance with sub-paragraph 3.2.

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

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

(b) the value of any TLR awarded to the highest paid classroom teacher at the school under paragraph 21; and

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

12.3.3 In sub-paragraph 3.2, the highest paid classroom teacher at the school is the classroom teacher with the highest allowance total, being the total value of any TLR or SEN allowance awarded.

12.3.4 The calculation of the salary of the highest paid classroom teacher for the purpose of Part 3 is a notional calculation and must not affect the salary entitlement of such a teacher.

Determination of discretionary payments to head teachers

12.4.1 Subject to sub-paragraph 4.2, the relevant body may determine that additional payments be made to a head teacher in accordance with paragraphs 48, 49, 50 or in the circumstances set out in sub-paragraph 5, provided in each case that the relevant body has not previously taken such reason or circumstance into account when determining the ISR under an earlier Document.

12.4.2 Subject to sub-paragraph 6.1, the total sum of payments made to a head teacher in accordance with sub-paragraph 4.1 in any school year must not exceed 25 per cent of the amount that corresponds to that head teacher's point on the leadership group pay spine.

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(69) The School Governance (Collaboration) (England) Regulations 2003 S.I. 2003/1962 and The Collaboration Between Maintained Schools (Wales) Regulations 2008/168

12.5 The circumstances referred to in sub-paragraph 4.1 are those where-

(a) the school is a school causing concern;

(b) without such additional payment the relevant body considers that the school would have substantial difficulty filling the vacant head teacher post;

(c) without such additional payment the relevant body considers the school would have substantial difficulty retaining the existing head teacher; or

(d) the head teacher is appointed as a temporary head teacher of one or more additional schools.

12.6.1 Sub-paragraph 4.2 does not apply to additional payments made in accordance with:

(a) paragraph 48 where those residential duties are a requirement of the post; or

(b) paragraph 50 to the extent that the payment is in respect of relocation expenses which relate solely to the personal circumstances of that head teacher.

12.6.2 The relevant body may determine that additional payments be made to a head teacher which exceed the limit set out in sub-paragraph 4.2 in wholly exceptional circumstances and with the agreement of the governing body. The governing body must seek external independent advice before providing such agreement.

Annual determination of a deputy head teacher's salary

13.1 This paragraph applies for the purpose of determining a deputy head teacher's salary.

13.2 For the purpose of determining the salary of a deputy head teacher who is not subject to the 2002 Regulations, the 2006 Regulations, the 2011 Regulations or the 2012 Regulations-

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

13.2.2 the relevant body must appraise the performance of the deputy head teacher having regard to the performance objectives agreed or set under sub-paragraph 2.1.

13.3 The relevant body must determine the salary of a deputy head teacher in accordance with the following-

(a) save to the extent that a movement up the pay spine is necessary to ensure that the salary of the deputy head teacher equals the minimum of the deputy head teacher pay range determined for that person in accordance with paragraph 14 ("the relevant deputy head teacher pay range"), there must not be any movement up the pay spine unless-

(i) in the case where the deputy head teacher is not subject to the 2002 Regulations, the 2006 Regulations, the 2011 Regulations or the 2012 Regulations, an appraisal of the deputy's performance has been carried out under sub-paragraph 2.2 and there has been a sustained high quality of performance, having regard to the performance objectives agreed or set under sub-paragraph 2.1; or

(ii) where the deputy head teacher is subject to the 2002 Regulations, the 2006 Regulations, the 2011 Regulations or the 2012 Regulations, there has been a sustained high quality of performance by the deputy, having regard to the results of the most recent appraisal carried out in accordance with the 2002, the 2011 or the 2012 Regulations, or the results of the most recent review carried out in accordance with the 2006 Regulations as the case may be;

(b) when making any determination under paragraph (a) in the case of a deputy head teacher who is subject to the 2006 or 2012 Regulations, the relevant body must have regard to any recommendation on pay recorded in the teacher's most recent appraisal report or planning and review statement;

(c) a deputy head teacher's salary must not be less than the minimum of the relevant deputy head teacher pay range and must not exceed the maximum of that range;

(d) save to the extent that a movement up the pay spine is necessary to ensure that the salary of the deputy head teacher equals the minimum of the relevant deputy head

teacher pay range, the deputy's salary must not be increased by more than two points in the course of one school year;

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

13.4 On appointment at a particular school a deputy head teacher must be paid a salary equal to the amount specified for one of the bottom three points of the relevant deputy head teacher pay range.

Determination of a deputy head teacher's pay range

14.1.1 The relevant body must determine a deputy head teacher pay range for each deputy head teacher in accordance with sub-paragraph 2.

14.1.2 A deputy head teacher's pay range must consist of five consecutive spine points on the leadership group pay spine.

14.2.1 When a deputy head teacher's pay range is determined pursuant to sub-paragraph 1.1, the relevant body must ensure that the minimum of the deputy head teacher's pay range is not less than the next leadership group pay spine point above-

(a) the salary of the highest paid classroom teacher (calculated in accordance with paragraph 12.3); and

(b) the minimum of the assistant head teacher's pay range of the highest paid assistant head teacher at the school.

14.2.2 When a deputy head teacher's pay range is determined pursuant to sub-paragraph 1.1, the relevant body must ensure that the maximum of the deputy head teacher's pay range does not equal or exceed the minimum of the individual school range.

14.2.3 Where there is insufficient space on the leadership group pay spine to accommodate a deputy head teacher's pay range of five points between the salary of the highest paid classroom teacher or the minimum of an assistant head teacher pay range and the minimum of the individual school range, the individual school range must be raised to the extent necessary to accommodate the deputy head teacher's pay range.

14.2.4 Subject to sub-paragraphs 2.1 and 2.3, the relevant body must not determine a deputy head teacher's pay range at so high a level that they are required by virtue of any other provision of this

Document to raise the individual school range beyond the maximum of the head teacher group range.

Annual determination of an assistant head teacher's salary

15.1 This paragraph applies for the purpose of determining an assistant head teacher's salary.

15.2 For the purpose of determining the salary of an assistant head teacher who is not subject to the 2002 Regulations, the 2006 Regulations, the 2011 Regulations or the 2012 Regulations-

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

(b) the relevant body must appraise the performance of the assistant head teacher taking account of the performance objectives agreed or set under sub-paragraph 2(a).

15.3 The relevant body must determine the salary of an assistant head teacher in accordance with the following-

(a) save to the extent that a movement up the pay spine is necessary to ensure that the salary of the assistant head teacher equals the minimum of the assistant head teacher pay range determined for that person in accordance with paragraph 16 ("the relevant assistant head teacher pay range"), there must not be any movement up the pay spine unless-

(i) in the case where the assistant head teacher is not subject to the 2002 Regulations, the 2006 Regulations, the 2011 Regulations or the 2012 Regulations, an appraisal of the assistant's performance has been carried out under sub-paragraph 2(b) and there has been a sustained high quality of performance, having regard to the performance objectives agreed or set under sub-paragraph 2(a); or

(ii) where the assistant head teacher is subject to the 2002 Regulations, the 2006 Regulations, the 2011 Regulations or the 2012 Regulations, there has been a sustained high quality of performance by the assistant, having regard to the results of the most recent appraisal carried out in accordance with the 2002, 2011 or 2012 Regulations, or the results of the

most recent review carried out in accordance with the 2006 Regulations as the case may be;

(b) when making any determination under paragraph (a) in the case of an assistant head teacher who is subject to the 2012 Regulations, the relevant body must have regard to any recommendation on pay recorded in the teacher's most recent appraisal report or planning and review statement;

(c) an assistant head teacher's salary must not be less than the minimum of the relevant assistant head teacher's pay range and must not exceed the maximum of that range;

(d) save to the extent that a movement up the pay spine is necessary to ensure that the salary of the assistant head teacher equals the minimum of the relevant assistant head teacher pay range, the assistant's salary must not be increased by more than two points in the course of one school year;

(e) where the relevant body raises an assistant head teacher's pay range, any performance points awarded by the relevant body for the previous year must be calculated on the basis of the lower pay range before the assistant head teacher's pay is assimilated onto the higher pay range.

15.4 On appointment at a particular school an assistant head teacher must be paid a salary equal to the amount specified for one of the bottom three points of the relevant assistant head teacher pay range.

Determination of an assistant head teacher's pay range

16.1.1 The relevant body must determine an assistant head teacher pay range for each assistant head teacher in accordance with sub-paragraph 2.

16.1.2 An assistant head teacher's pay range must consist of five consecutive spine points on the leadership group pay spine.

16.2.1 When an assistant head teacher's pay range is determined pursuant to sub-paragraph 1.1, the relevant body must ensure that the minimum of the assistant head teacher's pay range is not less than the next leadership group pay spine point above the salary of the highest paid classroom teacher (calculated in accordance with paragraph 12.3).

16.2.2 When an assistant head teacher's pay range is determined pursuant to sub-paragraph 1.1, the relevant body must ensure that the maximum of the assistant head teacher's pay range does not

equal or exceed-

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

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

16.2.3 Where there is insufficient space on the leadership group pay spine to accommodate an assistant head teacher's pay range of five points between the salary of the highest paid classroom teacher and the minimum of the individual school range and where applicable, in addition to accommodate a deputy head teacher pay range of any deputy head teacher at the school in accordance with paragraphs 14.2.1 and sub-paragraph 2.2(b) the individual school range must be raised to the extent necessary to accommodate the assistant head teacher's pay range.

16.2.4 Subject to sub-paragraphs 2.1 and 2.3, the relevant body must not determine an assistant head teacher's pay range at so high a level that it is required by virtue of any other provision of this Document to raise the individual school range beyond the maximum of the head teacher group range.

PART 4 - OTHER QUALIFIED TEACHERS

Pay scale for classroom teachers

17.1 This paragraph and paragraph 18 apply to a classroom teacher who is not a post-threshold teacher, and references to "classroom teacher" in this paragraph and paragraph 18 must be construed accordingly.

17.2 A classroom teacher must be paid such salary based on the pay scale set out in sub-paragraph 3 as the relevant body determines in accordance with sub-paragraph 4 and paragraph 37.

17.3 The pay scale for classroom teachers is-

Pay Scale for Classroom Teachers (Main scale) 2012				
Scale point	***Annual Salary England and Wales (excluding the London Area)***	***Annual Salary Inner London Area***	***Annual Salary Outer London Area***	***Annual Salary Fringe Area***
	£	£	£	£
1	21,588	27,000	25,117	22,626
2	23,295	28,408	26,674	24,331
3	25,168	29,889	28,325	26,203
4	27,104	31,446	30,080	28,146
5	29,240	33,865	32,630	30,278
6	31,552	36,387	35,116	32,588

17.4 Subject to paragraphs 26 and 37, the relevant body must determine the point above the minimum point on the pay scale in sub-paragraph 3 on which each individual classroom teacher is to be placed in accordance with paragraph 18 only. If a classroom teacher is not entitled to any points in accordance with paragraph 18, the teacher must be placed at the minimum point on the pay scale.

Mandatory Points

18.1.1 The relevant body must award-

(a) the number of points awarded when the classroom teacher was first placed on the pay scale for classroom teachers in accordance with any of the Documents published between 2002 and 2011 or paragraph 26 of this Document;

(b) a point for each year of employment (interpreted in accordance with paragraph 1.8) as a classroom teacher completed since the teacher was first so placed unless notification has taken place in accordance with sub-paragraph 1.6 that the teacher's service has not been satisfactory in respect of any such year.

18.1.2 Subject to sub-paragraph 3.2, the relevant body must award a point for each year of employment as a qualified teacher-

(a) at an MOD school; or

(b) by an Education Action Forum.

18.1.3 Subject to sub-paragraph 3.2, in the case of a classroom teacher who is a qualified teacher by virtue of regulation 5(b) of, and paragraph 8 of Schedule 2 to, the Education (School Teachers' Qualifications) (England) Regulations 2003[70], or by virtue of regulation 5(a) of and paragraph 4 of Schedule 2 to, the School Teachers' Qualifications (Wales) Regulations 2012[71], the relevant body must award a point for each year of employment as a person qualified to teach school age children within state sector schools in the European Economic Area and Switzerland (other than in England and Wales).

18.1.4 Subject to sub-paragraph 3.2, in the case of a classroom teacher other than one to whom sub-paragraph 1.3 applies, the relevant body must award a point for each year of employment as a person qualified to teach school age children within state sector schools in the European Economic Area and Switzerland (other than in England and Wales).

18.1.5 The relevant body must award a point to a person appointed as a Fast Track teacher who was assessed as meeting the standards for Fast Track teachers under an earlier Document and who is first placed on the pay scale for classroom teachers under this Document.

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(70) S.I. 2003/1662, as amended by S.I. 2007/2782.
(71) S.I. 2012/724

18.1.6 Where a classroom teacher remains in service on 1st September in the school in which the teacher was employed during the previous school year, the relevant body, when considering whether or not the teacher's service has been satisfactory for the purposes of sub-paragraph 1.1(b), must seek and take into account advice from the head teacher and where the relevant body considers that such service has been unsatisfactory it must notify the teacher in writing before the end of the current school year and before the relevant body makes a determination for the purpose of sub-paragraph 1.1.

Discretionary Points

18.2.1 Subject to sub-paragraph 3.2, the relevant body may award-

(a) one point to a classroom teacher who has been notified that a year of employment has not been satisfactory, in respect of that year;

(b) one or more points for years of experience other than employment as a classroom teacher which the relevant body considers to be of value to the performance of the classroom teacher's duties;

(c) in a case to which paragraph 4.1(a) applies, one point-

(i) where the teacher is not subject to the 2002 Regulations, the 2006 Regulations, the 2011 Regulations or the 2012 Regulations, performance in the previous school year was excellent, having regard to all aspects of the teacher's professional duties, in particular, classroom teaching; or

(ii) where the teacher is subject to the 2002 Regulations, the 2006 Regulations, the 2011 Regulations or the 2012 Regulations, performance in the previous school year was excellent, having regard to the results of the most recent appraisal carried out in accordance with the 2002, 2011 or 2012 Regulations or the most recent review carried out in accordance with the 2006 Regulations, as the case may be.

18.2.2 When making any determination in accordance with sub-paragraph 2.1(c)(ii) in the case of a classroom teacher who is subject to the 2006 or 2012 Regulations, the relevant body must have regard to any recommendation on pay recorded in the teacher's most recent appraisal report or planning and review statement.

18.3.1 Points awarded under sub-paragraphs 1 or 2 must be permanent, whether the classroom teacher remains in the same post, or takes up a new one.

18.3.2 In making an award under sub-paragraph 1.2, 1.3, 1.4 or 2, the relevant body must not take into account years of employment for which the classroom teacher has previously been awarded points under sub-paragraph 1.1(a).

Post-threshold teachers

Pay scale for post-threshold teachers

19.1 A post-threshold teacher must be paid such salary based on the pay scale set out in sub-paragraph 2 or 3 as the relevant body determines, subject to sub-paragraphs 4 and 5.

19.2 The pay scale for post-threshold teachers in 2012 is-

Pay Scale for Post-Threshold Teachers 2012				
Scale point	***Annual Salary England and Wales (excluding the London Area)***	***Annual Salary Inner London Area***	***Annual Salary Outer London Area***	***Annual Salary Fringe Area***
	£	£	£	£
U1	34,181	41,497	37,599	35,218
U2	35,447	43,536	38,991	36,483
U3	36,756	45,000	40,433	37,795

19.3 The pay scale for post-threshold teachers in 2011 is-

Pay Scale for Post-Threshold Teachers 2011				
Scale point	***Annual Salary England and Wales (excluding the London Area)***	***Annual Salary Inner London Area***	***Annual Salary Outer London Area***	***Annual Salary Fringe Area***
	£	£	£	£
U1	34,181	41,497	37,599	35,218
U2	35,447	43,536	38,991	36,483
U3	36,756	45,000	40,433	37,795

19.4.1 Unless paragraph 19.4.2, 19.4.3 or 19.4.4 applies, payment is to be made on scale point U1 on the pay scale set out in sub-paragraph 2 with effect from 1st September 2013 where:

(a) in the case of a teacher subject to the 2006 or 2012 Regulations, the teacher makes an application for assessment against the post-threshold teacher standards in the school year 2012/2013 or on or before 31st October 2013 and is assessed as meeting those standards; and

(b) in any other case, the teacher makes an application for assessment against the post-threshold teacher standards in the school year 2012/2013 and is assessed as meeting those standards.

19.4.2 Payment is to be made on scale point U1 on the pay scale set out in sub-paragraph 2 with effect from 1st September 2012:

(a) if the teacher was employed as a qualified teacher otherwise than by a relevant body in the school year preceding the year in which the application was made and has completed at least six years of employment (interpreted in accordance with paragraph 1.8) as a qualified teacher at the date of application; or

(b) if the application is the teacher's first application for assessment against the post-threshold teacher standards and the teacher was placed on the leadership pay spine in any previous school year and would have been placed on point M6 of the classroom teachers' pay scale had they not been placed on the leadership pay spine.

19.4.3 Payment is to be made on scale point U1 on the pay scale set out in sub-paragraph 2 with effect from 1st September 2012 where, in the case of a teacher subject to the 2006 or 2012 Regulations who is on point M6 and was on point M6 in the school year 2011/2012, the teacher makes an application for assessment against the post-threshold teacher standards between 1st September 2012 and 31st October 2012 and is assessed as meeting those standards.

19.4.4 Payment is to be made on scale point U1 on the pay scale set out in sub-paragraph 3 with effect from 1st September 2011 until 31st August 2012, and then on the pay scale set out in sub-paragraph 2, where:

(a) in the case of a teacher subject to the 2006 or 2012 Regulations who is on point M6 and was on point M6 in the school year 2011/12, the teacher makes an application for assessment against the post-threshold teacher standards

between 1st September 2012 and 31st October 2012 and is assessed as meeting those standards and;

(b) the teacher was employed as a qualified teacher otherwise than by a relevant body in the school year 2010/2011 and has completed at least six years of employment (interpreted in accordance with paragraph 1.8) as a qualified teacher at the date of application; or

(c) the application is the teacher's first application for assessment against the post-threshold teacher standards and the teacher was placed on the leadership pay spine in the school year 2010/2011 or any previous school year, and would have been placed on point M6 had they not been placed on the leadership pay spine.

19.4.5 Paragraphs 19.4.1 to 19.4.4 are subject to paragraph 19.4.6.

19.4.6 Where a teacher makes an application for assessment against the post-threshold teacher standards but is not assessed as meeting those standards until after the threshold period in which the application was made, payment is to be made on scale point U1 with effect from the appropriate date in the Document applicable at the date of the application.

For these purposes the threshold period means the period of time in which the application for assessment against the post-threshold teacher standards must be made in accordance with the applicable Document.

19.4.7 Where a teacher who becomes a post-threshold teacher via any of the routes referred to in paragraph (b), (c), (e), (f), (g), (h) or (i) of the definition of post-threshold teacher in paragraph 1.2 becomes entitled to be paid as a post-threshold teacher (whether for the first time or a subsequent time), the relevant body must determine the point on the pay scale set out in sub-paragraph 2 or 3 on which payment is to be made.

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

(a) in the case where the post-threshold teacher is not subject to the 2002 Regulations, the 2006 Regulations, the 2011 Regulations or the 2012 Regulations, there has first been an appraisal of performance and the relevant body is satisfied that the teacher’s achievements and contribution

to the school, or to the school or schools in which the teacher previously worked, have been substantial and sustained; or

(b) in the case where the post-threshold teacher is subject to the 2002 Regulations, the 2006 Regulations, the 2011 Regulations or the 2012 Regulations, the relevant body is satisfied that the teacher's achievements and contribution to the school, or to the school or schools in which the teacher previously worked have been substantial and sustained, having regard to the results of the two most recent appraisals or reviews carried out in accordance with the 2002, the 2006, the 2011 or the 2012 Regulations, as the case may be.

19.5.2 When making any determination under sub-paragraph 5.1 in the case of a post-threshold teacher who is subject to the 2006 or 2012 Regulations, the relevant body must have regard to any recommendation on pay recorded in the teacher's most recent appraisal report or planning and review statement.

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

Assessment against post-threshold teacher standards

20.1 A qualified teacher (an "applicant") who is subject to the 2006 or 2012 Regulations may only apply in the period 1st September 2012 to 31st October 2013 to the relevant body for assessment against the post-threshold teacher standards if the applicant is on point M6 of the pay scale for classroom teachers in that period.

20.2 An applicant who is not subject to the 2006 or 2012 Regulations may only apply in the school year 2012/2013 to the relevant body for assessment against the post-threshold teacher standards if the applicant is on point M6 in the school year 2012/2013.

20.3 An application under sub-paragraph 1 or 2 may only be made once in the period referred to in the applicable sub-paragraph.

20.4 Paragraph 19.4.3 will apply to an applicant who is subject to the 2006 or 2012 Regulations, who is on point M6 and was on point M6 in the school year 2011/12 and who applies in the period 1st September 2012 to 31st October 2012 to the relevant body for assessment against the post-threshold teacher standards, provided that they have not already made such an application in the previous school year.

20.5 An applicant who is employed to teach at more than one school may not apply to the relevant body of more than one such school.

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

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

20.7 The application must contain-

(a) where the teacher is subject to the 2006 or 2012 Regulations, the results of appraisals and reviews under those Regulations covering the relevant period and a statement that the teacher wishes to be considered for assessment against the post-threshold teacher standards; or if such results are not available, a statement and summary of evidence as referred to in paragraph (d) below;

(b) where the teacher is subject to the 2002 Regulations, a statement that the teacher wishes to be considered for assessment against the post-threshold teacher standards and a summary of evidence the teacher wishes to rely on in order to demonstrate that the post-threshold teacher standards have been met throughout the relevant period;

(c) where the teacher is subject to the 2011 Regulations, the results of reviews under those Regulations covering the relevant period and a statement that the teacher wishes to be considered for assessment against the post-threshold teacher standards; or if such results are not available, a statement and summary of evidence as referred to in paragraph (d) below;

(d) where the teacher is not subject to the 2002 Regulations, the 2006 Regulations, the 2011 Regulations or the 2012 Regulations, a statement that the teacher wishes to be considered for assessment against the post-threshold teacher standards and a summary of the evidence the teacher wishes to rely on in order to demonstrate that the post-threshold teacher standards have been met throughout the relevant period.

20.8 Prior to carrying out the assessment against the post-threshold teacher standards, the person to whom the task of assessing the application has been delegated must be satisfied that the applicant meets the Teachers' Standards[72], and, in the case where the teacher is subject to the 2002 Regulations, the 2006 Regulations, the 2011 Regulations or the 2012 Regulations, the person to whom the task has been delegated must have regard to the results of the most recent appraisal carried out in accordance with the 2002, 2011 or 2012 Regulations or the most recent review carried out in accordance with the 2006 Regulations, as the case may be.

20.9 Where the person to whom the task of assessing the application has been delegated is not satisfied that the applicant meets the Teachers' Standards[73], the application must be rejected and the applicant informed, with reasons.

20.10 Where the person to whom the task of assessing the application has been delegated is satisfied that the applicant meets the Teachers' Standards[74], the assessment must be carried out against the post-threshold teacher standards.

20.11 When carrying out the assessment against the post-threshold teacher standards the person to whom the task has been delegated must have regard to-

(a) where the teacher is subject to the 2006 or 2012 Regulations, the results of the reviews or appraisals covering the relevant period, or if such results are not available, a statement and summary of evidence as referred to in sub-paragraph 7(d) above;

(b) where the teacher is subject to the 2002 Regulations, the results of the most recent appraisal under the 2002 Regulations and the evidence in the application covering the relevant period;

(c) where the teacher is subject to the 2011 Regulations, the results of the performance management reviews covering the relevant period, or if such results are not available, a statement and summary of evidence as referred to in sub-paragraph 7(d) above; and

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(72) A qualified teacher (an "applicant"), who is subject to the 2006 or 2012 Regulations and is eligible and applies to be assessed against the post-threshold standards between 1 September 2011 and 31 October 2012 using performance management evidence for a period prior to 1 September 2012 should be assessed against the Core Standards for threshold assessment purposes. The Core Standards are contained in Annex 1 of the 2011 Document and can be found on the Department's publications website: https://www.education.gov.uk/publications/.

(73) See footnote (72) above.

(74) See footnote (72) above.

(d) in any other case, the evidence cited in the application.

20.12 Having carried out the assessment under sub-paragraph 10, the person to whom the task of assessing the application has been delegated must determine whether the applicant has met the post-threshold teacher standards throughout the relevant period and inform the applicant of the decision, giving reasons if the decision is that the applicant has not met the standards.

Allowances for classroom teachers

Teaching and learning responsibility payments

21 The relevant body may award a TLR to a classroom 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 award may be while a teacher remains in the same post or occupies another post in the absence of a post-holder, in accordance with and subject to paragraph 3, and paragraphs 22 and 23.

22 Having decided to award a TLR, the relevant body must determine whether to award a first TLR ("TLR1") or a second TLR ("TLR2") and its value, in accordance with their pay policy, provided that-

(a) the annual value of a TLR1 must be no less than £7,323 and no greater than £12,393;

(b) the annual value of a TLR2 must be no less than £2,535 and no greater than £6,197; and

(c) if the relevant body awards TLRs of different annual values to two or more teachers, the minimum difference in the annual value between each award of a TLR1 is £1,500 and between each award of a TLR2 is £1,500.

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

(a) is focused on teaching and learning;

(b) requires the exercise of a teacher's professional skills and judgement;

(c) requires the teacher to lead, manage and develop a subject or curriculum area; or to lead and manage pupil development across the curriculum;

(d) has an impact on the educational progress of pupils other than the teacher's assigned classes or groups of pupils; and

(e) involves leading, developing and enhancing the teaching practice of other staff.

23.2 In addition, before awarding a TLR1, the relevant body must be satisfied that the significant responsibility referred to in paragraph 23.1 includes line management responsibility for a significant number of people.

Safeguarding

24.1 Subject to sub-paragraph 2, if the relevant body determines ("the determination"), whether as a result of a change to their pay policy or to the school's staffing structure, either-

(a) that the teacher's duties are no longer to include the significant responsibility for which the TLR was awarded; or

(b) that the teacher's significant responsibility (whether or not this has changed) merits, in accordance with their pay policy and staffing structure, a TLR of a lower annual value ("the new payment"),

it must pay the safeguarded sum.

24.2 TLRs awarded to teachers employed under a fixed-term contract or whilst they occupy another post in the absence of a post-holder must not be safeguarded after the fixed-term contract expires or after the date or the circumstance (if occurring earlier than that date) notified to the teacher pursuant to paragraph 4.4(c)(iii) occurs.

24.3 The safeguarded sum in the case of a teacher referred to in-

(a) sub-paragraph 1(a) is the value of the TLR to which the teacher was entitled immediately before the determination; and

(b) sub-paragraph 1(b) is the difference between the value of the TLR to which the teacher was entitled immediately before the determination and the new payment.

24.4 Within one month of the date of the determination, the relevant body must notify the teacher in writing of-

(a) the reason for the determination;

(b) the date on which the teacher's TLR ends and, if applicable, from which the new payment comes into effect;

(c) the value immediately before the determination of the point at which the teacher is placed on the pay scale set out either in paragraph 17.3 or in paragraph 19.2 or 19.3, taking into account the annual determination required by paragraph 4.1 ("the original salary");

(d) the safeguarded sum;

(e) (i) the date on which the safeguarding period will end (determined in accordance with paragraph 5.3);

(ii) where the safeguarded sum is paid in respect of a TLR awarded to a teacher employed under a fixed-term contract, the date on which that fixed-term contract and payment of the safeguarded sum will end; or

(iii) where the safeguarded sum is paid in respect of a TLR awarded to a teacher whilst occupying another post in the absence of a post-holder, the date or the circumstance (if occurring earlier than that date) notified to the teacher pursuant to paragraph 4.4(c)(iii) on which the award and payment of the safeguarded sum will end; and

(f) where a copy of the school's staffing structure and pay policy may be inspected.

24.5 Subject to paragraphs 5.1, 5.2 and sub-paragraphs 6 and 7, the teacher must be paid the safeguarded sum until-

(a) (i) the safeguarding period ends;

(ii) where the safeguarded sum is paid in respect of a TLR awarded to a teacher employed under a fixed-term contract, the date on which that fixed-term contract expires; or

(iii) where the safeguarded sum is paid in respect of a TLR awarded to a teacher whilst occupying another post in the absence of a post-holder, the date or the circumstance (if occurring earlier than that date)

notified to the teacher pursuant to paragraph 4.4(c)(iii) occurs;

(b) the teacher ceases to be a classroom teacher;

(c) the teacher is awarded a TLR as a result of a subsequent determination by the relevant body that equals or exceeds the combined value of the new payment (if any) and the safeguarded sum;

(d) the teacher is placed on a higher point on the pay scale set out either in paragraph 17.3 or in paragraph 19.2 or 19.3, or first becomes entitled to be paid on the pay scale set out in paragraph 19.2 or 19.3 as a result of a subsequent determination; and the combined value of that point and any new payment equals or exceeds the combined value of the original salary and the safeguarded sum; or

(e) the teacher's employment at the school ends other than in circumstances to which paragraph 42 or 43 applies;

whichever is the first to occur.

24.6 The safeguarded sum must be reduced by the value of any subsequent TLR awarded to the teacher by the relevant body from time to time and in the case where the subsequent TLR is awarded to a teacher whilst occupying another post in the absence of a post-holder, restored upon the expiry of the period of that award, unless, in the meantime, any of the events specified in sub-paragraph 5 occurs.

24.7 Payment of the safeguarded sum must be discontinued whilst the teacher occupies a post as a member of the leadership group, as an advanced skills teacher or as an excellent teacher in the absence of a post-holder but reinstated thereafter, unless, in the meantime, any of the events specified in sub-paragraph 5 occurs.

Special educational needs allowance

25.1 A SEN allowance of no less than £2001 and no more than £3954 per annum is payable to a classroom teacher in accordance with this paragraph.

25.2 The relevant body must award a SEN allowance to a classroom teacher-

(a) in any SEN post that requires a mandatory SEN qualification[75];

(b) in a special school;

(c) who teaches pupils in one or more designated special classes or units in a school or, in the case of an unattached teacher, in a local authority unit or service;

(d) in any non-designated setting (including any PRU) that is analogous to a designated special class or unit, where the post -

(i) involves a substantial element of working directly with children with special educational needs;

(ii) requires the exercise of a teacher's professional skills and judgement in the teaching of children with special educational needs; and

(iii) has a greater level of involvement in the teaching of children with special educational needs than is the normal requirement of teachers throughout the school or unit within the school or, in the case of an unattached teacher, the unit or service.

25.3 Where a SEN allowance is to be paid, the relevant body must determine the spot value of the allowance, taking into account the structure of the school's SEN provision and the following factors-

(a) whether any mandatory qualifications are required for the post;

(b) the qualifications or expertise of the teacher relevant to the post; and

(c) the relative demands of the post.

25.4 The relevant body must set out in its pay policy the arrangements for rewarding classroom teachers with SEN responsibilities.

25.5 Where a teacher is in receipt of a SEN allowance awarded under an earlier Document, the relevant body must–

[75] The Education (School Teachers' Qualifications) (England) Regulations 2003 and The Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999.

(a) determine whether the teacher remains entitled to a SEN allowance in accordance with sub-paragraph 2; and

(b) if so, determine the amount of that allowance in accordance with sub-paragraph 3.

Safeguarding

25.6 Where the teacher is no longer entitled to a SEN allowance following the determination under sub-paragraph 5(a) or where the value of the SEN allowance payable following any determination of the amount of the SEN allowance under sub-paragraph 5(b) ("the new allowance") is lower than the value of the SEN allowance to which the teacher was entitled immediately prior to that determination ("the old allowance"), the relevant body must pay the teacher the safeguarded sum.

25.7 The safeguarded sum is the difference between the value of the old allowance and the value of the new allowance or, in the case where the teacher is no longer entitled to a SEN allowance, the value of the old allowance.

25.8 Where a safeguarded sum is payable under sub-paragraph 6, the relevant body must notify the teacher in writing, within one month of the determination, of-

(a) the reason for the determination;

(b) the value of the old allowance and the value of the new allowance (if any);

(c) the safeguarded sum;

(d) that the old allowance is to be replaced with the new lower allowance (or in the case where the teacher is no longer entitled to a SEN allowance, no allowance);

(e) the latest date on which safeguarding will end; and

(f) the details of where a copy of its pay policy may be inspected.

25.9 The teacher must be paid the safeguarded sum until-

(a) 31st August 2013;

(b) the date on which the teacher is awarded a SEN allowance as a result of a subsequent determination by the relevant body that equals or exceeds the combined value of the new allowance (if any) and the safeguarded sum;

(c) the teacher ceases to be a classroom teacher;

(d) the teacher is awarded a TLR as a result of a subsequent determination by the relevant body that equals or exceeds the value of the safeguarded sum;

(e) the teacher is placed on a higher point on the pay scale set out in paragraph 17.3, 19.2 or 19.3 or first becomes entitled to be paid on the pay scale set out in paragraph 19.2 or 19.3 as a result of a subsequent determination; and the combined value of that point and any allowances equals or exceeds the combined value of the original salary, the new allowance (if any) and the safeguarded sum; or

(f) the date on which the teacher's employment at the school ends, other than in circumstances to which paragraph 43 applies,

whichever is the first to occur.

25.10 Payment of the safeguarded sum must be-

(a) discontinued in the case where the teacher occupies a post-

(i) as a member of the leadership group,

(ii) as an advanced skills teacher,

(iii) as an excellent teacher; or

(iv) which attracts a TLR which is equal to or exceeds the value of the safeguarded sum,

in the absence of a post-holder; and

(b) reinstated thereafter unless, in the meantime, any of the events specified in sub-paragraph 9 occurs.

Second or subsequent appointment

26.1 A classroom teacher taking up an appointment on or after 1st September 2012, which is the teacher's second or subsequent one as such (whether or not after a break in service and whether on a full-time, part-time, regular, day to day or short term basis), who has not previously been placed on the pay scale for classroom teachers in accordance with any of the Documents published between 2002 and 2011, must be placed on a point determined in accordance with sub-paragraphs 2 and 3.

26.2.1 Subject to sub-paragraph 3, a teacher who was last paid as a qualified teacher under the provisions of any of the Documents published between 1993 and 2001, is entitled to-

(a) the equivalent point on the pay scale set out in paragraph 17.3, ascertained in accordance with the following table;

1993 to 1998 Documents and 1999 Document before its amendment by S.I.2000/868 (1st September 1999 to 31st March 2000)- minimum number of points	***1999 Document after its amendment by S.I. 2000/868 (1st April 2000 to 31st August 2000)- minimum number of points***	***Point on pay scales in 2000 and 2001 Documents- Point on pay scale in paragraph 17.3 of 2000 Document, 15.3 of 2001 Document***	***Scale point on pay scale to which teacher assimilates***
0	0	1	M1
1	0	1	M1
2	1	2	M1
3	2	3	M2
4	3	4	M3
5	4	5	M3
6	5	6	M4
7	6	7	M5
8	7	8	M6
9	8	9	M6

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

(c) at the relevant body's discretion, one or more points for years of experience other than employment as a classroom teacher which the relevant body considers to be of value to the classroom teacher's duties.

26.2.2 If the teacher was last paid as a qualified teacher under the provisions of a pre-1993 Document, the relevant body must determine the equivalent point.

26.3 A classroom teacher who-

(a) at any time on or after 1st September 2000 and prior to employment as a classroom teacher was employed as a head teacher, deputy head teacher or assistant head teacher;

(b) was first appointed to a post of head teacher, deputy head teacher or assistant head teacher on or after 1st September 2000; and

(c) occupied a post or posts of head teacher, deputy head teacher or assistant head teacher for an aggregate period of less than one year,

must not be placed at less than point M6 on the pay scale set out in paragraph 17.3.

26.4 A post-threshold teacher taking up a second or subsequent appointment as a teacher (whether or not after a break in service and whether on a full-time, part-time, regular, day to day or short term basis), must be paid a salary determined in accordance with paragraph 19.

Advanced Skills Teachers

Pay spine for advanced skills teachers

27.1 An advanced skills teacher must be paid such salary based on the following pay spine as the relevant body determines in accordance with sub-paragraphs 2 to 8.

Pay Spine for Advanced Skills Teachers 2012				
Spine point	***Annual Salary England and Wales (excluding the London Area)***	***Annual Salary Inner London Area***	***Annual Salary Outer London Area***	***Annual Salary Fringe Area***
	£	£	£	£
AST1	37,461	44,540	40,433	38,493
AST2	38,400	45,483	41,373	39,433
AST3	39,358	46,445	42,328	40,391
AST4	40,339	47,423	43,314	41,376
AST5	41,343	48,432	44,318	42,382
AST6	42,379	49,466	45,351	43,416
AST7	43,521	50,610	46,496	44,560
AST8	44,525	51,611	47,499	45,557
AST9	45,637	52,720	48,609	46,673
AST10	46,808	53,894	49,784	47,844
AST11	48,024	55,104	50,993	49,056
AST12	49,130	56,216	52,106	50,169
AST13	50,359	57,445	53,335	51,398
AST14	51,614	58,700	54,583	52,650
AST15	52,900	59,980	55,869	53,930
AST16	54,305	61,392	57,277	55,342
AST17	55,553	62,640	58,526	56,596
AST18	56,950	64,036	59,925	57,985

27.2 Subject to sub-paragraph 4, a relevant body which appoints an advanced skills teacher must determine a pay range consisting of five consecutive points on the pay spine set out in sub-paragraph 1 for that teacher and the point in that range on which the advanced skills teacher must be paid.

27.3 When determining an appropriate five point pay range, the relevant body must have regard in particular (but not exclusively) to the following criteria-

(a) the nature of the work to be undertaken, including any work with teachers from other schools;

(b) the degree of challenge of the role;

(c) the professional competencies required of the teacher; and

(d) such other criteria as they consider appropriate.

27.4 A person who is appointed as an advanced skills teacher for the first time must be placed on the lowest point on the person's pay range.

27.5 Where the teacher is not subject to the 2002 Regulations, the 2006 Regulations, the 2011 Regulations or the 2012 Regulations, the relevant body must annually agree performance criteria with the advanced skills teacher and review performance against those criteria.

27.6 When making the annual determination of the salary of an advanced skills teacher, the relevant body must not determine that there be any movement up the pay spine unless-

(a) in the case where the advanced skills teacher is not subject to the 2002 Regulations, the 2006 Regulations, the 2011 Regulations or the 2012 Regulations, there has been a sustained high quality of performance, having regard to-

(i) the performance criteria previously agreed between the relevant body and the teacher; and

(ii) any work the teacher has carried out with or for the benefit of teachers from other schools; or

(b) where the advanced skills teacher is subject to the 2002 Regulations, the 2006 Regulations, the 2011 Regulations or the 2012 Regulations, there has been a sustained high quality of performance, having regard to the results of the most recent appraisal carried out in accordance with the 2002, 2011 or 2012 Regulations or the results of the most recent review carried out in accordance with the 2006 Regulations, as the case may be,

and any such movement must not exceed two spine points in the course of one school year.

27.7 When making any determination in accordance with sub-paragraph 6 in the case of an advanced skills teacher who is subject to the 2006 or 2012 Regulations, the relevant body must have regard to any recommendation on pay recorded in the teacher's most recent appraisal report or planning and review statement.

27.8 Where the relevant body raises the pay range for an advanced skills teacher, any performance points awarded by the relevant body for the previous year must be calculated on the basis of the lower pay range before the advanced skills teacher's pay is assimilated onto the higher pay range.

Assessment against the advanced skills teacher standards and the excellent teacher standards

Eligibility

28.1 A classroom teacher who is not a post-threshold teacher who has been selected for interview for an advanced skills teacher post is eligible to apply for assessment against the post-threshold teacher standards, the excellent teacher standards and the advanced skills teacher standards.

28.2 A post-threshold teacher who has been selected for interview for an advanced skills teacher post is eligible to apply for assessment against the excellent teacher standards and the advanced skills teacher standards.

28.3 An excellent teacher who has been selected for interview for an advanced skills teacher post is eligible to apply for assessment against the advanced skills teacher standards.

28.4 A post-threshold teacher who is placed at point U3 on the pay scale set out in paragraph 19.2 and who is employed by a relevant body that has an excellent teacher's post that is vacant, is eligible to apply for assessment against the excellent teacher standards.

Appointment of assessors

29.1 The Secretary of State must make arrangements for the appointment of assessors for the purposes of paragraph 31.

29.2 The arrangements must include arrangements for the quality of assessments to be monitored and for the independent review of assessments.

29.3 The functions of an assessor appointed under this paragraph must be exercised without unlawful discrimination.

Advanced skills teacher and excellent teacher pre-assessment

30.1 Sub-paragraphs 2 to 7 apply where an eligible teacher ("the applicant") applies for assessment against the relevant standards set out in Annex 1.

30.2 Before assessment against the relevant standards by an assessor, the applicant must meet the standards which apply to any person on the same pay scale or pay spine as the applicant or, where the applicant is an excellent teacher, any person on an excellent teacher's salary.

30.3 Except where the applicant is an unattached teacher, the relevant body must delegate the task of determining whether an applicant meets the standards referred to in sub-paragraph 2 to the head teacher.

30.4 Where the applicant is an unattached teacher, the relevant body must delegate the task of determining whether the applicant meets the standards referred to in sub-paragraph 2 to a person with management responsibility for the applicant.

30.5 When determining whether an applicant meets the standards referred to in sub-paragraph 2 in the case where the applicant is subject to the 2002 Regulations, the 2006 Regulations, the 2011 Regulations or the 2012 Regulations, the person to whom the task has been delegated must have regard to the results of the teacher's most recent appraisal carried out in accordance with the 2002, 2011 or 2012 Regulations or the most recent review carried out in accordance with the 2006 Regulations, as the case may be.

30.6 Where the person to whom the task of determining whether the applicant meets the standards referred to in sub-paragraph 2 has been delegated is not satisfied that the applicant meets those standards, the application must be rejected and the applicant informed, with reasons.

30.7 Where the person to whom the task of determining whether the applicant meets the standards referred to in sub-paragraph 2 has been delegated is satisfied that the applicant meets those standards, the applicant must be informed and the application, together with all the evidence, passed to the assessor.

Advanced skills teacher and excellent teacher assessment

31.1 Sub-paragraphs 2 to 4 apply where an eligible teacher ("the applicant") applies for assessment against the relevant standards set out in Annex 1.

31.2 The assessor must assess the applicant against the relevant standards and determine whether they are met.

31.3 The assessor must inform the applicant of the decision, giving reasons if the decision is that the applicant does not meet the relevant standards.

31.4 Where the assessor determines that the applicant meets the relevant standards, the assessor must also issue a certificate to that effect.

Review of assessment

32.1 An applicant who is assessed as not meeting the relevant standards is entitled to apply for an independent review of the assessment upon the grounds set out in sub-paragraph 2 (but no other grounds).

32.2 The grounds for review are that the applicant would have been assessed as meeting the relevant standards if-

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

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

(c) the assessment had not been biased; or

(d) the assessment had not been conducted in a manner that unlawfully discriminated against the applicant.

32.3 The person conducting the review must take such steps as the person thinks fit.

32.4 Where the outcome of the review is a determination that, on one or more of the grounds set out in sub-paragraph 2, the applicant should have been assessed as meeting the relevant standards set out in Annex 1, the person conducting the review must issue a certificate stating that the applicant meets the standards.

Excellent teachers and chartered London teachers

Excellent teachers - Eligibility for appointment

33.1 A teacher may be appointed to an excellent teacher post if the teacher-

(a) has held an excellent teacher post; or

(b) is a post-threshold teacher who has completed at least two years of employment (interpreted in accordance with paragraph 1.8) since first being placed at point U3 on a pay scale set out in paragraph 19 or the equivalent pay scale in an earlier Document and-

(i) in accordance with the 2004 Document or any previous Document, has been assessed as meeting the standards for advanced skills teachers applicable at the relevant time; or

(ii) has been certified by an assessor as meeting the standards set out in Annex 2 of the 2005 Document or of the 2006 Document; or

(iii) in accordance with any of the Documents published between 2007 and 2011, has satisfied the person to whom the task has been delegated that the teacher meets the core standards and the post-threshold standards and has been certified by an assessor as meeting the excellent teacher standards or the advanced skills teacher standards; or

(iv) in accordance with this Document has satisfied the person to whom the task has been delegated that the teacher meets the Teachers' Standards and the post-threshold standards and has been certified by an assessor as meeting the excellent teacher standards or the advanced skills teacher standards.

Determination of salary

33.2 The salary of any person appointed as an excellent teacher must be determined in accordance with sub-paragraphs 3 and 4.

33.3 An excellent teacher must be paid such salary, within the range set out in the following table, as the relevant body determines in accordance with sub-paragraph 4.

	Annual Salary England and Wales (excluding the London Area)	Annual Salary Inner London Area	Annual Salary Outer London Area	Annual Salary Fringe Area
	£	£	£	£
Minimum	39,697	48,600	43,668	40,819
Maximum	52,090	60,993	56,061	53,212

33.4 When determining the salary of an excellent teacher within the range referred to in sub-paragraph 3 the relevant body must have regard only to-

(a) the nature of the work to be undertaken; and

(b) the degree of challenge of the role.

33.5 The relevant body may re-determine the salary of an excellent teacher at any time where there are any significant changes in-

(a) the nature of the work to be undertaken; or

(b) the degree of challenge of the role.

Safeguarding

33.6 Where the salary of an excellent teacher is reduced following a re-determination under sub-paragraph 5, the teacher must be paid the safeguarded sum.

33.7 The safeguarded sum is the difference between the value of the salary to which the teacher was entitled immediately before the determination ("original salary") and the value of the new salary.

33.8 Within one month of any determination to reduce the salary of an excellent teacher under sub-paragraph 5, the relevant body must notify the excellent teacher in writing of that fact and of-

(a) the reason for the determination;

(b) the teacher's original salary;

(c) the safeguarded sum;

(d) (i) in the case where the salary is reduced under sub-paragraph 5, the date on which the safeguarding period will end, determined in accordance with paragraph 5.3; or

(ii) in the case of a teacher employed as an excellent teacher for a fixed period or under a fixed-term contract, the date or the circumstance the occurrence of which will bring that fixed period or fixed-term contract to an end.

33.9 Payment of the safeguarded sum must be discontinued whilst the teacher occupies a post as a member of the leadership group or as an advanced skills teacher in the absence of a post-holder but restored thereafter, unless, in the meantime, any of the events referred to in sub-paragraph 10 occurs.

33.10 Subject to paragraph 5.1, the safeguarded sum must be paid to the excellent teacher until-

(a) in the case where the salary is reduced under sub-paragraph 5, the safeguarding period ends (determined in accordance with paragraph 5.3);

(b) in the case where a teacher is employed as an excellent teacher for a fixed period or under a fixed-term contract, the date on which that fixed period or fixed-term contract expires;

(c) the teacher's salary is increased following a further review under sub-paragraph 5 and the increase in salary exceeds the safeguarded sum;

(d) the teacher ceases to be an excellent teacher; or

(e) the teacher's employment at the school ends, other than in circumstances to which paragraph 42 or 43 applies;

whichever is the first to occur.

Chartered London teachers

34.1 A qualified teacher who intends to apply for chartered London teacher status must register the intention to do so with the Secretary of State or with such person or body as may be appointed by the Secretary of State for that purpose.

34.2 In order to register the teacher must be employed by an authority or a governing body in the Inner or Outer London Area.

34.3 A qualified teacher who has so registered (whether under this Document or an earlier Document) may apply once in a school year to the relevant body for chartered London teacher status if the requirements in sub-paragraph 4 are satisfied.

34.4 The requirements are that, at the date of the application-

(a) the teacher has completed not less than four years of employment (interpreted in accordance with paragraph 1.8), in a head of teaching or teaching role in an academy, city technology college, city college for the technology of the arts, a non-maintained special school or a school in the Inner or Outer London Area and is currently employed as a teacher with an authority or a governing body in the Inner or Outer London Area;

(b) two years have elapsed since the intention to apply was registered; and

(c) the teacher is a post-threshold teacher, an advanced skills teacher, an excellent teacher or a member of the leadership group.

34.5 An applicant who is employed to teach at more than one school may not apply to the relevant body of more than one such school.

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

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

34.8 The applicant must be assessed against the standards set out in Annex 3 and if it is determined that the applicant met all the standards during the period between registering the intention to apply and making the application the relevant body must award the applicant chartered London teacher status.

34.9 A chartered London teacher must be paid the sum of £1000 in the school year in which chartered London status is awarded.

PART 5 - UNQUALIFIED TEACHERS

Pay scale for unqualified teachers

35.1 Each unqualified teacher must be paid-

(a) such salary as the relevant body determines in accordance with the provisions of this paragraph and paragraph 36; and

(b) in the case of a teacher who is on point 1, 2 or 3 of the pay scale set out in sub-paragraph 2, the sum of £250.

35.2 The pay scale for unqualified teachers is:

Pay Scale for Unqualified Teachers from 1st September 2012				
Scale point	***Annual Salary England and Wales (excluding the London Area)***	***Annual Salary Inner London Area***	***Annual Salary Outer London Area***	***Annual Salary Fringe Area***
	£	£	£	£
1	15,817	19,893	18,789	16,856
2	17,657	21,731	20,629	18,695
3	19,497	23,571	22,470	20,534
4	21,336	25,410	24,311	22,374
5	23,177	27,249	26,150	24,213
6	25,016	29,088	27,992	26,052

35.3 The assimilation table for unqualified teachers is:

Assimilation Table for Unqualified Teachers	
Scale point on pay scale in paragraph 38.1 of 2007 Document	***Scale point on 2012 pay scale to which teacher is assimilated***
1	1
2	2
3	2
4	3
5	3
6	3
7	4
8	5
9	6
10	6

Re-appointment of unqualified teachers

35.4 In the case of a person previously employed as an unqualified teacher who is re-appointed with effect from 1st September 2012 or thereafter, who has not previously been placed on the pay scale for unqualified teachers in accordance with the 2008 Document, the 2009 Document, the 2010 Document or the 2011 Document the relevant body must determine the point above point 1 on the pay scale in paragraph 38.1 of the 2007 Document (as set out in sub-paragraph 3) on which that teacher is to be placed in accordance with sub-paragraph 5; and if an unqualified teacher is not entitled to any points under that sub-paragraph the teacher must be placed at point 1 on that pay scale.

35.5 For the purposes of sub-paragraph 4, a teacher must be placed at that point on the pay scale which is equal to the total number of points awarded to the teacher-

(a) in accordance with sub-paragraphs 7 and 9; and

(b) if applicable, in accordance with sub-paragraph 10.

35.6 After determining the point on the pay scale in paragraph 38.1 of the 2007 Document on which the unqualified teacher is to be placed in accordance with sub-paragraphs 4 and 5, the relevant body must determine the point on the 2012 pay scale on which the unqualified teacher is to be placed in accordance with the assimilation table.

Mandatory points

35.7 When determining where to place a teacher on the pay scale in paragraph 38.1 of the 2007 Document under sub-paragraph 4, the relevant body must award-

(a) if applicable, the number of points awarded in accordance with whichever of the Documents published between 2005 and 2007 was the latest under which the teacher was awarded any such points;

(b) if applicable and subject to sub-paragraph 8, one point for each year of employment (interpreted in accordance with paragraph 1.8) completed as an unqualified teacher since salary was last determined in accordance with the latest of the Documents published between 2005 and 2007 to make such determination.

35.8 A year of employment is not to be counted for the purposes of sub-paragraph 7(b) where the teacher has been notified in accordance with any of the Documents published between 2005 and 2007 or sub-paragraph 9.3 below, as the case may be, that service was unsatisfactory in respect of that year.

35.9.1 Where an unqualified teacher remains in service on 1st September in the school in which the teacher was employed during the previous school year, the relevant body must decide for the purposes of sub-paragraph 7(b) whether or not such service has been satisfactory.

35.9.2 Before reaching a decision under sub-paragraph 9.1 the relevant body must seek and take into account advice from the head teacher of the school.

35.9.3 Where the relevant body decides under sub-paragraph 9.1 that an unqualified teacher's service has been unsatisfactory, it must notify the teacher in writing of that fact before the end of the current school year and before the relevant body makes a determination for the purposes of sub-paragraph 4.

Discretionary points

35.10 The relevant body may award an unqualified teacher-

(a) one point where the teacher has been notified that a year of employment has not been satisfactory in respect of that year;

(b) one or more points for years of experience other than employment as an unqualified teacher which the relevant body considers to be of value to the performance of the unqualified teacher's duties;

(c) in a case to which paragraph 4.1(a) applies, one point-

(i) where the teacher is not subject to the 2002 Regulations, the 2006 Regulations, the 2011 Regulations or the 2012 Regulations, performance in the previous school year was excellent, having regard to all aspects of the teacher's professional duties, in particular, classroom teaching; or

(ii) where the teacher is subject to the 2002 Regulations, the 2006 Regulations, the 2011 Regulations or the 2012 Regulations, performance in the previous school year was excellent, having regard to the results of the most recent appraisal carried out in accordance with the 2002, 2011 or 2012 Regulations or the most recent review carried out in accordance with the 2006 Regulations, as the case may be;

(d) in the case of a teacher who was not employed as an unqualified teacher between 1st September 2005 and 31st August 2012, one point for each year of employment completed as an unqualified teacher prior to 1st September 2005.

35.11 When making any determination in accordance with sub-paragraph 10(c)(ii) in the case of an unqualified teacher who is subject to the 2006 or 2012 Regulations, the relevant body must have regard to any recommendation on pay recorded in the teacher's most recent appraisal report or planning and review statement.

New teachers

35.12 Subject to sub-paragraph 13, the relevant body must place any person who is appointed for the first time with effect from 1st September 2012 or thereafter on point 1 of the 2012 pay scale.

35.13 The relevant body may place a person referred to in sub-paragraph 12 who has experience other than employment as an unqualified teacher which the relevant body considers to be of value to the performance of the unqualified teacher's duties on a point above point 1 on the 2012 pay scale, in which case it must determine the point above point 1 which is appropriate for that teacher in the light of that experience.

General

35.14 The relevant body must award an unqualified teacher one point for each year of employment (interpreted in accordance with paragraph 1.8) completed as an unqualified teacher since 1st September 2011, unless the teacher has been notified in

accordance with sub-paragraph 9 that service was unsatisfactory in respect of that year.

35.15 Any points awarded under this paragraph are permanent whether the unqualified teacher remains in the same post or takes up a new one.

Allowance payable to unqualified teachers

36.1 The relevant body may determine that such additional allowance as it considers appropriate is to be paid to an unqualified teacher where it considers, in the context of its staffing structure and pay policy, that the teacher has-

(a) taken on a sustained additional responsibility which is-

(i) focused on teaching and learning; and

(ii) requires the exercise of a teachers' professional skills and judgment; or

(b) qualifications or experience which bring added value to the role being undertaken.

Safeguarding

36.2 Where the relevant body determines, in respect of a teacher who is in receipt of an allowance, whether as a result of a change to its pay policy or to the school's staffing structure, that-

(a) the teacher's duties are no longer to include the additional responsibility in respect of which the allowance was awarded and, therefore, that the allowance should be withdrawn;

(b) the additional responsibility in respect of which the allowance was awarded now merits the payment of a lower allowance ("the new allowance"); or

(c) the teacher's duties are no longer to include the additional responsibility in respect of which the allowance was awarded but are to include a different additional responsibility which merits the payment of a lower allowance ("the new allowance"),

it must pay the teacher the safeguarded sum.

36.3 The safeguarded sum in the case of any teacher referred to in-

(a) sub-paragraph 2(a) is the value of the allowance to which the teacher was entitled immediately before the determination was made to withdraw it;

(b) sub-paragraph 2(b) or (c) is the difference between the value of the allowance to which the teacher was entitled immediately before the determination was made to lower the allowance and the value of the new allowance.

36.4 The safeguarded sum must be reduced by the value of any subsequent allowance awarded to the teacher by the relevant body from time to time and, in the case where the subsequent allowance is awarded whilst the teacher occupies another post in the absence of a post-holder, restored upon the expiry of the period of that allowance, unless, in the meantime, any of the events specified in sub-paragraph 6 occurs.

36.5 Where a safeguarded sum is payable under sub-paragraph 2, the relevant body must notify the teacher in writing, within one month of the date of the determination, of-

(a) the reason for the determination;

(b) the safeguarded sum;

(c) the date on which the teacher's allowance is to be withdrawn altogether or replaced with a new lower allowance, as the case may be;

(d) where the old allowance was awarded for a fixed period, the date the fixed period expires;

(e) where the old allowance was awarded to a teacher employed under a fixed-term contract, the date on which that fixed-term contract expires;

(f) the date on which the safeguarding period will end (determined in accordance with paragraph 5.3);

(g) taking into account the annual determination required by paragraph 4.1, the value of the salary immediately before the determination of the point at which the teacher is placed on the 2012 pay scale in accordance with paragraph 35.6 ("the original salary"); and

(h) the details of where a copy of the school's staffing structure and pay policy may be inspected.

36.6 Subject to paragraph 5.1 and 5.2, the teacher must be paid the safeguarded sum until-

(a) in the case of a teacher who is paid the safeguarded sum under sub-paragraph 2, the date on which the safeguarding period ends (determined in accordance with paragraph 5.3);

(b) where the allowance was awarded for a fixed period, the date on which the fixed period expires;

(c) where the allowance was awarded to a teacher employed under a fixed-term contract, the date on which that fixed-term contract expires;

(d) the date on which the teacher ceases to be an unqualified teacher;

(e) the date on which the teacher is awarded an allowance as a result of a subsequent determination by the relevant body that equals or exceeds the combined value of the new allowance (if any) and the safeguarded sum;

(f) the date on which the teacher is placed on a higher point on the pay scale set out in paragraph 35.2 and the combined value of that point and any new payment equals or exceeds the combined value of the teacher's original salary and the safeguarded sum; or

(g) the date on which the teacher's employment at the school ends, other than in circumstances to which paragraph 43 applies,

whichever is the first to occur.

36.7 In this paragraph any reference to an allowance is a reference to an allowance payable under this paragraph.

An unqualified teacher who becomes qualified

37.1 Upon obtaining qualified teacher status under regulations made under section 132 of the Act[(76),] an unqualified teacher must be transferred to the next point on the classroom teachers' pay scale in paragraph 17.3 which is above the sum of the salary and any sum payable under paragraph 35 and any allowance payable under paragraph 36 (including any safeguarded sum payable under paragraph 36.4), or to such higher point on the classroom teachers' pay scale as the relevant body considers to be appropriate.

(76) S.I. 2003/1662 in relation to England and S.I. 2012/724 in relation to Wales.

37.2 A teacher who obtains qualified teacher status retrospectively under those regulations must be paid a lump sum by the relevant body responsible for the payment of remuneration at the time when qualified teacher status was effectively obtained.

37.3 The lump sum payable under sub-paragraph 2 must be the difference (if any) between the remuneration the teacher was actually paid as an unqualified teacher and the salary (not including any allowances) the teacher would have been paid as a qualified teacher, from the date qualified teacher status was effectively obtained to the date when the lump sum is paid.

PART 6 - ADDITIONAL ALLOWANCES

Acting allowance

38.1 Subject to sub-paragraph 6, where a teacher is assigned and carries out duties of a head teacher, deputy head teacher or assistant head teacher, but has not been appointed as an acting head teacher, deputy head teacher or assistant head teacher, the relevant body must, within the period of four weeks beginning on the day on which such duties are first assigned and carried out, determine whether or not an allowance must be paid in accordance with the following provisions ("acting allowance").

38.2 If the relevant body's determination referred to in sub-paragraph 1 is that the teacher must not be paid an acting allowance, but the teacher continues to be assigned and to carry out duties of a head teacher, deputy head teacher or assistant head teacher (and has not been appointed as an acting head teacher, deputy head teacher or assistant head teacher), the relevant body may at any time after that determination make a further determination as to whether or not an acting allowance must be paid.

38.3 If the relevant body determines that the teacher must be paid an acting allowance, subject to sub-paragraph 4, it must be of such amount as is necessary to ensure that the teacher receives remuneration equivalent to such point on the leadership group pay spine set out in paragraph 6.4 as the relevant body considers to be appropriate.

38.4 The remuneration of a teacher who is assigned and carries out duties of a head teacher must not be lower than the minimum of the individual school range, and where a teacher is assigned and carries out the duties of a deputy or assistant head teacher in relation to whom a deputy or assistant head teacher pay range (as the case may be) has been determined, remuneration must not be lower than the minimum of that range.

38.5 The teacher may be paid an acting allowance with effect from such day on or after the day on which duties of a head teacher, deputy head teacher or assistant head teacher are first assigned and carried out as the relevant body may determine.

38.6 Where a teacher is paid an allowance under this paragraph, then for so long as that allowance is paid-

(a) where the teacher is assigned and carries out duties of a head teacher, Part 9 applies as if the teacher had been appointed to the post of head teacher, and Part 10 paragraphs 58.1 to 61.16 do not apply;

(b) where the teacher is assigned and carries out the duties of a deputy head teacher or assistant head teacher, Part 10 paragraph 58 applies as if the teacher had been appointed to the post of deputy head teacher or assistant head teacher, and Part 10 paragraphs 59 and 60 do not apply.

Performance payments to seconded teachers

39. Where-

(a) a teacher is temporarily seconded to a post as head teacher in a school causing concern which is not the teacher's normal place of work; and

(b) the relevant body of that school considers that the teacher merits an additional point or points to reflect the sustained high quality of performance throughout the secondment,

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

PART 7 - SUPPLEMENTARY

Determination of applicable pay scale

40.1 A teacher who is employed under a contract that normally requires work in the London Area but who is temporarily required to work elsewhere must continue to be paid in accordance with the pay scale applicable to the teacher's normal area of employment.

40.2 A teacher who on 31st August 2012 was being paid in accordance with one of the London Area pay scales must continue to be paid in accordance with that London Area pay scale notwithstanding that the teacher would not otherwise be entitled to it under the provisions of this Document, for so long as the teacher remains in the post held on that date.

40.3 A teacher who moves out of the Inner London Area may continue to be paid in accordance with the Inner London pay scale at the rate being paid before moving for so long as the teacher continues to be employed as a teacher in a post in which the salary is paid by the same authority.

40.4 A teacher who moves out of the Outer London Area, to anywhere but the Inner London Area, may continue to be paid on the Outer London Area scale at the rate being paid before moving for so long as the teacher continues to be employed as a teacher in a post in which the salary is paid by the same authority.

40.5 A teacher who moves out of the Fringe Area, to anywhere but the Inner London Area or the Outer London Area, may continue to be paid on the Fringe Area scale at the rate being paid before moving for so long as the teacher continues to be employed as a teacher in a post in which the salary is paid by the same authority.

40.6 In relation to a teacher holding an excellent teacher post the references in this paragraph to a pay scale or a pay spine are to be read as references to the teacher's salary determined in accordance with paragraph 33.2.

Unattached teachers

41.1 The remuneration of an unattached teacher must be determined in accordance with whichever provisions of this Document the relevant body considers to be appropriate in the circumstances of the case, having regard to its pay policy and the teacher's particular post within the staffing structure.

41.2 Where, in accordance with sub-paragraph 1, the remuneration of a teacher in charge of a pupil referral unit is determined in accordance with the provisions applicable to a head teacher, Part 9 applies, and Part 10 paragraphs 58.1 to 61.16 do not apply.

41.3 Where, in accordance with sub-paragraph 1, the remuneration of an unattached teacher (other than a teacher in charge of a pupil referral unit) is determined in accordance with the provisions applicable to a member of the leadership group, Part 10 does not apply and the teacher's conditions of employment that relate to professional duties and working time must be agreed between the teacher and the relevant body.

41.4 Nothing in sub-paragraph 1 is to be taken to authorise an unattached teacher to whom paragraph 17.2 does not apply to be paid a salary based on a pay scale set out in paragraph 19.

41.5 Nothing in this paragraph is to be taken to authorise an unattached teacher who is a post-threshold teacher to be paid a salary based on the pay scale set out in paragraph 17.3.

General safeguarding applicable to teachers taking up post on or before 31st December 2005

42.1 Subject to sub-paragraphs 4 to 8 of this paragraph-

42.1.1 where, as a result of-

(a) the closure or reorganisation of an educational establishment; or

(b) a direction relating to a course for the training of teachers given by the Secretary of State under regulation 3(2) of the Further Education Regulations 1975[77], under regulation 15 or 16 of the Education (Schools and Further Education) Regulations 1981[78] or under regulation 12 or 13 of the Education (Schools and Further and Higher Education) Regulations 1989[79],

a teacher (including a teacher in further or higher education) loses a post, and is on or before 31st December 2005 employed full-time as a teacher in the provision of primary or secondary education (whether or not at a school) in a post where remuneration is paid

(77) S.I. 1975/1054; revoked by S.I. 1983/74 and 1986/541.
(78) S.I. 1981/1086; regulations 15 and 16 were revoked by S.I. 1999/3181.
(79) S.I. 1989/351; regulations 12 and 13 were revoked with regard to England by S.I. 2004/571.

by the same authority as before, the teacher must be deemed for all salary purposes, including any assimilation onto a new pay scale or pay spine, to continue to hold the post that was held, and to be entitled to any allowance for unqualified teachers (paragraph 36) to which the teacher was entitled immediately before the closure, reorganisation or direction;

42.1.2 where, in circumstances other than those mentioned in sub-paragraph 1.1, such a teacher loses a post and is on or before 31st December 2005 employed full-time as a teacher in the provision of primary or secondary education in a post (whether or not at a school) in which remuneration is paid by the same authority as before the teacher may, at the discretion of the authority be deemed for all salary purposes, including any assimilation onto a new pay scale or pay spine, to continue to hold the post that was held, and to be entitled to any allowance for unqualified teachers to which the teacher was entitled immediately before the circumstances occurred; and the authority must not unreasonably refuse to exercise their discretion in this matter in favour of the teacher;

42.1.3 where in the circumstances described in sub-paragraphs 1.1 or 1.2 such a full-time teacher or such a teacher in regular part-time employment loses a post in circumstances described in sub-paragraph 1.1, and is thereupon employed as stated in that provision but as a teacher in regular part-time employment, the teacher is (subject, in the circumstances described in sub-paragraph 1.2, to the same discretion to be similarly exercised) entitled to that proportion of the salary and of the allowance for unqualified teachers to which the teacher was entitled immediately before the relevant change in circumstances which the part-time employment bears to full-time employment.

42.2 A teacher whose remuneration is safeguarded under this paragraph is entitled to an acting allowance (paragraph 38) only where appropriate to the circumstances of the teacher's present employment.

42.3 Subject to sub-paragraph 4, the salary to be safeguarded pursuant to sub-paragraph 1 means-

(a) any salary to which the teacher is entitled under paragraph 17 or 19;

(b) any allowance to which the teacher is entitled under paragraph 25; and

(c) any safeguarded sum to which the teacher is entitled under paragraph 44 and 45 but only to the extent that the applicable paragraph provides for the continuing payment of that sum.

42.4 For the purpose of the determination of a classroom teacher's entitlement under sub-paragraph 3-

(a) mandatory points awarded for experience under paragraph 18.1 must be re-assessed in accordance with paragraphs 4.1 and 39 until the maximum of the pay scale in paragraph 17.3 has been reached, and an amount based on such points must be included in the safeguarded salary;

(b) in relation to any management allowance awarded under any earlier Document, the allowance must be reduced by the value of any TLR awarded to the teacher by the relevant body from time to time and, in the case where the teacher is awarded a TLR whilst occupying another post in the absence of a post-holder, restored upon the expiry of the period of that award, unless, in the meantime, any of the events specified in sub-paragraph 7 occurs;

(c) where the teacher becomes entitled to be paid as a post-threshold teacher the new salary and any subsequent progression on a pay scale in paragraph 19 must be included in the safeguarded salary; and

(d) where the teacher is, immediately before a circumstance mentioned in sub-paragraph 1.1 or 1.2 arises, entitled to be paid on a pay scale set out in paragraph 19 the teacher remains so entitled and the salary on that scale including any subsequent progression must be included in the safeguarded salary.

42.5.1 Where a member of the leadership group is, immediately before a circumstance mentioned in sub-paragraph 1.1 or 1.2 arises, paid at a point on the leadership group pay spine pursuant to paragraph 6 such member must continue (subject, in the circumstances mentioned in sub-paragraph 1.2 to the same discretion) to be paid at that point.

42.5.2 Where an advanced skills teacher is, immediately before a circumstance mentioned in sub-paragraph 1.1 or 1.2 arises, paid at a point on the advanced skills teacher pay spine pursuant to paragraph 27 the teacher must continue (subject in the circumstances mentioned in sub-paragraph 1.2 to the same discretion) to be paid at that point.

42.6 If the teacher's safeguarded remuneration under this paragraph

exceeds the remuneration to which the teacher would otherwise be entitled under this Document by the sum of £500 or more, the relevant body must review the teacher's assigned duties and allocate such additional duties as it reasonably considers to be appropriate and commensurate with the safeguarded remuneration.

42.7 Sub-paragraph 1 does not apply or, as the case may be, ceases to apply, to a teacher-

(a) who at any time is offered but unreasonably refuses to accept an alternative post in an educational establishment maintained by the authority by which the teacher's salary is paid;

(b) if the remuneration payable by virtue of the other paragraphs of this Document equals or exceeds the remuneration payable under this paragraph;

(c) who is placed on a point on a different pay scale or pay spine or takes up an excellent teacher post, but this does not apply to a classroom teacher when first placed on a pay scale set out in paragraph 19 or to a teacher affected by a determination made by a relevant body under paragraph 44; or

(d) whose employment ends other than in circumstances to which this paragraph applies.

42.8 For the purposes of this paragraph-

(a) "educational establishment" means an establishment in England and Wales which is-

(i) an institution of further or higher education maintained or assisted by an authority;

(ii) a school;

(iii) a teachers' centre; or

(iv) an establishment (other) than a school at which primary or secondary education is provided by an authority;

(b) "leadership group post" means a post of head teacher, deputy head teacher or assistant head teacher of a school;

(c) "remuneration" means salary plus any allowances but does not include any sum paid under paragraphs 48, 49 and 50;

(d) "salary" means-

(i) in the case of a school teacher, the salary payable in accordance with paragraphs 6, 17, 19, 27 and 35 including any allowance payable under paragraph 25, and

(ii) in the case of a teacher in further or higher education the teacher's basic salary excluding all allowances;

(e) a school is reorganised where it was or is reorganised in pursuance of proposals made under section 28 or 31 of the School Standards and Framework Act 1998[80] or proposals referred to in regulation 14 of the Education (Transition to New Framework) (School Organisation Proposals) Regulations 1999[81]; and

(f) any transfer of the responsibility for maintaining an establishment must be disregarded.

General safeguarding applicable to teachers taking up post on or after 1st January 2006

43.1.1 This paragraph applies to a teacher who loses a post ("the old post"), as a result of-

(a) the discontinuance of a school;

(b) a prescribed alteration to, or the reorganisation of, a school; or

(c) the closure or reorganisation of any other educational establishment or service;

and who then takes up a new post on or after 1st January 2006 ("the new post") and is employed by the same authority or at a school maintained by the same authority, and in the case of a teacher within paragraph (b) the new post is at a different school.

[80] 1998 (c.31) as amended by the Act, the Education Act 2005 (c.18) and the Education and Inspections Act 2006 (c.40).

[81] S.I. 1999/704.

43.1.2 In sub-paragraph 1.1 “prescribed alteration” means an alteration prescribed by the Education (School Organisation Proposals) (England) Regulations 1999[82], the Education (School Organisation Proposals) (Wales) Regulations 1999[83], or the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007[84].

Re-determination of salary

43.2 The relevant body must determine in relation to the teacher-

(a) the pay scale, pay spine or salary point that applies to the teacher in the new post and the appropriate point on that pay scale or pay spine on which the teacher should be placed, or the excellent teacher salary point, in accordance with the relevant paragraphs of this Document (“the new point”); and if, as a result, the teacher is placed on a point of lower value than that on which payment was made in the old post (“the old point”), the teacher must be paid in addition a sum equal to the difference in value between the old point and the new point (“the first safeguarded sum”) as at the date of the implementation of the determination;

(b) any TLR that applies to the new post in accordance with paragraph 21; and the teacher is entitled to a safeguarded sum (“the second safeguarded sum”) in respect of the difference in value between that TLR and the value of any TLR of a higher value that was paid in relation to the old post or, if no TLR is awarded under this paragraph, in respect of the TLR that was paid in relation to the old post;

(c) any SEN allowance that applies to the new post in accordance with paragraph 25; and the teacher is entitled to a safeguarded sum (“the third safeguarded sum”) in respect of the difference in value between that special educational needs allowance and the value of any SEN allowance of a higher value that was paid in relation to the old post or, if no SEN allowance is awarded under this paragraph, in respect of the SEN allowance that was paid in relation to the old post;

(d) in the case of an unqualified teacher, any allowance payable under paragraph 36 in relation to the new post; and the teacher is entitled to a safeguarded sum (“the fourth safeguarded sum”) in respect of the difference in value between that allowance and the value of any such allowance of a higher value that was paid in relation to the

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(82) S.I. 1999/2213; revoked, amended by S.I. 2007/1288.
(83) S.I. 1999/1671, amended by S.I. 2004/908 and S.I. 2006/173.
(84) S.I 2007/1289.

old post or, if no allowance is awarded under this paragraph, in respect of the allowance that was paid in relation to the old post; and

(e) the value of any other allowances payable under this Document.

Reduction in the value of the safeguarded sums

43.3.1 The first safeguarded sum must be reduced by the value of any TLR or SEN allowance awarded to the teacher by the relevant body from time to time and, in the case where the teacher is awarded a TLR whilst occupying another post in the absence of a post-holder, restored upon the expiry of the period of that award, unless, in the meantime, any of the events specified in sub-paragraph 4 occurs.

43.3.2 If the relevant body subsequently awards the teacher a TLR or a TLR of higher value than the TLR awarded under sub-paragraph 2(b), the second safeguarded sum must be reduced by the value of the TLR or by a sum equal to the difference between the two TLRs, as the case may be.

43.3.3 If the relevant body subsequently awards the teacher a SEN allowance, or one of higher value than the SEN allowance awarded under sub-paragraph 2(c), the third safeguarded sum must be reduced by the value of the SEN allowance or by a sum equal to the difference between the two allowances, as the case may be.

43.3.4 If the relevant body subsequently awards the teacher an allowance under paragraph 36, or one of higher value than the allowance awarded under sub-paragraph 2(d), the fourth safeguarded sum must be reduced by the value of the allowance, or by a sum equal to the difference between the two allowances, as the case may be.

The end of safeguarding

43.4 Subject to paragraph 5, the relevant body must pay the teacher the safeguarded sums to which the teacher is entitled under sub-paragraph 2 until-

(a) the date on which the safeguarding period ends, being the third anniversary of the date on which the teacher starts work in the new post;

(b) the teacher is placed on a point on a different pay scale or pay spine, or takes up an excellent teacher post, but this does not apply to a classroom teacher when first placed on a pay scale set out in paragraph 19 or to a teacher affected

by a determination made by a relevant body under paragraph 44;

(c) the teacher's employment ends other than in circumstances to which this paragraph applies; or

(d) the teacher is placed on a higher point on the applicable pay scale or pay spine, or is first placed on a pay scale set out in paragraph 19 and the value of that point equals or exceeds the combined value of the old point and any one or more of the safeguarded sums, in which case payment of those safeguarded sums must cease;

whichever is the first to occur.

Existing safeguarded sums preserved and R&R benefits safeguarded

43.5 Subject to paragraph 5.3, in addition to any sums to which the teacher is entitled under sub-paragraph 2, the teacher must be paid-

(a) any safeguarded sums to which the teacher continues to be entitled under paragraphs 24, 44 and 45 until such entitlement ceases in circumstances set in those paragraphs; and

(b) any recruitment or retention incentive or benefit to which the teacher was entitled under paragraph 50 in the old post, until either-

(i) the end of the fixed period for which it was awarded; or

(ii) the teacher accepts a different recruitment or retention incentive or benefit instead,

whichever is the first to occur.

Notification of determination

43.6 When notifying the teacher of its determination in accordance with paragraph 4.3, the relevant body must include details of the value of the pay point, allowances and all safeguarded sums to which the teacher was entitled in relation to the old post and to which the teacher is entitled in relation to the new post, and in respect of safeguarded sums paid under this paragraph or under paragraphs 24, 33, 36, 44 and 45, of the date on which the safeguarding period ends.

Part-time teachers

43.7 Whether the teacher was a full-time teacher or a teacher in regular part-time employment before losing a post, if then employed as

stated in sub-paragraph 1.1 as a teacher in regular part-time employment, the teacher must be paid a proportion of the remuneration to which the teacher would have been entitled had employment been as a full-time teacher, calculated in accordance with paragraph 46.

Safeguarding for members of the leadership group, advanced skills teachers and excellent teachers

44.1 Except where paragraph 45 applies and subject to paragraph 5, this paragraph applies where the relevant body determines ("the determination"), whether as a result of a change to its pay policy or to the school's staffing structure, to-

(a) reduce the number of members of the leadership group;

(b) end the designation of one or more advanced skills teachers' posts;

(c) end the designation of one or more excellent teachers' posts;

(d) lower the individual school range and this would lead to a reduction in the head teacher's salary;

(e) lower a deputy head teacher's pay range and this would lead to a reduction in the deputy head teacher's salary;

(f) lower an assistant head teacher's pay range and this would lead to a reduction in the assistant head teacher's salary;

(g) lower an advanced skills teacher's pay range and this would lead to a reduction in the advanced skills teacher's salary; or

(h) reduce an excellent teacher's salary.

44.2 A member of the leadership group, an advanced skills teacher or an excellent teacher whose salary is reduced as a result of the implementation of the determination must be paid the safeguarded sum.

44.3 In the case of a teacher who is affected by a determination within sub-paragraph 1(a) to (c), the safeguarded sum is the difference between the original salary (including the value of any performance points awarded by the relevant body for the previous year) and the value of the new point on which the teacher is placed on the pay scale set out either in paragraph 17.3 or in paragraph 19.2 or 19.3 combined with any TLR or SEN allowance awarded.

44.4 In the case of a teacher who is affected by a determination within sub-paragraphs 1(d) to 1(h), the safeguarded sum is the difference between the original salary (including the value of any performance points awarded by the relevant body for the previous year) and the value of the point at which the teacher is placed in the new pay range.

44.5 The relevant body must, within one month (and after having made the annual determination required by paragraph 4.1), notify in writing a teacher who is or may be affected by the determination of that fact and of-

(a) the reason for the determination;

(b) the date on which the determination is to be implemented in relation to that teacher (if known);

(c) the date on which the safeguarding period will end (determined in accordance with paragraph 5.3) or, in the case of a teacher employed as a member of the leadership group, as an advanced skills teacher or as an excellent teacher for a fixed period or under a fixed-term contract, the date or the circumstance the occurrence of which will bring that fixed period or fixed-term contract and payment of the safeguarded sum to an end;

(d) the original salary;

(e) the safeguarded sum or, if the determination is to be implemented at a later date and its precise effect on the teacher is not yet known, the maximum amount by which the original point may be reduced; and

(f) where a copy of the school's staffing structure and pay policy may be inspected.

44.6 Subject to paragraphs 5.1 and 5.2 and sub-paragraph 7; the teacher must be paid the safeguarded sum until-

(a) the safeguarding period ends or in the case of a teacher employed as a member of the leadership group, as an advanced skills teacher or as an excellent teacher for a fixed period or under a fixed-term contract, the date on which that fixed period or fixed-term contract ends;

(b) in the case of a teacher affected by a determination within sub-paragraphs 1(a) to 1(c)-

(i) the teacher ceases to be a classroom teacher;

(ii) as a result of a subsequent determination by the relevant body, the teacher is placed on a higher point on the pay scale set out either in paragraph 17.3 or in paragraph 19.2 or 19.3, or first becomes entitled to be paid on the pay scale set out in paragraph 19.2 or 19.3, and the value of that point combined with any TLR or SEN allowance awarded equals or exceeds the teacher's original salary; or

(iii) as a result of a subsequent determination by the relevant body, the teacher is awarded a TLR or a SEN allowance or both, and the combined value of that payment or allowance or payment and allowance and the new pay point equals or exceeds the teacher's original salary;

(c) in the case of a teacher affected by a determination within sub-paragraphs 1(d) to 1(h), the value of the teacher's point on the leadership pay spine, the advanced skills teachers' pay spine or the excellent teachers' salary range equals or exceeds the teacher's original salary; or

(d) the teacher's employment at the school ends other than in circumstances to which paragraph 42 or 43 applies,

whichever is the first to occur.

44.7 Payment of the safeguarded sum must be discontinued whilst the teacher occupies a post as a member of the leadership group, as an advanced skills teacher or as an excellent teacher in the absence of a post-holder but reinstated thereafter, unless, in the meantime, any of the events specified in sub-paragraph 6 occurs.

44.8 In this paragraph "original salary" means-

(a) in the case of a member of the leadership group, the value of the point on the leadership pay spine to which the teacher was entitled immediately before the implementation of the determination;

(b) in the case of an advanced skills teacher, the value of the point on the pay spine for advanced skills teachers in paragraph 27.1 to which the teacher was entitled immediately before the implementation of the determination; and

(c) in the case of an excellent teacher, the salary to which the teacher was entitled immediately before the implementation of the determination,

taking into account any annual determination made under paragraph 4.1 but not yet implemented.

Reduction of ISR prior to 1st September 2005

45.1 This paragraph applies to a head teacher whose salary was safeguarded under paragraph 7.3(e)(ii) of the 2004 Document.

45.2.1 The relevant body must re-determine the value of the safeguarded sum at the time of each annual determination of remuneration made under paragraph 4.1, taking into account both the value of the old point at the date of that determination and the value of the point on the leadership pay spine at which the head teacher is then placed.

45.2.2 Any change to the value of the safeguarded sum must be included in the notification given under paragraph 4.4.

45.3 Subject to paragraph 5.1, the head teacher must be paid the safeguarded sum until-

(a) the teacher ceases to be a head teacher;

(b) as a result of a determination by the relevant body, the teacher is placed on a higher point on the leadership pay spine than the original point; or

(c) the head teacher's employment at the school ends other than in circumstances to which paragraph 42 or 43 applies,

whichever is the first to occur.

Part-time teachers

Interpretation

46.1.1 In this paragraph-

"pro rata principle" means that proportion of total remuneration which corresponds to the number of hours that the teacher is employed in that capacity during the course of the school's timetabled teaching week as a proportion of the total number of hours in the school's timetabled teaching week; (and for this purpose "total remuneration" means the remuneration that would be payable to that person if employed in the same post on a full-time basis; and

"the school's timetabled teaching week" means the aggregate period of time in the school timetable during which pupils are normally taught).

46.1.2 When a relevant body is required to determine the salary of a part-time teacher in accordance with the pro rata principle it must do so not only in relation to those hours that a part-time teacher normally works under the contract of employment but also in relation to any additional hours the teacher may agree to work from time to time at the request of the head teacher or in the case where the part-time teacher is a head teacher, the relevant body.

Determination of remuneration of part-time teachers

46.2 From 1st September 2008 the salary, the sum payable under paragraph 35(1)(b) and allowances (if any), of a part-time teacher must be determined in accordance with the pro rata principle.

Teachers employed on a short notice basis

47.1 Teachers employed on a day-to-day or other short notice basis must be paid in accordance with the provisions of this Document on a daily basis calculated on the assumption that a full working year consists of 195 days, periods of employment for less than a day being calculated pro rata.

47.2 A teacher to whom sub-paragraph 1 applies and who is employed by the same authority throughout a period of 12 months beginning in August or September must not be paid more by way of remuneration in respect of that period than would have been paid had the teacher been in regular employment throughout the period.

Residential duties

48. Any payment to teachers for residential duties must be determined by the relevant body.

Additional payments

49.1 Subject to sub-paragraph (2), the relevant body may make such payments as they see fit to a teacher, including a head teacher, in respect of-

(a) continuing professional development undertaken outside the school day;

(b) activities relating to the provision of initial teacher training as part of the ordinary conduct of the school;

(c) participation in out-of-school hours learning activity agreed between the teacher and the head teacher or, in the case of the head teacher, between the head teacher and the

relevant body;

(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.

49.2 Sub-paragraph 1(d) 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 basis in accordance with paragraph 12.2.4 or on a temporary basis.

Recruitment and retention incentives and benefits

50.1 Subject to sub-paragraphs 2 and 3, the relevant body and, where it is the teacher's employer, the authority, may make such payments or provide other financial assistance, support or benefits to a teacher as it considers to be necessary as an incentive for the recruitment of new teachers and the retention in their service of existing teachers.

50.2 An incentive for the recruitment of a new teacher that consists of periodic payments or the provision of other benefits over a period of time may only be awarded for a fixed period not exceeding three years and must not be renewed.

50.3 An incentive for the retention of an existing teacher that consists of periodic payments or the provision of other benefits over a period of time may only be awarded for a fixed period not exceeding three years and may, in exceptional circumstances, be renewed.

General Teaching Council for Wales' fee allowance

51.1 The relevant body must pay the sum of £33 per year to a teacher who is required to be registered with the General Teaching Council for Wales, in respect of the annual registration fee, where such a fee is payable by that teacher.

51.2 Before making a determination under sub-paragraph 1 the relevant body must take reasonable steps to satisfy itself that the teacher has not received a payment in respect of that year under that provision from any other relevant body.

51.3 A local authority must upon request take reasonable steps to provide a relevant body with information as to whether or not a teacher who is or has been employed at a school or as an unattached teacher within that authority has received a payment under sub-paragraph 1.

51.4 Paragraph 46 of this Document does not apply to this allowance.

Salary sacrifice arrangements

52.1 For the purposes of this paragraph, the term "salary sacrifice arrangement" means any arrangement under which the teacher gives up the right to receive part of the teacher's gross salary in return for the employer's agreement to provide a benefit-in-kind under any of the following schemes-

(a) a child care voucher or other child care benefit scheme;

(b) a cycle or cyclist's safety equipment scheme; or

(c) a mobile telephone scheme; and

that benefit-in-kind is exempt from income tax[(85)].

52.2 Where the employer operates a salary sacrifice arrangement, the teacher may participate in any such arrangement and the teacher's gross salary may be reduced accordingly for the duration of such participation.

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

(85) The Income Tax (Earning and Pensions) Act 2003 (2003 c.1) provides that no liability to income tax arises in respect of the provision for an employee of any of these benefits-in-kind, where the specified conditions are met.

PART 8 – INTRODUCTION

53. 1 This section sets out the contractual framework within which all teachers, including head teachers, operate. It also includes high level responsibilities for all teachers and head teachers and their statutory entitlements.

53.2 Nothing in this Document is to be taken to conflict with Council Directive 93/104/EC of 23rd November 1993 concerning certain aspects of the organisation of working time(86).

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

PART 9 – HEAD TEACHERS

Overriding Requirements

54.1 A head teacher's professional duties must be carried out in accordance with and subject to-

(a) the provisions of the Education Acts;

(b) any orders and regulations having effect under the Education Acts;

(c) the instrument of government of the head teacher's school;

(d) where the school is a voluntary, foundation or foundation special school, any trust deed that applies to the school;

(e) any scheme prepared or maintained by the authority under section 48 of the School Standards and Framework Act 1998[87].

54.2 A head teacher's duties must be carried out in accordance with and subject to the following -

(a) in the case of a school which has a delegated budget-

(i) any rules, regulations or policies made by the governing body and for which they are responsible; and

(ii) any rules, regulations or policies made by the authority with respect to matters for which the governing body is not so responsible;

(b) in any other case, any rules, regulations or policies made by the head teacher's employers;

(c) the terms of the head teacher's appointment.

Delegation

55.1 The professional responsibilities of a head teacher under paragraphs 56.16 and 56.17 must not be delegated other than in accordance with paragraph 58.4.

55.2 Subject to paragraph 55.1, a head teacher's responsibilities may be delegated to a deputy head teacher, assistant head teacher or other member of the staff in a manner consistent with their conditions of

[87] 1998 (c.31) as amended by section 40 and Schedule 3 to the Act and by section 57 of the Education and Inspections Act 2006 (c. 40).

employment, having regard to the nature and extent of their management responsibilities, and maintaining a reasonable balance for each teacher between work carried out in school and work carried out elsewhere.

Professional Responsibilities

56.1 A head teacher may be required to undertake the following duties -

Whole school organisation, strategy and development

56.2 Provide overall strategic leadership and, with others, lead, develop and support the strategic direction, vision, values and priorities of the school.

56.3 Develop, implement and evaluate the school's policies, practices and procedures.

Teaching

56.4 Lead and manage teaching and learning throughout the school. Including ensuring, save in exceptional circumstances, that a teacher is assigned in the school timetable to every class or group of pupils-

(a) in the first, second, third and fourth key stages, for foundation and other core subjects and religious education; and

(b) in the preliminary stage.

56.5 Teach.

Health, safety and discipline

56.6 Promote the safety and well-being of pupils and staff.

56.7 Ensure good order and discipline amongst pupils and staff.

Management of staff and resources

56.8 Lead, manage and develop the school workforce, including appraising and managing performance.

56.9 Organise and deploy resources within the school.

56.10 Promote harmonious working relationships within the school.

56.11 Maintain relationships with organisations representing teachers and other members of the school's workforce.

56.12 Lead and manage the school's workforce with a proper regard for their well-being and legitimate expectations, including the expectation of a healthy balance between work and other commitments.

Professional development

56.13 Promote the participation of staff in relevant continuing professional development.

56.14 Participate in arrangements for the appraisal and review of their own performance, and, where appropriate, that of other teachers and support staff.

56.15 Participate in arrangements for their own further training and professional development and, where appropriate, that of other teachers and support staff including induction.

Threshold assessment

56.16 Decide whether a teacher at the school who applies for a post-threshold teacher assessment meets the relevant standards.

Advanced skills teacher and excellent teacher assessment

56.17 Decide, in connection with any relevant application, whether a teacher at the school meets the standards relevant to their current career stage set out in Annex 1 and/or Annex 2.

Communication

56.18 Consult and communicate with the governing body, staff, pupils, parents and carers.

Work with colleagues and other relevant professionals

56.19 Collaborate and work with colleagues and other relevant professionals within and beyond the school including relevant external agencies and bodies.

Rights Conferred

57.1 In addition to the provisions of paragraph 63 the following rights apply-

Dedicated headship time

57.2 A head teacher is entitled to a reasonable amount of time during school sessions, having regard to their teaching responsibilities, for the purpose of discharging their leadership and management responsibilities.

Daily break

57.3 A head teacher is entitled to a break of reasonable length in the course of each school day, and must arrange for a suitable person to assume responsibility for the discharge of their functions as head teacher during that break.

PART 10 – TEACHERS

Professional Responsibilities

Deputy Head Teachers and Assistant Head Teachers

58.1 A person appointed as a deputy or assistant head teacher in a school, in addition to carrying out the professional duties of a teacher other than a head teacher including those duties particularly assigned by the head teacher, must-

58.2 play a major role under the overall direction of the head teacher in-

(a) formulating the aims and objectives of the school;

(b) establishing the policies through which they are to be achieved;

(c) managing staff and resources to that end; and

(d) monitoring progress towards their achievement.

58.3 undertake any professional duties of the head teacher reasonably delegated by the head teacher.

58.4 If the head teacher is absent from the school a deputy head teacher must undertake their professional duties to the extent required by the head teacher or the relevant body or, in the case of a foundation, voluntary aided or foundation special school, the governing body.

Advanced Skills Teachers (AST)

59.1 An AST must carry out the professional responsibilities of a teacher other than a head teacher, including those responsibilities delegated by the head teacher.

59.2 An AST must take a leadership role in developing, implementing, and evaluating policies and practice in their own and other workplaces that contribute to school improvement, including:

(a) coaching, mentoring and induction of teachers, including trainees and newly qualified teachers;

(b) disseminating materials and advising on practice, research and continuing professional development provision;

(c) helping teachers who are experiencing difficulties.

59.3 An AST is required to spend 20% of their time undertaking outreach work carrying out the duties described in sub-paragraph 1 above, with or for the benefit of teachers from other schools, either at their own

school or elsewhere. An AST may in certain specified circumstances use their outreach time to carry out AST professional duties for their own schools.

Excellent Teachers (ET)

60.1 An ET must carry out the professional responsibilities of a teacher other than a head teacher, including those responsibilities delegated by the head teacher.

60.2 An ET must take a leading role in raising standards by supporting improvements in teaching practice, and support and help their colleagues to improve their effectiveness and to address their development needs through:

(a) participating in the coaching, mentoring and induction of teachers, including trainees and newly qualified teachers;

(b) helping other teachers to develop their practice and expertise in planning, preparation, assessment and impact evaluation, including through demonstration lessons and classroom observation;

(c) helping teachers who are experiencing difficulties.

Teachers

61.1 A teacher (other than a head teacher) may be required to undertake the following duties -

Teaching

61.2 Plan and teach lessons and sequences of lessons to the classes they are assigned to teach within the context of the school's plans, curriculum and schemes of work.

61.3 Assess, monitor, record and report on the learning needs, progress and achievements of assigned pupils.

61.4 Participate in arrangements for preparing pupils for external examinations.

Whole school organisation, strategy and development

61.5 Contribute to the development, implementation and evaluation of the school's policies, practices and procedures in such a way as to support the school's values and vision.

61.6 Work with others on curriculum and/or pupil development to secure co-ordinated outcomes.

61.7 Subject to sub-paragraph 63.10 supervise and so far as practicable teach any pupils where the person timetabled to take the class is not available to do so.

Health, safety and discipline

61.8 Promote the safety and well-being of pupils.

61.9 Maintain good order and discipline among pupils.

Management of staff and resources

61.10 Direct and supervise support staff assigned to them and where appropriate, other teachers.

61.11 Contribute to the recruitment, selection, appointment and professional development of other teachers and support staff.

61.12 Deploy resources delegated to them.

Professional development

61.13 Participate in arrangements for the appraisal and review of their own performance, and, where appropriate, that of other teachers and support staff.

61.14 Participate in arrangements for their own further training and professional development, and, where appropriate, that of other teachers and support staff including induction.

Communication

61.15 Communicate with pupils, parents and carers.

Working with colleagues and other relevant professionals

61.16 Collaborate and work with colleagues and other relevant professionals within and beyond the school.

Working Time

62.1 The provisions of sub-paragraphs 2 to 11 do not apply to-

(a) head teachers, deputy head teachers, assistant head teachers, advanced skills teachers or teachers in receipt of an acting allowance for carrying out the duties of a head teacher, deputy head teacher or assistant head teacher pursuant to paragraph 38;

(b) unattached teachers in charge of pupil referral units whose remuneration is determined in accordance with the provisions applicable to head teachers pursuant to paragraph 41;

(c) unattached teachers (other than those in charge of pupil referral units) whose remuneration is determined in accordance with the provisions applicable to a member of the leadership group

pursuant to paragraph 41.

Working days

62.2 A teacher employed full-time must be available for work for 195 days, of which-

(a) 190 days must be days on which the teacher may be required to teach pupils and perform other duties; and

(b) 5 days must be days on which the teacher may only be required to perform other duties; and

those 195 days must be specified by the employer or, if the employer so directs, by the head teacher.

62.3 Sub-paragraph 2 does not apply to a teacher employed full-time wholly or mainly to teach or perform other duties in relation to pupils in a residential establishment.

Specified working hours

62.4 A teacher employed full-time must be available to perform such duties at such times and such places as may be specified by the head teacher (or, where the teacher is not assigned to any one school, by the employer or the head teacher of any school in which the teacher may for the time being be required to work as such) for 1265 hours, those hours to be allocated reasonably throughout those days in the school year on which the teacher is required to be available for work.

62.5 Sub-paragraph 4 applies to a teacher employed part-time**,** except that the number of hours the teacher must be available for work must be that proportion of 1265 hours which corresponds to the proportion of total remuneration the teacher is entitled to be paid pursuant to paragraph 46.

62.6 In addition to the hours a teacher is required to be available for work under sub-paragraph 4 or 5, as the case may be, a teacher must work such reasonable additional hours as may be necessary to enable the effective discharge of the teacher's professional duties, including, in particular planning and preparing courses and lessons; and assessing, monitoring, recording and reporting on the learning needs, progress and achievements of assigned pupils.

62.7 The employer must not determine how many of the additional hours referred to in sub-paragraph 6 must be worked or when these hours must be worked.

62.8 Subject to sub-paragraph 9, no teacher employed part-time may be required to be available for work on any day of the week or part of any day of the week that the teacher is not normally required to be available for work under their contract of employment (whether it is

for the purposes of teaching pupils and performing other duties or for the sole purpose of performing other duties).

62.9 Subject to sub-paragraphs 5 and 10, a part-time teacher may be required to carry out duties, other than teaching pupils, outside school sessions on any day that the teacher is normally required to be available for work (whether the teacher is normally required to be available for work for the whole of that day or for only part of that day).

62.10 The total amount of time that the teacher may be required to be available to carry out duties, other than teaching pupils, outside school sessions under sub-paragraph 9, when expressed as a proportion of the total amount of time that the teacher would be required to be available for such work if employed in the same post on a full-time basis, must not exceed the equivalent of that proportion of total remuneration that the teacher is entitled to be paid under paragraph 46.

62.11 The amount of time a teacher spends taking the break referred to in paragraph 63.3 or travelling to or from their place of work does not count towards the 1265 hours referred to in sub-paragraph 4 or the pro rata equivalent referred to in sub-paragraph 5, as the case may be.

Rights Conferred - all Teachers

Overarching rights

63.1 No teacher may be required to work on any Saturday, Sunday or public holiday unless their contract of employment expressly provides for this.

63.2 No teacher may be required under their contract of employment as a teacher to undertake midday supervision.

Daily break

63.3 A teacher who is required to be available for work for more than one school session on any school day must be allowed one break of reasonable length either between school sessions or between the hours of 12 noon and 2.00pm. Deputy Head Teachers, Assistant Head Teachers, Advanced Skills Teachers and Excellent Teachers are entitled to a break of reasonable length as near to the middle of each school day as is reasonably practicable.

Work/life balance

63.4 Governing Bodies and head teachers, in carrying out their duties, must have regard to the need for the head teacher and teachers at the school being able to achieve a satisfactory balance between the time required to discharge their professional duties including in particular, in the case of teachers to whom paragraphs 62.2 to 62.11 apply, their duties under paragraph 62.6 and the time required to

pursue their personal interests outside work. In having regard to this, Governing Bodies and head teachers should ensure that they adhere to the working limits set out in the Working Time Regulations[88].

Guaranteed planning and preparation time

63.5 All teachers who participate in the teaching of pupils are entitled to reasonable periods of Planning, Preparation and Assessment (PPA) to enable the discharge of the professional responsibilities of teaching and assessment. A teacher to whom paragraphs 62.2 to 62.11 apply must be allowed PPA time as part of the 1265 hours referred to in paragraph 62.4 or, in the case of a teacher employed part-time, as part of the pro rata equivalent referred to in paragraph 62.5.

63.6 PPA time must amount to not less than 10% of the teacher's timetabled teaching time (and for this purpose "timetabled teaching time", in relation to a teacher, means the aggregate period of time in the school timetable during which the teacher has been assigned by the head teacher in the school time-table to teach pupils).

63.7 PPA time must be provided in units of not less than half an hour during the school's timetabled teaching week.

63.8 Such a teacher must not be required to carry out any other duties during the teacher's PPA time.

Management time

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

Cover

63.10 Teachers should be required to provide cover in accordance with paragraph 61.7 only rarely, and only in circumstances that are not foreseeable (This does not apply to teachers who are employed wholly or mainly for the purpose of providing such cover).

External examinations

63.11 Participating in arrangements for preparing pupils for external examinations does not require a teacher routinely to participate in any arrangements that do not call for the exercise of a teacher's professional skills and judgement, such as invigilation.

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(88) The Working Time Regulations 1998 and the Working Time (Amendment) Regulations 2007

Administration

63.12 Participating in administrative and organisational tasks, including the direction or supervision of persons providing support for the teachers in the school does not require a teacher routinely to undertake tasks of a clerical or administrative nature which do not call for the exercise of a teacher's professional skills and judgment.

63.13 Without prejudice to the generality of sub-paragraph 12, Annex 4 contains a list of tasks falling within the scope of that paragraph.

Training and development

63.14 All staff in the school should have access to advice, training and developmental opportunities appropriate to their needs, including needs identified in objectives or in appraisal statements where teachers are subject to the 2002 Regulations or the 2011 Regulations, or in planning and review statements where teachers are subject to the 2006 Regulations or in appraisal reports where teachers are subject to the 2012 Regulations, in accordance with the policies of the authority and governing body.

63.15 A teacher serving an induction period under the Induction Regulations must not teach for more than 90% of the time that a teacher at the school would be expected to teach.

ANNEX 1 – Framework of professional standards for post-threshold teachers, excellent teachers and advanced skills teachers

Post-threshold teachers

(1) Professional Attributes

Frameworks
P1. Contribute significantly, where appropriate, to implementing workplace policies and practice and to promoting collective responsibility for their implementation.

(2) Professional knowledge and understanding

Teaching and learning
P2. Have an extensive knowledge and understanding of how to use and adapt a range of teaching, learning and behaviour management strategies, including how to personalise learning to provide opportunities for all learners to achieve their potential.

Assessment and monitoring
P3. Have an extensive knowledge and well-informed understanding of the assessment requirements and arrangements for the subjects/curriculum areas they teach, including those related to public examinations and qualifications.

P4. Have up-to-date knowledge and understanding of the different types of qualifications and specifications and their suitability for meeting learners' needs.

Subjects and curriculum
P5. Have a more developed knowledge and understanding of their subjects/curriculum areas and related pedagogy including how learning progresses within them.

Health and well-being
P6. Have sufficient depth of knowledge and experience to be able to give advice on the development and well-being of children and young people.

(3) Professional skills

Planning
P7. Be flexible, creative and adept at designing learning sequences within lessons and across lessons that are effective and consistently well-matched to learning objectives and the needs of learners and which integrate recent developments, including those relating to subject/curriculum knowledge.

Teaching
P8. Have teaching skills which lead to learners achieving well relative to their prior attainment, making progress as good as, or better than, similar learners nationally.

Team working and collaboration
P9. Promote collaboration and work effectively as a team member.

P10. Contribute to the professional development of colleagues through coaching and mentoring, demonstrating effective practice, and providing advice and feedback.

Excellent Teachers

(1) Professional Attributes

Frameworks
E1. Be willing to take a leading role in developing workplace policies and practice and in promoting collective responsibility for their implementation.

Personal professional development
E2. Research and evaluate innovative curricular practices and draw on research outcomes and other sources of external evidence to inform their own practice and that of colleagues.

(2) Professional knowledge and understanding

Teaching and learning
E3. Have a critical understanding of the most effective teaching, learning and behaviour management strategies, and including how to select and use approaches that personalise learning to provide opportunities for all learners to achieve their potential.

Assessment and monitoring
E4. Know how to improve the effectiveness of assessment practice in the workplace, including how to analyse statistical information to evaluate the effectiveness of teaching and learning across the school.

Subjects and curriculum
E5. Have an extensive and deep knowledge and understanding of their subjects/curriculum areas and related pedagogy gained for example through involvement in wider professional networks associated with their subjects/curriculum areas.

Achievement and diversity
E6**.** Have an extensive knowledge on matters concerning equality, inclusion and diversity in teaching.

(3) Professional skills

Planning
E7. Take a lead in planning collaboratively with colleagues in order to promote effective practice. Identify and explore links within and between subjects/curriculum areas in their planning

Teaching
E8. Have teaching skills which lead to excellent results and outcomes.

E9. Demonstrate excellent and innovative pedagogical practice.

Assessing, monitoring and giving feedback
E10. Demonstrate excellent ability to assess and evaluate.

E11. Have an excellent ability to provide learners, colleagues, parents and carers with timely, accurate and constructive feedback on learners' attainment, progress and areas for development that promotes pupil progress.

Reviewing teaching and learning

E12. Use local and national statistical data and other information, in order to provide (a) a comparative baseline for evaluating learners' progress and attainment, (b) a means of judging the effectiveness of their teaching, and (c) a basis for improving teaching and learning.

Team working and collaboration

E13. Work closely with leadership teams, taking a leading role in developing, implementing and evaluating policies and practice that contribute to school improvement.

E14. Contribute to the professional development of colleagues using a broad range of techniques and skills appropriate to their needs so that they demonstrate enhanced and effective practice.

E15. Make well-founded appraisals of situations upon which they are asked to advise, applying high level skills in classroom observation to evaluate and advise colleagues on their work and devising and implementing effective strategies.

Advanced Skills Teachers

(1) Professional Attributes

Frameworks

A1. Be willing to take on a strategic leadership role in developing workplace policies and practice and in promoting collective responsibility for their implementation in their own and other workplaces.

(3) Professional Skills

Team working and collaboration

A2. Be part of or work closely with leadership teams, taking a leadership role in developing, implementing and evaluating policies and practice in their own and other workplaces that contribute to school improvement.

A3. Possess the analytical, interpersonal and organisational skills necessary to work effectively with staff and leadership.

ANNEX 2 – Teachers' Standards (England) and Practising Teacher Standards (Wales)

INTRODUCTION

The Teachers' Standards (England) and Practising Teacher Standards (Wales) are presented in this Document as they underpin the framework of professional standards for post-threshold teachers, excellent teachers and advanced skills teachers which are set out in Annex 1.

TEACHERS' STANDARDS (ENGLAND)

PREAMBLE

Teachers make the education of their pupils their first concern, and are accountable for achieving the highest possible standards in work and conduct. Teachers act with honesty and integrity; have strong subject knowledge, keep their knowledge and skills as teachers up-to-date and are self-critical; forge positive professional relationships; and work with parents in the best interests of their pupils.

PART ONE: TEACHING

A teacher must:

1 Set high expectations which inspire, motivate and challenge pupils

- establish a safe and stimulating environment for pupils, rooted in mutual respect
- set goals that stretch and challenge pupils of all backgrounds, abilities and dispositions
- demonstrate consistently the positive attitudes, values and behaviour which are expected of pupils.

2 Promote good progress and outcomes by pupils

- be accountable for pupils' attainment, progress and outcomes
- be aware of pupils' capabilities and their prior knowledge, and plan teaching to build on these
- guide pupils to reflect on the progress they have made and their emerging needs
- demonstrate knowledge and understanding of how pupils learn and how this impacts on teaching
- encourage pupils to take a responsible and conscientious attitude to their own work and study.

3 Demonstrate good subject and curriculum knowledge

- have a secure knowledge of the relevant subject(s) and curriculum areas, foster and maintain pupils' interest in the subject, and address misunderstandings
- demonstrate a critical understanding of developments in the subject and curriculum areas, and promote the value of scholarship

- demonstrate an understanding of and take responsibility for promoting high standards of literacy, articulacy and the correct use of standard English, whatever the teacher's specialist subject
- if teaching early reading, demonstrate a clear understanding of systematic synthetic phonics
- if teaching early mathematics, demonstrate a clear understanding of appropriate teaching strategies.

4 Plan and teach well structured lessons

- impart knowledge and develop understanding through effective use of lesson time
- promote a love of learning and children's intellectual curiosity
- set homework and plan other out-of-class activities to consolidate and extend the knowledge and understanding pupils have acquired
- reflect systematically on the effectiveness of lessons and approaches to teaching
- contribute to the design and provision of an engaging curriculum within the relevant subject area(s).

5 Adapt teaching to respond to the strengths and needs of all pupils

- know when and how to differentiate appropriately, using approaches which enable pupils to be taught effectively
- have a secure understanding of how a range of factors can inhibit pupils' ability to learn, and how best to overcome these
- demonstrate an awareness of the physical, social and intellectual development of children, and know how to adapt teaching to support pupils' education at different stages of development
- have a clear understanding of the needs of all pupils, including those with special educational needs; those of high ability; those with English as an additional language; those with disabilities; and be able to use and evaluate distinctive teaching approaches to engage and support them.

6 Make accurate and productive use of assessment

- know and understand how to assess the relevant subject and curriculum areas, including statutory assessment requirements
- make use of formative and summative assessment to secure pupils' progress
- use relevant data to monitor progress, set targets, and plan subsequent lessons
- give pupils regular feedback, both orally and through accurate marking, and encourage pupils to respond to the feedback.

7 Manage behaviour effectively to ensure a good and safe learning environment

- have clear rules and routines for behaviour in classrooms, and take responsibility for promoting good and courteous behaviour both in classrooms and around the school, in accordance with the school's behaviour policy
- have high expectations of behaviour, and establish a framework for discipline with a range of strategies, using praise, sanctions and
- rewards consistently and fairly
- manage classes effectively, using approaches which are appropriate to pupils' needs in order to involve and motivate them
- maintain good relationships with pupils, exercise appropriate authority, and act decisively when necessary.

8 Fulfil wider professional responsibilities

- make a positive contribution to the wider life and ethos of the school
- develop effective professional relationships with colleagues, knowing how and when to draw on advice and specialist support
- deploy support staff effectively
- take responsibility for improving teaching through appropriate professional development, responding to advice and feedback from colleagues
- communicate effectively with parents with regard to pupils' achievements and well-being.

PART TWO: PERSONAL AND PROFESSIONAL CONDUCT

A teacher is expected to demonstrate consistently high standards of personal and professional conduct. The following statements define the behaviour and attitudes which set the required standard for conduct throughout a teacher's career.

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:

    - treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
    - having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
    - showing tolerance of and respect for the rights of others
    - not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
    - ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law.

- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.

- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

PRACTISING TEACHER STANDARDS (WALES)

Teachers must meet the Practising Teacher Standards at the end of the induction period and continue to meet them throughout their teaching career.

Professional values and attributes

1. Appreciate the diverse needs of children and young people.
2. Value fair, respectful, trusting, supportive and constructive relationships with children and young people.
3. Have high expectations of children and young people in order to improve outcomes and well-being for all learners.
4. Value the importance of building positive relationships between home and school
5. Value the active involvement of children and young people in their progress, development and well-being.
6. Value the active involvement of parents and carers in the progress, development and well-being of children and young people.
7. Value and celebrate the contribution children and young people make within their communities.
8. Appreciate and value the contribution that support staff and other professionals make to the learning, development and well-being of children and young people.
9. Be actively involved in professional networks and learning communities which share and test beliefs and understandings with colleagues and contribute to the wider development of the school and profession.
10. Value the improvement of practice through reflection and taking responsibility for continuing professional development
11. Have high expectations with regard to Welsh-language development in the context of the bilingual nature of Wales.

Professional knowledge and understanding

12. Maintain an up-to-date knowledge and understanding of the professional duties and responsibilities of teachers and the statutory framework within which they work.
13. Understand the national education policy context in Wales and the Welsh Government's national priorities for education, including an understanding of the principles of the Cwricwlwm Cymreig and how it should inform and shape their practice.
14. Use understanding of the expectations, organizational arrangements and pedagogical approach in the key stages or phases before and/or after the ones they teach to inform their practice and planning.
15. Understand the key factors that affect children and young people's learning and well-being.
16. Maintain an up-to-date understanding of their subjects/curriculum areas and related pedagogy in order to inform practice.
17. Understand their role in improving literacy and numeracy skills across the curriculum.
18. Maintain knowledge and learning in ICT to support teaching, learning and in their wider professional role.
19. Understand and apply the *SEN Code of Practice for Wales* to meet the diverse needs of learners.
20. Understand when appropriate and how to seek information, advice and support from internal and external sources including procedures on safeguarding.

21. Have a knowledge of a range of strategies and know how to use them to promote good behaviour and create a purposeful learning environment.
22. Understand how the United Nations Convention on the Rights of the Child and the Children and Young People's Participation Standards for Wales can be used to inform practice and improve learner outcomes.
23. Understand the expectations in the curriculum with regard to Welsh-medium provision and/or Welsh Second Language

Professional skills

Planning and target setting

24. Set challenging teaching and learning objectives that are guided by informed expectations of individual learners based on knowledge of the expected standards of the relevant age group and the range and content of work appropriate to learners in that age group.
25. Use teaching and learning objectives to plan lessons, and sequences of lessons, which clearly show how learners' knowledge, skills and understanding will be assessed.
26. Personalise learning in order to address individual needs including seeking the views of learners on what would help them achieve their potential.
27. Identify resources to support learning that will stimulate and motivate all learners to achieve desired outcomes.
28. Work effectively as a team member and collaborate with colleagues to plan work and establish targets.
29. Plan for support staff to be appropriately involved in supporting learning and ensure they understand the roles they are expected to fulfil.
30. Plan appropriate opportunities for children and young people to learn in settings beyond the classroom.
31. Manage and prioritise time effectively within their wider professional role.
32. Instigate and maintain effective communication with children, young people, and their parents/carers.

Monitoring and assessment

33. Use a range of monitoring and assessment strategies, including both formative and summative assessment, to evaluate learners' progress towards planned learning objectives, and use this information to improve their own planning and teaching.
34. Meet the assessment requirements and arrangements for the subjects/curriculum areas and phases within which they teach, including those relating to public examinations and qualifications.
35. Use monitoring and assessment to identify and support learners including: those with additional learning needs; more able and talented learners; learners working below age-related expectations; learners failing to achieve their potential; and learners with behavioural, emotional and social difficulties.
36. Involve learners in target setting and in reflecting upon and evaluating their performance.
37. Monitor and record learners' progress and achievements to provide evidence of the range of their work, progress and attainment over time whilst taking account of the participation and views of the learner.
38. Provide learners with accurate and constructive feedback on their strengths, weaknesses, attainment, progress and areas for development, including action plans for improvement.
39. Provide colleagues, parents and carers with timely, accurate and constructive feedback on learners' attainment, progress and areas for development using supporting records and other evidence.

Teaching and managing learning

40. Establish and maintain effective learning environments where all learners feel safe, secure and confident.
41. Teach the required and expected skills, knowledge and understanding relevant to the needs of the leaner making appropriate use of relevant national guidance.
42. Make effective personalised provision in their teaching including taking practical account of diversity and promoting equality and inclusion.
43. Challenge instances of prejudice, stereotyping, bullying and harassment, in line with school policies and procedures.
44. Teach clearly structured lessons or sequences of work so that all learners understand and meet the intended learning objectives.
45. Employ appropriate teaching strategies which develop all learners' capacity to work collaboratively and independently.
46. Build on the varying experiences, achievements and interests of learners to help them make progress.
47. Manage teaching and learning time effectively.
48. Manage the physical learning environment, equipment, materials, texts and other resources safely and effectively.
49. Employ appropriate teaching strategies to secure positive behaviour.
50. Employ appropriate teaching strategies to promote the well-being of children and young people.
51. Employ appropriate teaching strategies to promote good progress and outcomes for learners over a sustained period of time.
52. Use ICT effectively in teaching and learning.
53. Encourage learners to progress independently by providing activities or other out-of-school study which consolidates and extends work carried out in school.
54. Work co-operatively and collaboratively with other teachers and colleagues, including those from external agencies, to enhance the learning and wellbeing of those they teach.
55. Promote learners' understanding of the bilingual nature of Wales and develop their bilingual skills as appropriate.

ANNEX 3 – Standards for Chartered London teachers

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

Pedagogy and pupil learning

1. Create and manage a classroom environment to ensure a secure and supportive achievement culture and behaviour strategy to meet the needs of London's diverse and mobile pupil population.

2. Apply a wide range of teaching and learning strategies to reduce individual barriers to learning and to meet the variety of pupil needs in London.

3. Develop and implement inclusive practices in a range of learning settings appropriate to the diversity of pupils in London and the complexity of their personal learning, including support for special educational needs, to raise pupils' achievements.

4. Progress partnerships within and beyond the classroom with support staff, teachers, other professionals, agencies and community resources, to promote pupils' achievements, learning, development and well-being.

5. Analyse and use relevant data to inform and promote the highest possible aspirations for pupils and to target expectations and actions to raise pupil achievements.

Subject, specialism and phase

6. Demonstrate ongoing development and application of subject, specialism and/or phase knowledge and expertise, drawing on opportunities and resources in London to enrich the learning experience.

7. Identify and use the knowledge and experiences that pupils, their families and other communities bring from outside the school to enrich curriculum development and teaching practices.

Whole school

8. Contribute to the development and application of whole school policies and activities, to extend opportunities for pupil and school achievements in London.

9. Promote and apply shared professional learning and other forms of support and development for teachers to learn and work together, taking account of teacher mobility, to strengthen collective knowledge and expertise across teachers in London.

Diversity, communities and cultures

10. Build on, extend and apply knowledge of the range of communities, cultures and sub-cultures in London, to inform and promote individual pupils' learning.

11. Promote and implement policies and practices that encourage mutual tolerance and respect for diversity, challenge discrimination and widen pupils' understanding of their contribution to society.

12. Demonstrate a capacity to deal constructively and sensitively with conflicting community and cultural values in classrooms and schools.

ANNEX 4 – Administrative and clerical tasks

1. Collecting money from pupils and parents.

2. Investigating a pupil's absence.

3. Bulk photocopying.

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

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

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

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

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

9. Producing analyses of attendance figures.

10. Producing analyses of examination results.

11. Collating pupil reports.

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

13. Administration of public and internal examinations.

14. Administration of cover for absent teachers.

15. Ordering, setting up and maintaining ICT equipment and software.

16. Ordering supplies and equipment.

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

18. Taking verbatim notes or producing formal minutes of meetings.

19. Co-ordinating and submitting bids (for funding, school status and the like) using contributions by teachers and others.

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

21. Managing the data in school management systems.

SCHOOL TEACHERS' PAY AND CONDITIONS

SECTION 3 GUIDANCE FOR LOCAL AUTHORITIES, SCHOOL LEADERS, SCHOOL TEACHERS AND GOVERNING BODIES OF MAINTAINED SCHOOLS

About this guidance

1. This guidance from the Department for Education relates to general pay matters, and should be read in conjunction with any related paragraphs of the School Teachers' Pay and Conditions Document 2012 ('the Document'), and overall in relation to paragraph 1.9 of the Document which explains the basis on which local authorities ('LAs'), governing bodies and others (advanced skills teacher and excellent teacher assessors) must have regard to it. Under section 127 of the 2002 Education Act, LAs and governing bodies must have regard to guidance issued by the Secretary of State about the procedure to be followed in applying the provisions of the Document. A court or tribunal may take any failure of an employer to do so into account in any proceedings. This guidance replaces the 2011 Section 3 guidance.

2. Paragraph references in this guidance relate, except where otherwise stated, to paragraph numbers in the Document. The term 'relevant body' denotes the body (either governing body or LA) which is responsible for pay decisions.

Expiry date

3. This guidance is due to be updated on 1 September 2013.

What legislation does this guidance relate to?

4. This guidance relates to the Document.

Who is this guidance for?

5. This guidance is for:

- local authorities
- school leaders, school teachers and governing bodies in maintained schools in England and Wales and their representatives.

Key points

6. The main changes to this guidance relate to:

- references to the Teachers' Standards rather than the Core Standards (for England only);
- references reflecting the new arrangements for teacher appraisal in

both England and Wales; and
- the fact that a teacher employed full-time must be available for work 195 days/1265 hours (the figures for the previous two years having been 194 and 1258.5 respectively due to additional public holidays).

Further sources of information

Associated resources (external links)

7. The following external links provide more detailed information on:

- The Working Time Regulations 1998 http://www.legislation.gov.uk/uksi/1998/1833/contents/made;
- The Part-time Workers (Prevention of Less Favourable Treatment) Regulations http://www.legislation.gov.uk/uksi/2000/1551/contents/made;
- The Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002 http://www.legislation.gov.uk/uksi/2002/3236/contents/made;
- The Acas Guide to Flexible Working http://www.acas.gov.uk/index.aspx?articleid=803; and
- The Equality Act 2010 http://www.legislation.gov.uk/ukpga/2010/15/contents.

You may also be interested in (internal link)

8. The Department's website:
- http://www.education.gov.uk.

General principles

9. The Document contains provisions relating to the pay and conditions of teachers not support staff, whose pay and conditions are determined locally. No payments or conditions of employment other than those provided for in the Document may be applied to teachers, except those conditions which are always determined locally and which do not conflict with the Document, unless the Secretary of State has granted exemptions under other legislation. **The Document does not provide for the payment of bonuses or so-called 'honoraria' in any circumstances.**

10. A teacher's working week does not include Saturdays, Sundays or Public Holidays, unless his or her contract expressly provides for this (such as in the case of teachers at residential establishments). This is specified in paragraph 63.1.

Pay policy and grievance procedures (paragraph 3)

Pay policy

11. All relevant bodies – both governing bodies and LAs where they are the relevant body, including for all unattached teachers – must have a pay policy. This should be linked to the appraisal[(1)] system. It should be reviewed annually and be kept up to date to take into account any legal changes or changes in the staffing structure which have an impact on discretionary pay decisions. Teachers and representatives of recognised unions should always be consulted on formulating the policy and on any changes to it. Teachers should always have ready access to copies of the relevant body's pay policy.

12. The Education (School Teachers' Appraisal) (England) Regulations 2012 ("the 2012 Regulations") came into force on 1st September 2012[(2)]. The appraisal arrangements introduced by those Regulations inform pay decisions implemented annually, including in England assessment against the post-threshold standards from 1st September 2012. Relevant bodies should, therefore, ensure that their pay policy continues to reflect these revised arrangements. The appraisal arrangements described by these Regulations do not apply to Wales.

13. The School Teachers' Appraisal Regulations 2002 ("the 2002 Regulations") or the School Teacher Appraisal (Wales) Regulations ("the 2011 Regulations") apply to teachers in Wales. The Regulations provide for the appraisal of the performance of school teachers (including unqualified teachers) at maintained schools in Wales. For teachers in Wales who are not covered by the 2002 or 2011 Regulations, relevant bodies should ensure that they review the performance of teachers on an annual basis where applicable for pay progression purposes.

14. The Freedom of Information Act 2000 requires all public authorities to make information available proactively through their publication scheme. LAs and governing bodies should consider whether pay policies should be included in their publication schemes, having regard to the public interest in allowing public access to information, as required by the Act. They must, under the Act, make copies available on demand.

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(1) There should be a transparent and fair process in place to ensure that the outcomes of appraisals are used to inform pay decisions; Further information and guidance is available for Wales at: http://wales.gov.uk/topics/educationandskills/publications/guidance/performance-man-for-teachers?lang=en

(2) The Education (School Teacher Performance Management) (England) Regulations 2006 ("the 2006 Regulations") applied to teachers in England until 31 August 2012, and continue to apply to any appraisal cycle which is already in progress on 1 September 2012.

15. Procedures for determining pay must comply with all the requirements of discrimination legislation. The pay policy should therefore, make clear the relevant body's compliance with the following legislation, as amended: the Employment Relations Act 1999, the Equality Act 2010, the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000, the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002. Procedures for determining pay should also be consistent with the principles of public life – objectivity, openness and accountability.

16. The pay policy should set out how all pay decisions are made, either as part of a regular review or in other circumstances, with sufficient detail for an individual to appreciate what evidence and other factors will be taken into consideration when a pay decision is made. In particular, the pay policy should describe the information to be included on pay statements given to teachers as part of the regular review process, or when other pay decisions are taken, and how additional information may be obtained by teachers. Relevant bodies should be aware of the model pay statements which are available at www.education.gov.uk.

17. Where decisions relate to pay reviews, the policy must also specify the date by which such decisions must be made (see also paragraph 24 below). The policy should also take account of special circumstances such as absence on maternity or long-term sick leave, and the relevant body's approach to covering such situations in respect of the timing of pay reviews.

18. The pay policy should set out the principles by which the relevant body will exercise its discretion in pay matters. The relevant body should ensure that the effects of the application of those principles are reasonable in each case.

19. Relevant bodies should keep their staffing structure under review. The pay policy should be revised in accordance with decisions taken from time to time, following consultation, in relation to the staffing structure, and a copy of the structure should be attached to the published copy of the pay policy. The pay policy should set out the value of any discretionary payments or allowances attached to posts included in the staffing structure.

Pay hearings and appeals

20. The pay policy must also set out the procedures that apply when any teacher seeks a review of any decision made by the head teacher or relevant body that affects their pay. Hearings and appeals against pay decisions must meet the dispute resolution requirements of employment law, in accordance with Part 4 of the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended). In basic terms, these provide that employers and employees must follow the Acas Code of Practice No. 1 – "Disciplinary and Grievance Procedures". In relation to certain

claims the old statutory grievance procedures under Part 3 of the Employment Act 2002 must still be followed, where, for example, a dispute started prior to 6th April 2009 (further information is available at: www.acas.org.uk/index.aspx?articleid=2174).

21. Any teacher seeking a reconsideration of a pay decision should first seek to resolve the matter informally through discussion with the decision-maker within 10 working days of notification of the decision. Where this is not possible, or the matter is still unresolved, the teacher may follow the formal grievance process by setting out their concerns in writing to the decision-maker within 10 working days of the notification of the decision or the outcome of the informal discussion.

22. The committee or person who made the decision should provide a hearing within 10 working days to consider the teacher's concerns. The teacher should be informed in writing of the decision and the right to appeal. Any appeal against the decision of the hearing should be heard by a panel of three governors who were not involved in the original determination, normally within 20 working days of the written appeal notification. The teacher should be given the opportunity to make representations in person at both the hearing and the appeal and to be accompanied by a friend or union representative. The decision of the appeal panel should be given in writing, and where the appeal is rejected include a note of the evidence considered and the reasons for the decision.

23. The pay hearings and appeals procedure performs the function of the grievance procedure on pay matters and therefore decisions should not be reopened under general grievance procedures. Appeal decisions do not affect teachers' statutory employment rights.

Timing of salary determination and notification (paragraph 4)

24. Relevant bodies should conduct teachers' annual pay reviews without undue delay. The pay policy should set out the date by which decisions (effective from 1st September each year) will be made (see paragraph 17 above), which should be by 31st October at latest, except in the case of head teachers for whom the deadline is 31st December. However, where decisions are actually made earlier than the date set, these should be notified to the teacher at the earliest opportunity.

25. Where a review of the staffing structure has had, or is likely to have, an impact on the pay of any teacher, a revised pay statement should be issued as soon as possible (and in any event within one month of the relevant body's determination). Relevant bodies should take particular care to notify teachers of likely changes to their pay at the earliest opportunity because teachers must be informed of any pay safeguarding implications resulting from the revisions. Relevant bodies should ensure that teachers are given full information about the safeguarding rules with the revised pay statement, to enable teachers to

calculate the likely longer-term position in relation to their own pay.

Teachers paid a safeguarded sum (paragraph 5)

26. The relevant body must review the duties of any teachers who are entitled to safeguarded sums that in total exceed £500 (excluding generally safeguarded recruitment and retention payments) and allocate appropriate additional responsibilities, commensurate with the safeguarded sum, for the period of safeguarding (see paragraph 5.1). The relevant body should ensure that appropriate notice is given of any new duties which are being given to the teacher as work commensurate with their safeguarded sum or sums. All such additional responsibilities allocated should be kept under review, including taking such action as may be required when the safeguarding period ends. Head teachers will want to consider whether the additional duty is still required; if it should now attract an additional payment (such as a Teaching and Learning Responsibility (TLR) payment); and, if so, the most appropriate person to undertake the duty.

27. The relevant body should ensure that all teachers who are, or will be, in receipt of safeguarded sums are aware that if they unreasonably refuse to carry out such additional duties, payment of the safeguarded sums will cease. The teacher must be given written notice of any determination to withdraw a safeguarded sum at least one month before it is implemented and should be given notice of such a determination at the earliest opportunity. Any such determination is subject to appeal in the usual way.

28. Relevant bodies should be aware of the general principle set out in paragraph 5.2.1. This requires the relevant body to consider whether a teacher's new pay point or new allowance has caused the teacher's pay to increase by as much as or more than the value of their previous point and any safeguarded sum they were receiving. (Changes in the value of allowances or of pay points which result from the provisions of the Document are excluded.)[3] If a range of safeguarded elements is being paid, 'safeguarded sum' does not mean the total of all safeguarded elements, but any safeguarded element within the total.

29. Where any such increase is larger than any safeguarded sum, the relevant body must cease to pay any sum or sums equal to or less than the increase. If there is a decision needed as to which sum or sums to cease paying, the relevant body should always cease paying the smaller or smallest sum first, followed by the next smallest, at any time when necessary to ensure that the principle is correctly applied.

30. Relevant bodies should note that paragraph 5.3 sets out the provisions for determining the latest end date for safeguarding of TLRs,

[3] Generally this means increases resulting from pay awards following recommendations of the School Teachers' Review Body.

the unqualified teachers' allowance and for members of the leadership group, ASTs and excellent teachers who are subject to safeguarding under paragraph 44. In such cases, safeguarding ends on the third anniversary of one of three set dates, in accordance with when the relevant body make their determination.

Leadership Group Pay (paragraphs 6-16)

31. The relevant body must ensure that the process of determining the remuneration of the head teacher is fair and transparent. There should be a proper record made of the reasoning behind the determination of the individual school range (ISR) and any discretionary payments made to the head teacher.

Individual school range

32. Relevant bodies should assign a school to a head teacher group and determine the ISR whenever they propose to appoint a new head teacher. They should also re-determine the ISR if they change the head teacher group in any other circumstances (including where the head becomes responsible and accountable for more than one school in a federation on a permanent basis) or if they set a deputy or assistant head teacher pay range which overlaps with the ISR. They may determine the ISR as of 1st September 2012 or at any time if they consider it necessary. The relevant body should not take account of the salary of the serving head teacher if they re-determine the ISR.

33. When determining the salary of a new head teacher, relevant bodies should take account of the full responsibilities of the post. The expectation is that the remuneration paid to a head teacher as a result of the determination of the ISR should cover the head teacher's full role as set out in Part 9 of the Document, including any permanent appointment with the responsibility for more than one school (see paragraphs 34-36 below). The following matters no longer form part of the determination of the ISR and are dealt with as discretionary payments (see paragraphs 37-42 below): schools causing concern, difficulties filling a vacant head teacher post, difficulties retaining the current head teacher, and temporary appointment as a head teacher of more than one school.

Head teachers responsible and accountable for more than one school on a permanent basis (paragraph 12.2.4)

34. There may be a number of circumstances in which it is appropriate for a head teacher to be permanently appointed to be responsible and accountable for more than one school, although this has to be viewed in the context of the requirement that they must be capable of fulfilling their professional duties and complying with their contract of employment, without unreasonable additions to their working time.

35. In all cases, consideration needs to be given to the remuneration

of other teachers who as a result of the head teacher's role are taking on additional responsibilities. This will be based on any additional responsibilities attached to the post (not the teacher), which should be recorded. An increase in remuneration should only be agreed where the post accrues extra responsibilities as a result of the head teacher's enlarged role, it is not automatic.

36. Where this is a **permanent** arrangement (where the schools are part of a hard federation with a single governing body) the relevant body should base the calculation of the head teacher group on the total number of pupil units across all schools, which will give a group size for the federation in accordance with paragraphs 9 or 10. The relevant body should then determine the seven point ISR and appropriate starting point in that range according to paragraphs 7-12.

Head teacher's discretionary payments

37. Any discretionary payments in addition to the salary arising from the head teacher's point on the ISR should only be made in accordance with paragraph 12.4.1. The total of all discretionary payments made to a head teacher in respect of any school year must not exceed 25 per cent of the amount which corresponds to that individual's point on their ISR for that year. All discretionary payments received (with the exception of those in paragraph 12.6.1) in relation to their role as a head teacher count towards the limit (see also paragraph 42 below).

38. The governing body should have oversight of a head teacher's entire role and any paid responsibilities attached to this role. This should ensure that the governing body can take a fully informed decision about the appropriate remuneration for the head and any consequential implications for the pay of other staff who may be taking on additional responsibilities in the absence of the head.

39. It should be wholly exceptional to make discretionary payments which exceed the limit of 25 per cent of the amount that corresponds to the head teacher's point on the ISR in any given year. If it is considered that there are exceptional circumstances that warrant a payment in excess of the limit the relevant committee must make a business case for the payment to the full governing body. The governing body must seek external independent advice from an appropriate person or body who can consider the provisions of the Document and whether they have been properly applied to the head teacher's pay before making a decision on whether it is justifiable to exceed the limit in each particular case. There must be a clear audit trail for any advice given to the governing body and a full and accurate record of all decisions made by the governing body and the reasoning behind them.

40. These provisions only affect those determinations on pay made on or after 1 September 2011. If a head teacher is already on an ISR that exceeds the maximum of the head teacher group range then that

ISR will continue to apply unless and until the relevant body decides to recalculate the ISR in accordance with the provisions at paragraph 12.1. When recalculating the ISR, the relevant body must follow the statutory requirements to establish a head teacher's point on the head teacher group range that is applicable at the time of making any new decisions on pay for a head teacher.

41. Where a relevant body has already taken into account any of the circumstances set out in paragraph 12.5, 48, 49 or 50 when determining the ISR under a previous Document, a relevant body cannot make a discretionary payment under the Document in respect of the same circumstance, unless the ISR is recalculated.

42. Where a head teacher receives a payment under paragraph 48 in respect of residential duties which are a requirement of the post, that amount does not count towards the 25 per cent limit. Where a head teacher is awarded a non-monetary benefit under paragraph 50 and it is not a relocation benefit that relates solely to the personal circumstances of that head teacher the monetary value of the benefit counts towards the 25 per cent limit.

Head teachers temporarily accountable for more than one school

43. Occasionally, in a school where it is not possible to appoint a deputy head or another member of the teaching staff to take on the position of acting head where there is a vacancy in the post of head teacher, a head teacher of another school may be appointed to be responsible and accountable in addition to their continuing role as the head teacher of their own school.

44. This role should be regarded as an acting headship on a **temporary** basis for as long as arrangements are being made for a permanent head teacher to be recruited for each school without a head teacher or to make alternative permanent arrangements, such as amalgamating the schools or creating a hard federation. There is an expectation that these temporary arrangements should be time-limited and subject to regular review and the maximum duration should be no longer than two years.

45. Any workload issues for the head teacher and additional responsibilities for other staff as a consequence of this temporary arrangement should be addressed as part of the overall considerations by the relevant body in agreeing to the head teacher undertaking the temporary additional role.

46. In order to support a head teacher who temporarily takes on the responsibility and accountability for more than one school the governing bodies of the schools concerned need to establish clarity around both how these arrangements will work in practice and how the arrangements will be brought to an end. Schools contemplating this arrangement

should note the caveat at paragraph 44 above that it is only ever intended to be temporary.

47. In such temporary arrangements the head teacher is appointed in all schools in the arrangement. Accordingly, a fixed term variation of contract must be issued by the contracting employer. This will specify that the head, in addition to their substantive post, is for a fixed period employed additionally as head of the additional school(s). At the end of the fixed term variation the head teacher will revert to their substantive post.

48. Under the Collaboration Regulations[4] the governing bodies may arrange for a joint committee made up of governors from all the schools involved to be established to oversee the fixed term arrangements. This joint committee should have delegated power to deal with the pay and performance management of the head and other relevant staffing issues. This joint committee should also have delegated power regarding the financial arrangements which will apply during the collaboration period. For example, the joint committee should determine any payment on the basis of temporary additional responsibility for teachers, other than the head, in each school, and the arrangements for reviewing and ending those payments.

49. The joint committee should also take account of the circumstances of each school and the workload implications including the extent to which the head is likely to be absent from the individual schools. Any discretionary payments made under paragraph 12.5 should take account of the full responsibilities of the post. Where there is a deputy head in the school, it may be more appropriate to temporarily increase their pay range to take account of the increased responsibilities in the absence of the head. Additionally a teacher may be temporarily appointed, in the absence of the substantive post holder, to a post in the staffing structure which attracts a TLR payment; and in the case of a classroom teacher where none of those are appropriate, the joint committee may consider the use of additional payments at paragraph 49.1(d). The joint committee should ensure that any payment for additional responsibilities is in line with the provisions of the Document and the school's pay policy.

50. Where the arrangement for the head teacher is temporary, any adjustment to their pay and that of other teachers is also temporary, and safeguarding provisions will not apply when the arrangements cease.

Extended services

51. Local authorities are responsible for drawing up their local area plans. As part of these plans, they may choose to approach a school to

[4] The School Governance (Collaboration) (England) Regulations 2003 SI 2003/1962; and The Collaboration Between Maintained Schools (Wales) Regulations 2008/168

see if the head and governing body would be willing to take responsibility for the provision of a range of extended services on their site for children and young people from the area. If the head and governing body agree to take on significant additional responsibility for which the head is directly accountable to the Local Authority or the Children's Trust and the head teacher is permanently appointed as head teacher of that school, the relevant body has the discretion to take this into account when setting the head's ISR. Any salary uplift should be proportionate to the level of responsibility and accountability being undertaken. In all cases, consideration needs to be given to the remuneration of other teachers who as a result of the head teacher's role are taking on additional responsibilities. This will be based on any additional responsibilities attached to the post (not the teacher), which should be recorded. An increase in remuneration should only be agreed where the post accrues extra responsibilities as a result of the head teacher's enlarged role, it is not automatic.

52. This would particularly apply where the LA or Children's Trust delegates a budget for the provision and/or the commissioning of provision of a range of services to the head beyond the Standards Fund and the head is held accountable for the delivery of these services to the target group in the local area. There is an expectation that local authority plans are rigorous and have taken into account the workload implications for the school's staff.

53. However, where a head has an 'interest in' the quality of a service that is co-located on the school's site, for example, a speech therapy centre that helps the development of young people within the school or across a number of schools, but is not responsible or accountable for that service, this is part of a head teacher's core responsibilities, and would therefore not be taken into account when setting the head's ISR as in paragraph 51 above.

Pay of Deputy/Assistant Heads

54. The relevant body should determine the pay range for deputies and assistant heads when: they propose to make new appointments; or where there is a significant change in the responsibilities of serving deputy or assistant heads; or where the maximum of the deputy or assistant head's pay range equals or exceeds the minimum of the individual school range. They should take account of the responsibilities of the post, the background of the pupils at the school and whether the post is difficult to fill. They may determine the pay range as of 1st September 2012 or at any time if they consider it necessary to retain a deputy or assistant head teacher.

Progression

55. Relevant bodies should ensure that they review the performance of members of the leadership group, where they are not subject to the

2002 Regulations, the 2006 Regulations, the 2011 Regulations or the 2012 Regulations[5], in accordance with paragraphs 7, 13 or 15 as applicable. For all teachers, relevant bodies should take full account of the clarification of the application of the criteria for leadership group progression set out in the following box, in the light of any considerations set out in the relevant body's own pay policy as referred to in paragraphs 16-18 above. For heads, deputy or assistant heads in England who are subject to the 2006 Regulations or 2012 Regulations, relevant bodies must have regard to any recommendation on pay progression recorded in the teacher's most recent appraisal report or planning and review statement.

Application of Leadership Group Pay Progression Criteria – Clarification

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

To achieve progression, the School Teachers' Pay and Conditions Document (STPCD) requires individuals on the leadership spine to have demonstrated sustained high quality performance. To be fair and transparent, judgements must be properly rooted in evidence and be made having regard to the most recent appraisals or reviews.

Pay scale for classroom teachers (paragraphs 17 and 18)

56. The relevant body may award an additional point to any main scale teacher whose performance in the previous school year was excellent, with particular regard to classroom teaching. The discretion to award an additional point to teachers whose performance has been excellent must be set out in the relevant body's pay policy. Where the teacher is subject to the 2002 Regulations or 2011 Regulations (in Wales), this decision will follow the most recent appraisal or review. Where a teacher is subject to the 2006 Regulations or 2012 Regulations (in England), relevant bodies must have regard to any recommendation on pay recorded in the teacher's most recent appraisal report or planning and review statement. The provisions for main scale progression under paragraph 18.1.1(b) remain unchanged – the relevant body must award a point for each year of employment unless notification has been given that the teacher's service has been unsatisfactory.

[5] This means any teachers who are not subject to statutory performance management or appraisal arrangements.

Review of the salary of post-threshold teachers (paragraph 19)

57. For those teachers not subject to the 2002 Regulations, the 2006 Regulations, the 2011 Regulations or the 2012 Regulations[6], relevant bodies should ensure that they review the performance of post-threshold teachers who are eligible for consideration for movement up the Upper Pay Scale in accordance with the criteria in paragraph 19. For those teachers subject to the 2002 Regulations, the 2006 Regulations, the 2011 Regulations or the 2012 Regulations, when considering whether the teacher meets the criteria in paragraph 19 the relevant body must have regard to the results of the two most recent appraisals or reviews carried out in accordance with the 2001 Regulations, the 2002 Regulations or the 2006 Regulations. For teachers in England who are subject to the 2006 Regulations, relevant bodies must have regard to any recommendation on pay progression recorded in the teacher's most recent planning and review statement or appraisal report.

58. For all teachers, relevant bodies should take full account of the criteria for Upper Pay Scale progression set out in the box following the paragraph below, in the light of any considerations set out in the relevant body's own pay policy as referred to in paragraphs 16-18 above. Where teachers have moved school in the assessment period, the head teacher should consult with the head of the teacher's previous school to seek evidence as to the teacher's suitability for progression.

59. Relevant bodies have discretion under paragraph 19.4.7 to determine the point on the Upper Pay Scale to which certain categories of post-threshold teachers may be appointed. When doing so, relevant bodies should consider any pay progression which such teachers made in their previous employment which was based on an assessment of standards and contribution comparable to the requirements for progression on the Upper Pay Scale; and should not unreasonably withhold appointment at the equivalent point on the Upper Pay Scale.

[6] This means any teachers who are not subject to performance management.

Upper Pay Scale Progression Criteria – Clarification

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

To achieve progression, the School Teachers' Pay and Conditions Document (STPCD) requires that the achievements of post-threshold teachers and their contribution to school(s) should have been substantial and sustained. To be fair and transparent, judgements must be properly rooted in evidence. For teachers subject to the 2002, 2006, 2011 or 2012 Regulations, judgements must have regard to the results of the most recent appraisals or reviews. In the case of those subject to the 2006 or 2012 Regulations, judgements must have regard to any recommendation on pay in the teacher's most recent appraisal report or planning and review statement.

Progression on the Upper Pay Scale should be based on two successful consecutive performance management reviews or appraisals, other than under exceptional circumstances.

To ensure that the achievements and contribution have been substantial and sustained, those appraisals or reviews will need to assess that the teacher has:

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

U3 teachers play a critical role in the life of the school. They provide a role model for teaching and learning, make a distinctive contribution to the raising of pupil standards and contribute effectively to the work of the wider team. They take advantage of appropriate opportunities for professional development and use the outcomes effectively to improve pupils' learning.

Assessment against the post-threshold teacher standards Rounds 12 and 13 (paragraph 20)

Eligibility

60. In order to be eligible to be assessed against the post-threshold standards, teachers must:

- be statutorily employed under the Document; and
- be paid on point M6 of the pay scale for qualified classroom teachers; and
- have Qualified Teacher Status.

Only one request for assessment may be made in any round.

Teachers subject to the Education (School Teacher Performance Management) (England) Regulations 2006 or the Education (School Teachers' Appraisal) (England) Regulations 2012

61. Eligible teachers subject to the 2006 Performance Management Regulations or 2012 Appraisal Regulations who apply in Round 13 and were first placed on M6 in the school year 2012/13 or any previous school year, can make an application in the period 1st September 2012 to 31st October 2013 as long as they are on M6 at the date of their application. If successful, they will be paid with effect from 1st September 2012 or 1st September 2013 as provided for in this Document as the case may be. A recommended model document of application will be available in due course through the Department's website at: http://www.education.gov.uk.

Teachers in Wales and teachers not subject to the Education (School Teacher Performance Management) (England) Regulations 2006 or the Education (School Teachers' Appraisal) (England) Regulations 2012

62. Eligible teachers not subject to the 2006 Performance Management Regulations or 2012 Appraisal Regulations and eligible teachers in Wales, who apply in Round 13 and were first placed on M6 in the school year 2012/13 or any previous year, can make an application in the period 1st September 2012 to 31st August 2013 as long as they are on M6 at the date of their application. If successful, they will be paid with effect from 1st September 2012 or 1st September 2013 as provided for in this Document as the case may be. A recommended model application form will be available in due course through the Department's website at: http://www.education.gov.uk.

Outstanding applications from earlier rounds of Threshold

63. An outstanding application from an eligible teacher in an earlier round of threshold that was passed to a head teacher within the deadline on which they had to submit their application, but where assessment did not take place until a subsequent round must be dealt with under the provisions for the round in which it had originally been submitted. Where such an outstanding application is subsequently assessed as meeting the standards, the successful teacher will have their pay backdated in accordance with the relevant round of threshold in which they originally submitted their application, and they will therefore move to U1 with effect from 1st September at the start of the school year in which it was submitted or with effect from 1st September of the following school year, depending on the relevant provisions for payment that were applicable for that round. A round for the purposes of threshold means the period of time in which teachers must submit their applications; these deadlines have varied from year to year so it is important to refer to the Document that was in force in relation to the round in which the teacher originally applied.

64. Teachers who were unsuccessful in any previous round and teachers who have not yet been notified of the outcome of their appeal from a previous

round may be assessed again in Round 13.

Role of the relevant body in assessment against the post-threshold standards

65. The relevant body has legal responsibility for the Threshold Process. However, it is required to delegate the receipt and assessment of applications to the head teacher (or person with management responsibility in the case of unattached teachers). That person should handle all practical aspects of the process, including the giving of feedback to applicants.

66. The head teacher (or person with management responsibility in the case of unattached teachers) should promptly notify the relevant body of his or her decision on the application when it has been assessed. The relevant body, on receiving notification of a successful threshold application, is under a duty to move the teacher concerned to U1 in accordance with paragraph 19.

Post-threshold standards

67. The standards for post-threshold teachers are set out in Annex 1 to the Document. These are pay standards and apply in England and Wales.

Applications, evidence period and absence

England and Wales

68. Assessment is a voluntary process and entirely a matter of choice for individuals. Teachers are responsible for applying for assessment and they must apply to the head teacher of the school or setting at which they are employed to teach (or head of service if applicable).

Teachers in England subject to the Education (School Teacher Performance Management) (England) Regulations 2006 or the Education (School Teachers' Appraisal) (England) Regulations 2012

69. In England – for those subject to the 2006 Regulations or the 2012 Regulations – it is the teacher's responsibility to submit appraisal reports or reviews that cover the two year relevant period in support of their application. These should be as recent as possible and clearly demonstrate that the teacher has worked at the level indicated by the post-threshold standards for a sustained period covering the relevant period before the application is submitted.

Teachers in England not subject to the 2006 Performance Management Regulations or Education (School Teacher Appraisal) (England) Regulations 2012 and teachers in Wales

70. For other teachers it is their responsibility to cite summarised evidence – in the form of concrete examples from their day-to-day work – in support of an application. This evidence should be as recent as possible and clearly demonstrate that the teacher has worked at the level indicated by the post-threshold standards for a sustained period immediately before the application is submitted. Normally, the evidence should cover the two years leading up to and ending at the date of their application.

England and Wales – all teachers

71. The evidence cited of teaching or outcomes of appraisal reports or reviews – as the case may be – should reflect all educational settings where the applicant has taught children of school age (up to 19 years of age). A year for the purposes of evidence for post-threshold standards is defined in paragraph 1.8 and it permits certain periods of absence to be counted towards the period of a year.

72. In certain circumstances, teachers in England and Wales can cite evidence, appraisal reports or reviews covering the relevant period as defined in the Document, but over a period of up to five years based on the exceptions described in paragraph 73 (below).

73. Teachers who have not been teaching children up to 19 years of age in the two years immediately preceding their application and who are not covered by the specific absences defined in paragraph 1.8, or where the relevant body does not exercise its discretion to recognise the absence, but who have worked for an aggregate period of at least two years in the five years preceding their application, should cite evidence/provide the outcomes of appraisal reports or reviews from the most recent two year period (or an aggregate) ending at the point when they last taught children up to 19 years of age. They should not cite evidence more than five years old.

74. The absences not covered by paragraph 1.8 could be as a result of the teacher being an individual who had taught entirely outside the maintained or school sector, as a result of secondment, study leave, or because they took a career break for reasons other than those specifically covered by paragraph 1.8 and regardless of whether the break was in-service or not.

Feedback

All teachers - returning the application form and oral feedback

75. Before the head teacher (or person with management responsibility in the case of unattached teachers) assesses whether the teacher meets the post-threshold standards as set out in Annex 1 of the Document, they must first be satisfied that the teacher meets the

Teachers' Standards[7] set out in Annex 2. In Wales the equivalent to "Teachers' Standards" are the "Practising Teacher Standards" which are also set out in Annex 2. In satisfying themselves of this, the head teacher or person with management responsibility must have regard to the results of the most recent appraisal or review carried out in accordance with the 2002, 2006, 2011 or 2012 regulations (where teachers are subject to those regulations).

76. If the head teacher is satisfied that the teacher meets the Teachers' Standards[8], they will then assess them against the Post-Threshold standards, having regard to:

- Where the teacher is subject to the 2006 or 2012 regulations, the results of the reviews or appraisals covering the relevant period, carried out in accordance with those regulations, or where that information is not available, a statement and summary of evidence cited in the application;

- Where the teacher is subject to the 2002 regulations, the results of the most recent appraisal carried out in accordance with those regulations and the evidence in the application covering the relevant period;

- Where the teacher is subject to the 2011 regulations, the results of the performance management reviews covering the relevant period, carried out in accordance with those regulations, or where that information is not available, a statement and summary of evidence cited in the application; or

- In any other case, the evidence cited in the application.

77. If the head teacher is not satisfied that the teacher meets the Teachers' Standards[9] they must reject the application and provide the teacher with a written explanation for the rejection. He or she should do this within 20 working days of informing the relevant body of the decision. In such cases, no assessment will be carried out against the post-threshold standards.

78. All individuals involved in the assessment process must comply with the requirements of discrimination legislation as explained in paragraph 15 above. Teachers who believe that they have been discriminated against unlawfully have recourse to the pay appeals

[7] A qualified teacher (an "applicant"), who is subject to the 2006 or 2012 Regulations and is eligible and applies to be assessed against the post-threshold standards between 1 September 2011 and 31 October 2012 using performance management evidence for a period prior to 1 September 2012 should be assessed against the Core Standards for threshold assessment purposes. The Core Standards are contained in Annex 1 of the 2011 Document and can be found on the Department's publications website: https://www.education.gov.uk/publications/

[8] See footnote (7) above.

[9] See footnote (7) above.

process within their school in addition to other legal rights and remedies (see paragraphs 20 to 23 above).

79. Having carried out an assessment against the post-threshold standards, the head teacher must notify the teacher of the outcome of that assessment and should do this within 20 working days of informing the relevant body of the decision. The head teacher should also return the teacher's administrative document or application form to them, showing any findings/comments they may have recorded on that form.

80. The head teacher should provide oral feedback on each of the 10 post-threshold standards and the reasons for the outcome of the application.

81. Feedback should be sensitive, informative and developmental. Feedback should link effectively to the school's appraisal arrangements and should enable the teacher and his or her manager to identify clear priorities for future professional development.

Unsuccessful applicants

82. In the case of unsuccessful applicants, head teachers should give written feedback on the reasons for the outcome of the application, in relation to each of the 10 post-threshold standards, including those where the standards have been met, within 20 working days of informing the relevant body of their decision. Head teachers should also give written feedback where an applicant has not yet met the core standards within 20 working days of informing the relevant body of their decision.

83. Heads should record their reasons for determining that the standard(s) have not yet been met. A concise record of the reasons for which standard has/has not been met and why, should provide sufficient written feedback, although the head may supplement this. In all cases, the aim should be to give clear advice in oral feedback about how the teacher needs to develop in order to reach the standards. If, in discussion with the teacher it has been necessary to amplify the comments, then the key additional points made should be confirmed in writing.

Appeals against not meeting the post-threshold standards

84. Paragraphs 20-23 above, which cover hearings and appeals in connection with pay determinations, also apply to decisions with regard to post-threshold standards.

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

85. Teachers who cite evidence/provide appraisal reports or reviews from more than one school (e.g. short notice teachers who have had

specific individual contracts with schools and therefore were attached to those schools, or teachers who have changed jobs) should submit their application to the relevant body of the school they are contracted to work in on the date of submission of their application.

86. That head teacher should consult with the heads of the other schools in assessing the application and those heads should co-operate in the assessment.

Teachers who work in two or more schools simultaneously

87. In exceptional circumstances, where a post-threshold applicant is simultaneously employed to teach at two or more schools (e.g. part-time teachers simultaneously employed in two or more schools, or short notice teachers simultaneously employed in two or more schools and attached to those schools) the teacher should submit their application to the head teacher of the school at which they spend most time and the head of that school should normally assess the application, with appropriate input from the heads of the other school or schools. Where the teacher spends equal time in every school, they should submit their application to the head teacher of the school at which they have been employed the longest and the head of that school should normally be responsible for making the assessment. The assessing head should consult with the other head teachers in assessing the application and they should participate in the assessment. Where all the relevant heads agree, it is also possible for any one of them to assess the application if appropriate.

88. Teachers may make only one application, however many schools they work in. Regardless of the number of heads who contribute to the assessment, only one head should decide whether each of the standards has been met.

Teaching and Learning Responsibility (TLR) payments (paragraphs 21 - 24)

89. TLRs may be awarded for undertaking a sustained responsibility in the context of the school's staffing structure that is needed to ensure continued delivery of high-quality teaching and learning. Posts to which TLRs are attached must meet the criterion and factors which are set out in paragraph 21. The monetary values of TLRs must also be determined within the parameters in paragraph 22.

90. The relevant body must keep under review how many leadership group posts, advanced skills teacher, excellent teacher and other posts are needed in its staffing structure and whether TLRs are an appropriate part of the structure needed to ensure the continued delivery of high-quality teaching and learning[10]. If TLRs are an appropriate part of that structure, the relevant body must decide how many posts should have TLRs and the appropriate cash values in the light of the criterion and factors for the award of TLR2 and TLR1 and the parameters within which the cash values may be set. The responsibility or package of responsibilities for which a TLR is awarded should be clearly set out in the job description of the post holder. Equal pay legislation must be respected in the award of TLRs to individual teachers and relevant bodies should be aware that any decisions which are not made on objective criteria may lead to claims being made to employment tribunals.

91. Teachers are expected to contribute, both orally and in writing as appropriate, to curriculum development by sharing their professional expertise with colleagues and advising on effective practice. This does not mean that they can be expected to take on the responsibility of, and accountability for, a subject area or to manage other teachers without appropriate additional payment. Responsibilities of this nature should be part of a post that is in the leadership group or linked to a post which attracts a TLR on the basis set out in paragraph 23.

92. Relevant bodies should determine the value of a TLR appropriate for the post, within the parameters laid down and in accordance with job weight. Posts of equal weight should be allocated equal value. Decisions to make payments above the applicable minimum level should be justifiable in relation to the level of responsibilities attached to the post. Relevant bodies should not take into account recruitment or retention issues, payments for which should only be awarded under the provisions of paragraph 50 and in accordance with the relevant body's pay policy. Changes in the value of TLRs, once set by the relevant body, should only occur for two reasons: (a) the STRB recommends, and the Secretary of State accepts and brings in a general change in the TLR values; or (b) the relevant body reviews its staffing structure and determines that the responsibilities of the post have changed materially.

93. TLRs should only be awarded to teachers placed in the specified posts in the staffing structure and to the cash value set out in the pay policy. TLRs awarded to part-time teachers must be paid pro rata at the same proportion as the teacher's part-time contract.

94. TLRs are permanent while the postholder remains in the same post in the staffing structure. A teacher may not be awarded more than one TLR. The overarching criterion for the award of TLRs includes

[10] If a post meets the criterion and all of the factors, this does not mean automatically that the post will be graded as a TLR1. In addition, in some schools, the structure may provide for the leadership group to carry out some or all of the associated responsibilities.

provisions that the responsibility for which the TLR is awarded must be 'sustained' and that the TLR must be awarded 'in the context of the relevant body's staffing structure'. TLRs may only be awarded on a temporary basis where the teacher is temporarily occupying a different post in the staffing structure to which a TLR payment is attached (such as in cases of cover for secondments, maternity or sick leave or vacancies pending permanent appointment) and for the duration of that responsibility. TLRs may not be awarded in any other circumstances, for example where the responsibility is short-term or fixed-term, because such circumstances would not meet the overarching criterion, as outlined above, for the award of TLRs. The date on which the temporary award will end, or the circumstances in which it will end, must be included in the teacher's notice of a revised pay determination, as specified in paragraph 4.4(c)(iii). A teacher who holds a TLR awarded on a temporary basis or who is on a fixed-term contract does not receive a safeguarded sum when the TLR comes to an end, unless the TLR is ended earlier than specified and their contract extends beyond the date when that TLR ends.

95. If a teacher is given a new post or revised responsibilities, then the relevant body must determine whether a different TLR (or no TLR) applies to the post, and whether the teacher is entitled to any safeguarded sum if no TLR, or a lower one, applies to the new post/revised responsibilities.

96. If a teacher in receipt of TLR safeguarding is awarded a TLR in the temporary absence of the postholder, or serves as a member of the leadership group, as an advanced skills teacher or as an excellent teacher in the temporary absence of the postholder, TLR safeguarding is reduced or discontinued (as applicable) during this period but is restored at the end of the temporary period unless it would otherwise have ceased under the provisions of paragraph 24.

Special educational needs (SEN) allowance (paragraph 25)

General principles

97. SEN allowances may be held at the same time as TLRs. However, relevant bodies should, when keeping their staffing structures under review:

(a) ensure that, in the light of remodelling and the move of administrative tasks from teachers to support staff, holders of SEN allowances are not carrying out tasks that would be more appropriately undertaken by support staff;

(b) consider whether, if teachers have responsibilities that meet all the criteria for the award of TLR payments it would not be more appropriate to award a TLR payment instead of a SEN allowance of a lower value;

(c) not continue to award new SEN payments solely for the purposes of recruitment and retention; and

(d) ensure that any SEN responsibilities are clearly specified in individual teacher's job descriptions.

98. Where the criteria for the payment of a SEN allowance are met, the relevant body must award an allowance and the teacher's written notification given at the time of the award should specify the amount, and the reason for the award.

Arrangements for SEN allowances from 1 September 2010

99. The previous system of two separate and defined SEN allowances was replaced from 1 September 2010 with a spot value allowance that falls within a specified SEN range of between £2,001 and £3,954. The relevant body must determine the award of an SEN allowance in accordance with the criteria in paragraphs 25.2 and 25.3.

Assessment of appropriate allowance values

100. The pay policy for the school or local authority should set out the basis for rational, transparent and fair decisions on levels of payment for SEN allowances. This will reflect the school's organisation of or provision for SEN or, for unattached teachers employed in the local authority's central services, the organisation of provision in the particular service.

101. The value of allowances should be based on whether any mandatory qualifications[(11)] are required, other qualifications and expertise relevant for the post and the relative demands of the post. This will require schools (and local authorities) to make a judgement about the nature and challenge of a teacher's work with pupils with SEN compared and related to that of other teachers in the school or service.

102. In establishing appropriate values for their SEN allowances, schools should ensure that they have considered the full range of payments available and that the values chosen are properly positioned between the minimum and maximum established in the national framework. For example, a teacher who is teaching a special class for which a mandatory qualification is required and who has considerable relevant experience (and who is therefore seen as one of the school's leading professionals in this area) would be more likely to be paid towards the top end of the national range. Differential values relating to SEN roles in the school should be established to properly reflect significant differences in the nature and challenge of the work entailed so that the different payment levels can be objectively justified.

103. Similarly, local authorities will want to ensure that there is an objective

[(11)] The Education (School Teachers' Qualifications) (England) Regulations 2003 and The Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999.

assessment of the nature and challenge of the work entailed for teachers in their central SEN services to establish appropriate relative levels for allowances between the national minimum and maximum values provided for in the national framework.

104. Schools should take account of the way in which SEN provision is organised and delivered locally and may want to consult their local authority for advice on establishing appropriate payments.

Transition from the previous system of SEN allowances and safeguarding provisions

105. As a result of the new criteria which were introduced for the award of an SEN allowance from 1 September 2010, if a relevant body determined that a teacher was to be awarded a spot value SEN allowance of a lower value than an SEN allowance which was paid under the 2009 Document, the safeguarding provisions in paragraphs 25.6 to 25.10 will apply.

Subsequent changes in SEN provision (following transition) and safeguarding provisions

106. Where the relevant body makes a change in the way its SEN provision is organised or to its pay policy such that the criteria and factors cease to be met or now merit the payment of a lower allowance, this could result in the value of the allowance being reduced or withdrawn. In these cases, the general safeguarding rules under paragraph 43 (and subject to paragraph 5) will apply.

Advanced Skills Teachers (paragraph 27)

Setting a pay range

107. When setting the pay range for an AST post (paragraph 27), in addition to the provisions in paragraph 27.3, relevant bodies should also consider the following:

(a) the status of the grade as an alternative to posts paid on the leadership spine;

(b) the need for an appropriately substantial pay increase in relation to the appointee's previous post;

(c) whether the post would or may otherwise have attracted an allowance (for example, for SEN);

(d) any recruitment or retention considerations; and

(e) whether the appointee is a teacher of a shortage subject or a subject where there is a particular need to raise the quality of teaching and learning.

108. The relevant body should determine the pay range for ASTs when they propose to make new appointments or where there is significant change in the responsibilities of existing ASTs, for example, higher-level responsibilities such as leading a large whole school or LA project to improve an aspect of teaching and learning; or where there are changes in the school's situation which lead to a wider review of salaries.

Reviewing performance

109. Where the teacher is not subject to the 2002 Regulations, the 2006 Regulations, the 2011 Regulations or the 2012 Regulations[(12)], relevant bodies should ensure that they review the performance of ASTs who are eligible for consideration for movement up their pay range in accordance with paragraph 27. For those teachers subject to the 2002 Regulations, 2006 Regulations, 2011 Regulations or the 2012 Regulations the relevant body must have regard to the most recent appraisal or review when considering this. For those teachers subject to the 2006 or 2012 Regulations, relevant bodies must have regard to any recommendation on pay progression recorded in the teacher's planning and review statement or appraisal report. For all teachers relevant bodies should take full account of the following notes on the clarification of the application of the criteria for advanced skills teacher pay progression, in the light of any considerations set out in the relevant body's own pay policy as referred to in paragraphs 16-18 above.

Application of Advanced Skills Teacher Pay Progression Criteria – Clarification

110. Advanced Skills Teachers play a critical role in the life of the school. Through their own excellent teaching and their work with other teachers or on whole school projects they play a leading role in enhancing the quality of teaching and learning throughout the school. Their outreach work opens the school to wider relationships which can enrich the experiences and raise the performance of both colleagues and pupils. Their outreach work also benefits and is of great value to the wider teaching community.

111. To achieve progression, (which may be one or two points on the pay spine) the Document requires individuals on the advanced skills teacher spine to have demonstrated sustained high quality performance. To be fair and transparent, judgements must be properly rooted in evidence. Where teachers are subject to the 2002, 2006, 2011 or 2012 Regulations, judgements must have regard to the most recent appraisal report or review and, in the case of teachers subject to the 2006 or 2012

[(12)] That is, teachers in England and Wales not subject to statutory performance management or appraisal reviews.

Regulations, must have regard to any recommendations on pay in the teacher's planning and review statement or appraisal report.

112. In the case of teachers not subject to the 2002, 2006, 2011 or 2012 Regulations, judgements must have regard to the performance criteria previously agreed between the teacher and the relevant body and to any outreach work the teacher has carried out for the benefit of teachers from other schools.

113. To ensure that there has been high quality performance the performance or appraisal review will need to assess that the teacher has grown professionally by developing their teaching expertise and their application and delivery of AST professional duties.

114. In order to take outreach work into account in determining whether there should be any movement up the AST pay spine (paragraph 27), relevant bodies should ensure that good systems are in place to monitor and evaluate this, particularly if it is organised and managed by someone outside the school, such as an LA AST co-ordinator.

Assessment against the AST or Excellent Teacher standards (paragraphs 30 and 31)

Professional standards for teachers in England

115. The standards for excellent teachers and ASTs are set out in Annex 1.

Professional standards for teachers in Wales

116. The standards for excellent teachers and ASTs in Annex 1 are pay standards and apply in England and Wales.

Applications

117. The head teacher must first be satisfied that the teacher meets the standards which apply to their current level before they can be assessed against the AST and/or excellent teacher standards, as the case may be.

118. A teacher who does not already hold a certificate indicating that they meet the AST or excellent teacher standards should submit a written application for such a certificate to the head teacher of the school at which they are currently employed when they apply for an AST or excellent teacher post. In the case of excellent teacher posts, a teacher is only eligible to apply for a post in a school other than the one in which they are currently working if they have already been assessed as meeting the excellent teacher standards.

119. If a teacher is simultaneously employed at more than one school

the head teachers of the schools concerned should agree which one of them is to act as the designated head teacher to carry out the head teacher's duties under paragraph 56.17. If they cannot agree, then the designated head teacher should be either the head teacher of the school at which the teacher is employed for the greatest number of hours or, if there is no difference, the head teacher of the school at which the teacher has been employed for longest.

120. An unattached teacher should give their application to their line manager.

121. The head teacher should first be satisfied that the teacher meets those standards set out in Annex 1 and/or 2 of the Document which apply to their current career stage. For teachers subject to the 2002, 2006, 2011 or 2012 Regulations, they should have regard to the results of the most recent appraisals or reviews.

122. Where the application is for an excellent teacher post, the standards which apply to their current career stage are the Teachers' Standards and post-threshold standards.

123. Where the application is for an AST post, the standards which apply to their current career stage are:

(a) in the case of an applicant who is an excellent teacher, the Teachers' Standards, post-threshold and excellent teacher standards;

(b) in the case of an applicant who is currently paid on the upper pay spine, the Teachers' Standards and post-threshold standards; and

(c) in the case of an applicant who is currently paid on the main scale, the Teachers' Standards.

124. If the head teacher is not satisfied that the teacher meets the standards which apply to their current career stage they must reject the application and provide the teacher with a written explanation for the rejection. The head teacher should do this within 20 working days of receiving the application. In such cases no external assessment will be carried out.

125. If the head teacher is satisfied that the teacher meets the standards which apply to their current career stage set out in Annex 1 and/or Annex 2 they should complete the application within 20 working days of receiving it, adding their evaluation of the extent to which the teacher meets those standards set out in Annex 1 and/or Annex 2 which are to be externally assessed as set out in the table below. The head teacher should give the teacher a copy of the completed application promptly.

Career Stage	Application for	External assessment against
Post-Threshold Teacher	Excellent Teacher	Excellent Teacher standards
Main scale Teacher	Advanced Skills Teacher	Post-threshold standards, Excellent Teacher standards and Advanced Skills Teacher standards
Post-Threshold Teacher	Advanced Skills Teacher	Excellent Teacher standards and Advanced Skills Teacher standards
Excellent Teacher	Advanced Skills Teacher	Advanced Skills Teacher standards

126. Where the teacher is employed at more than one school, the designated head teacher should consult the head teachers of the other schools at which the teacher is employed before completing the application.

127. Where a teacher applies for an excellent teacher post at the school at which they are employed as a teacher, the head teacher should submit the completed application to an assessor.

128. Where an unattached teacher applies for an excellent teacher post at the LA at which they are employed, the relevant Director of Children's Services' (in England) or the Chief Education Officer's (in Wales) nominee should submit the completed application to an assessor.

129. Where a teacher applies for an AST post at the school at which they are employed as a teacher, the head teacher should submit the completed application to an assessor if the teacher:

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

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

130. Where a teacher applies for an AST post at another school, the person who completed their application should give it to the head teacher of the school at which the post is situated. That head teacher should submit the completed application to an assessor in the above circumstances.

131. Where a teacher applies for an AST post which is not attached to a particular school, the person who completed his or her application should give it to the relevant Director of Children's Services' (in England) or the Chief Education Officer's (in Wales) nominee. The nominee should submit the completed application to an assessor in the above circumstances.

Advanced Skills Teacher and Excellent Teacher Assessment

132. When making an assessment against the AST and excellent teacher standards an assessor should:

(a) consider the completed application;

(b) consider any additional evidence supplied by the applicant in support of their application;

(c) consider any additional evidence in relation to the application supplied by the head teacher or the applicant's line manager;

(d) observe the teacher teaching;

(e) interview the applicant; and

(f) interview the head teacher or the applicant's line manager,

and the assessor may seek such additional evidence as they see fit to demonstrate those standards.

133. When an applicant is absent from work in the exercise of their statutory rights to maternity, paternity, adoption or parental leave, the assessor is not required to observe the teacher teaching.

Review of AST and Excellent Teacher assessment (paragraph 32)

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

AST Outreach

135. Paragraph 59.3 says that ASTs may in certain specified circumstances use their outreach time for their own school. The specified circumstances are: ASTs working in schools in challenging circumstances, in special measures, requiring significant improvement or funded via the New Opportunities Scheme may use their outreach time to carry out AST professional duties in their own school.

136. In the following exceptional circumstances ASTs may vary the

normal 20% of their time spent on outreach to a minimum of 10% and a maximum of 40% of their time on outreach work:

(a) where it is not possible to perform AST professional duties in relation to their own school at a time when the AST would normally be working in the school – for example because other staff are not available;

(b) where it is necessary to undertake AST professional developmental activities during time normally set aside for outreach work – for example because of the timing of external events and activities;

(c) when additional outreach work is undertaken in connection with a specific Departmental or National Assembly for Wales initiative; or

(d) where the AST is new and inexperienced.

Excellent Teachers (paragraph 33)

Determination of salary

137. The salary of any teacher appointed to an excellent teacher post on or after 1st September 2009 is a spot salary and must be determined in accordance with paragraphs 33.4 and 33.5.

138. The salary range for excellent teachers in inner London is £48,600 to £60,993, in outer London £43,668 to £56,061, in the fringe area £40,819 to £53,212 and in England and Wales excluding the London area and the fringe £39,697 to £52,090.

139. When determining the spot salary on the range for an excellent teacher, the relevant body must have regard only to the following:

(a) the nature of the work to be undertaken; and

(b) the degree of challenge to the role.

Review of salary

140. Excellent teachers are not subject to an annual review of salary. The relevant body may only re-determine the salary of an excellent teacher when there are any significant changes in:

(a) the nature of the work to be undertaken; or

(b) the degree of challenge of the role.

Safeguarding

141. Safeguarding arrangements now apply to excellent teachers' salary, should their salary be reduced as a result of the 1st September

2009 redetermination, or subsequent redetermination as a result of changes in the nature of the work, or the degree of challenge in the role. See paragraphs 26-30 above.

Unqualified teachers (paragraph 35)

142. In England and Wales, the following categories of unqualified teacher[13] are covered by the Document if they provide primary or secondary education under a contract of employment or for services with a local authority or a governing body requiring them to carry out specified work[14] in a school:

- overseas trained teachers;
- persons granted a licence under the provisions of Part II of Schedule 2 to the Education (Teachers) Regulations 1993[15] ;
- student teachers, teacher trainees who have yet to pass the skills test and those undertaking employment based teacher training leading to QTS;
- assistant teachers at a nursery school or teachers of a nursery class, who were employed as teachers under the Education (Teachers) Regulations 1982 before 1 September 1989;
- in England persons giving instruction in any art, skill, subject or group of subjects (including any form of vocational training) who have special qualifications and/or experience;
- in Wales persons giving instruction in any art, skill, subject or group of subjects (including any form of vocational training) who have special qualifications and/or experience and where no suitable qualified teacher, graduate teacher, registered teacher or teacher on an employment-based teacher training scheme is available.

143. Paragraph 2.2 (a) provides for a graduate teacher, a registered teacher or those on employment-based training schemes to be paid and be eligible for allowances either as a qualified teacher on the main scale or as an unqualified teacher on the unqualified teachers' pay scale.

144. From 1st September 2008, the unqualified teachers' scale reduced from 10 points to six. Unqualified teachers who had previously worked as such were assimilated from the previous 10-point to the six-point scale in accordance with the provisions of paragraphs 35.2-35.3. Unqualified teachers receive points on the previous pay scale before assimilation to the new pay scale in accordance with the assimilation table in paragraph 35.3. Such teachers receive a mandatory point for years of satisfactory employment since 1st September 2005, when points became permanent, and any discretionary points which may have been awarded. All unqualified teachers may receive points for other

[13] For the complete list of these categories see the Education (School Teachers' Prescribed Qualifications, etc) Order 2003
[14] Education (Specified Work and Registration) (England) Regulations 2003 (as amended) and Education (Specified Work and Registration) (Wales) Regulations 2010
[15] As they applied before amendment by the Education (Teachers) (Amendment) (no 2) Regulations 1997

experience or excellence, and those working as unqualified teachers prior to 1st September 2005 and who have not worked as such since may receive a discretionary point for each year of employment as an unqualified teacher.

145. Those beginning work as unqualified teachers with effect from or after 1st September 2012 are placed on point 1 of the six-point pay scale, unless the relevant body determines that they have other relevant experience, in which case a discretionary point or points may be awarded.

146. Relevant bodies must arrange for any unqualified teacher who is placed on point 1, 2 or 3 of the unqualified teachers' six-point pay scale with effect from or after 1st September 2012 to receive a sum of £250 payable in 12 monthly instalments with their salary for the academic year 2012/13. Payments must be made to part-time unqualified teachers on a pro rata basis. The teacher's written salary notification should show this as a separate payment (as it has not been consolidated into the pay scale).

147. The relevant body should arrange for the payments to cease if the unqualified teacher becomes qualified or if they determine that the unqualified teacher should be paid on point 4, 5 or 6 of the unqualified teachers' pay scale.

Unqualified teachers' allowance (paragraph 36)

148. The arrangements for paying an allowance to unqualified teachers were modified with effect from 1st September 2008. Relevant bodies may pay an additional allowance to an unqualified teacher, in the context of their staffing structure and pay policy, if they consider that the unqualified teacher has

(a) a sustained additional responsibility which is focused on teaching and learning, and requires the exercise of a teacher's professional skills and judgement; or

(b) qualifications or experience which bring added value to the role they are undertaking.

149. The relevant body's pay policy should set out the way in which decisions are taken on allowances for unqualified teachers, so that there is transparency.

150. Where the value of the unqualified teachers' allowance is reduced, then safeguarding arrangements will apply in line with paragraphs 26-30 above.

151. Unqualified teachers may not hold TLRs or SEN allowances.

152. Any scale points awarded to unqualified teachers are permanent, whether the teacher remains in the same post or takes up a new one.

153. Where an unqualified teacher becomes qualified the relevant body must redetermine salary and allowances in accordance with paragraph 37.1.

Unattached teachers (paragraph 41)

154. LAs must take account of their pay policy and staffing structure when determining the remuneration of unattached teachers. LAs should therefore ensure that the pay policy and staffing structure are kept up to date in respect of their unattached teachers.

General safeguarding applicable to teachers taking up post on or before 31st December 2005 (paragraph 42)

155. Paragraph 42 applies to teachers who are subject to general safeguarding and started work in a new post before 1st January 2006. In addition to the longstanding provisions on the cessation of general safeguarding in paragraph 42.7 (including if the teacher refuses to accept an alternative post within the same authority), teachers' general safeguarding ceases if they move post voluntarily.

General safeguarding applicable to teachers taking up post on or after 1st January 2006 (paragraph 43)

156. Separate safeguarding arrangements apply to teachers (including unattached teachers) whose general safeguarding started on or after 1st January 2006. Teachers in such cases receive as a cash sum the difference between their former salary and their new salary, safeguarded for up to three years. See paragraphs 26-30 above.

Safeguarding for members of the leadership group, advanced skills teachers and excellent teachers (paragraph 44 and 45)

157. Relevant bodies should ensure that the mandatory safeguarding arrangements are applied to members of the leadership group, ASTs or excellent teachers who are subject to loss of salary as a result of changes to the pay policy or staffing structure[16] (paragraph 45).

158. If a teacher in receipt of safeguarding under paragraph 44 serves as a member of the leadership group, as an advanced skills teacher or as an excellent teacher in the temporary absence of the post holder, the safeguarding is discontinued during this period but is restored at the end of the temporary period, unless it would otherwise have ceased under the provisions of paragraph 44.

[16] For example, the relevant body should redetermine the pay range for an AST post where there is a significant change in the responsibilities of that AST, for example, if in-school subject leadership responsibilities are removed.

159. Relevant bodies should also note the need to redetermine the safeguarded pay of heads who were subject to loss of salary before 1st September 2005 (paragraph 45).

Part-time teachers' remuneration (paragraph 46)

160. All contractual arrangements entered into must comply with The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 (as amended), and the Equality Act 2010.

161. Part-time teachers must be paid a percentage of the appropriate full-time equivalent salary as calculated in paragraph 164 below. The same percentage must be applied to any allowances awarded to a part-time teacher.

162. Part-time teachers cannot be required to work or attend non-pupil days, or parts of days, on days they do not normally work, but it should be open to the teacher to attend by mutual agreement with the head teacher (see paragraph 191 of this guidance) and the pay calculation in paragraph 164 (below) applied to any resultant additional hours worked.

163. The timetabled teaching week refers to school session hours that are timetabled for teaching, **including** PPA time and other non-contact time but **excluding** break times, registration and assemblies. The school's timetabled teaching week of a full-time classroom teacher is to be used as the basis for calculating the pro rata percentage of the school's timetabled teaching week for which a part-time teacher is employed at the same school. This percentage is used to determine the pro rata remuneration of a full-time equivalent teacher's remuneration to which a part-time teacher is entitled. The percentage remains the same whether the school operates a weekly, fortnightly or any other timetable cycle.

164. This calculation is specifically for establishing the proportion of remuneration (paragraph 46) **and** working time (paragraph 62) for part-time teachers and is to be used as the **benchmark** to determine a part-time teacher's pay and working time against the remuneration and working time of the teacher if they were employed in the same post on a full-time basis within the same establishment.

For example, if the school day, excluding registration and assembly, runs from 9.00am to 12.15pm and again from 1.15pm to 3.30pm with one 15 minute break in the morning session and one 15 minute break in the afternoon session the school's timetabled teaching week would be calculated as:-

	Morning Session (less breaks, registration, assembly)	+	Afternoon Session (less breaks, registration, assembly)	x	No of days in timetable (i.e. 5 or 10 days)	=	School's Timetabled teaching week (STTW)	% of STTW
Full-time	3 hours	+	2 hours	x	5 days	=	25 hours	100%

If a part-time teacher were employed for mornings only working 9.00am to 12.15pm every day their percentage of the timetabled teaching week would be calculated as:-

	Morning Session (less breaks, registration, assembly)	+	Afternoon Session (less breaks, registration, assembly)	x	No of days in timetable (i.e. 5 or 10 days)	=	School's Timetabled teaching week (STTW)	% of STTW
Full-time	3 hours	+	2 hours	x	5 days	=	25 hours	100%
Part-time	3 hours	+		x	5 days	=	15 hours	60%

In a case where the school day, excluding registration and assembly, runs from 9.00am to 12.00pm and again from 1.00pm to 3.30pm with one 15 minute break in the morning session and one 15 minute break in the afternoon session the school's timetabled teaching week would be calculated as:-

	Morning Session (less breaks, registration, assembly)	+	Afternoon Session (less breaks, registration, assembly)	x	No of days in timetable (i.e. 5 or 10 days)	=	School's Timetabled teaching week (STTW)	% of STTW
Full-time	2.75 hours	+	2.25 hours	x	5 days	=	25 hours	100%

If a part-time teacher were employed for mornings only working 9.00am to 12.00pm every day their percentage of the school's timetabled teaching week would be calculated as:-

	Morning Session (less breaks, registration, assembly)	+	Afternoon Session (less breaks, registration, assembly)	x	No of days in timetable (i.e. 5 or 10 days)	=	School's Timetabled teaching week (STTW)	% of STTW
Full-time	2.75 hours	+	2.25 hours	x	5 days	=	25 hours	100%
Part-time	2.75 hours	+		x	5 days	=	13.75 hours	55%

165. The relevant body should establish the proportion of the school's timetabled teaching week for each part-time teacher as a percentage of a full-time classroom teacher's school's timetabled teaching week using the same method of calculation as above.

Teachers working in more than one school or in a school with varying timetabled teaching weeks

166. The same calculations would be carried out by each individual relevant body or if a teacher works in different parts of a school with differing school timetabled teaching week, two (or more) calculations would have to be made to arrive at a consolidated pro rata remuneration for the teacher.

Unattached teachers

167. In the case of unattached part-time teachers the 'school's timetabled teaching week' comparator should be a full-time teacher within the same service at the Local Authority.

Leadership group/AST

168. The principle set out in paragraphs 161 and 165 above also applies to members of the leadership group and ASTs. Please also refer to paragraph 190 of this guidance about working time (paragraph 62 of the Document).

Additional payments (paragraph 49)

169. Any payment to a head teacher under paragraph 49 is subject to the overall limit on discretionary payments at paragraph 12.4.1.

Continuing Professional Development (CPD)

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

Initial Teacher Training activities

171. Relevant bodies should decide whether to make additional payments to any teacher for activities related to providing initial teacher training (ITT). Such payments may be made only for ITT which is provided as an ordinary incident in the conduct of the school. Relevant bodies should set an appropriate level of payment for ITT activities in their pay policy.

172. Teachers undertaking school-based ITT activities do so on an entirely voluntary basis (*unless* they are ASTs for whom this is a professional duty). Such activities might include supervising and observing teaching practice; giving feedback to students on their performance and acting as professional mentors; running seminars or tutorials on aspects of the course; and formally assessing students' competence.

173. Other aspects of ITT activities cannot be regarded as an ordinary incident in the conduct of the school. Such activities include the additional requirements of School Centred ITT (SCITT), where schools take the lead in providing ITT courses. They may include planning and preparing materials for an ITT course, and taking responsibility for the well-being and tuition of ITT students.

174. Separate non-teaching contracts of employment should be issued to cover those aspects of involvement in ITT which require the exercise of a teacher’s professional skills or judgment but which go beyond activities which may be described as an ordinary incident in the conduct of the school. No teacher should routinely carry out administrative and clerical ITT-related activities. Paragraphs 6 - 13 of Section 4 set out guidance on this, linking to paragraph 63.12 and Annex 4 of the Document.

Out-of-school hours learning activities

175. Relevant bodies should decide whether to make payments to

teachers who agree to participate in out-of-school hours learning. The level of payment should be covered by the school's pay policy. Payments to classroom teachers should only be made in respect of those activities undertaken outside of either the1265 hours of directed time for full-time teachers; or the appropriate proportion of the 1265 hours of directed time for part-time teachers. All agreements and payments to be made should be documented. All such activities should require the exercise of the teacher's professional skills or judgement.

Service provision (paragraph 49.1(d))

176. Where a head teacher in one school is providing a service to another school, for example as a National Leader of Education (NLE), the person providing that service is not ultimately accountable for the outcomes in the school, but for the quality of the service being provided. The relevant body whose head is providing the service should determine how much, if any, additional payment is due to the individual concerned in line with the provisions of the Document and the school's pay policy, for example where the contract requires work outside school sessions.

177. Consideration needs to be given to the remuneration of other teachers who as a result of the head teacher's additional role are taking on additional responsibilities and activities. This will be based on any additional responsibilities attached to the post (not the teacher), which should be recorded. Any increase in remuneration should only be agreed where the post accrues extra responsibilities as a result of the head teacher's enlarged role, it is not automatic, and should be in line with the provisions of the Document and the school's pay policy.

178. Where the arrangement for the head teacher is temporary, any adjustment to pay of other teachers is also temporary, and safeguarding provisions will not apply when the arrangements cease. The relevant body should consider the appropriate use of acting allowances and other temporary payments. Where there is a deputy head in the school, it may be more appropriate to temporarily increase his or her pay range to take account of the increased responsibilities in the absence of the head. Additionally a teacher may be temporarily appointed, in the absence of the substantive post holder, to a post in the staffing structure which attracts a TLR payment; and where none of those are appropriate, the relevant body can make use of additional payments at paragraph 49.1(d).

179. The following table sets out the operating principles and requirements which apply to the provision of services to other schools. All references below to the governing body refer to the governing body of the school whose head is providing services to another school.

PROVISION OF SERVICES TO OTHER SCHOOLS – OPERATING PRINCIPLES AND REQUIREMENTS

a. Any services provided by the head teacher of one school to another school must be authorised formally by the governing body and where the work extends over more than a 12 month period, the agreement of the governing body must be formally reviewed annually, or sooner if appropriate. The governing body should also agree arrangements for terminating such work.

b. Before such work is undertaken, the governing body and the head teacher must take into account:

• the needs of the school and its pupils;

• the benefits that the activity would bring to the school;

• the impact of any absence on other staff, including their workload; and

• the workload and work-life balance of all the individuals concerned.

c. In particular, before reaching a view the governing body should satisfy itself that these matters have been fully considered within the school's leadership team.

d. Arrangements for payment for external work, including personal remuneration, must be clearly stated and formally incorporated into a protocol by the governing body (or the finance committee) and decisions duly minuted.

e. The head teacher and governing body should monitor the operation of the arrangements and their impact on staff and pupils and take action where arrangements prove to be unsatisfactory.

f. The disposition of any payment, including personal remuneration, for external services must be agreed in advance in accordance with the determinations of the governing body. The terms of such an agreement must be set out in a memorandum signed by the chair of governors and the head teacher and any other members of staff involved.

g. Any income derived from external sources for the work of a school's staff should accrue to the school. The governing body should decide whether it would be appropriate for individual members of staff to receive additional remuneration for these activities, and if so, determine the appropriate amount.

h. The governing body should ensure that any expenses incurred by the individual as a result of taking on additional work are reimbursed, unless they are accounted for elsewhere.

Recruitment and retention incentives and benefits (paragraph 50)

180. Relevant bodies may make payments or provide other benefits under paragraph 50 as an incentive for the recruitment and retention of teachers, including head teachers and other members of the leadership group. Payments under this paragraph may only be made for recruitment and retention purposes, not for carrying out specific responsibilities or to supplement pay for other reasons, and should be in line with the relevant body's pay policy. Relevant bodies are free to determine the value of any award. However, any award to a head teacher under paragraph 50, including non-monetary benefits (for which a notional monetary value must be given), is subject to the overall limit on discretionary payments at paragraph 12.4.2; and should not result in the head teacher being paid an amount under paragraph 50 **and** paragraph 12.4.1 in respect of the same circumstance or reason.

181. New awards under paragraph 50 may only be given for a fixed period of up to three years to new teachers for recruitment purposes, and up to three years for retention purposes. Awards made for retention purposes are renewable in exceptional circumstances. The relevant body should determine the nature of those circumstances as appropriate and cover this in its pay policy.

182. All relevant bodies should consider as part of their pay policy deliberations (see paragraphs 16-18 above):

(a) whether recruitment and retention incentives and benefits should be offered to new or existing teachers; and

(b) if so, their nature, value, duration and the circumstances in which they will be paid.

183. Where a teacher is given an incentive or benefit under paragraph 50, written notification given at the time of the award should state:

(a) whether the award is for recruitment or retention;

(b) the nature of the award (cash sums, travel or housing costs etc.);

(c) when/how it will be paid (as applicable);

(d) unless it is a 'one-off' award, the start date and duration of the incentive (taking into account that the maximum of any one award is three years); and

(e) the basis for any uplifts which will be applied (as applicable).

Salary sacrifice arrangements (paragraph 52)

184. Employers may offer the salary sacrifice arrangements detailed in paragraph 52 to their employees if they choose to do so, and are encouraged to do so as the arrangements should be cost-neutral. Paragraph 52 permits teachers to participate voluntarily in such arrangements, subject to the limitations set out in the paragraph. Local authorities and governing bodies should ensure that any relevant information about such arrangements covered under paragraph 52 is passed on to teachers at their schools, to enable the teachers freely to decide whether or not salary sacrifice is an appropriate option. Participation in salary sacrifice is voluntary on the part of teachers. Employers may not make participation in a salary sacrifice arrangement a precondition for making an offer of employment to a prospective employee, or a precondition for promotion or some other advantage for an existing employee, nor may they withhold access from those wishing to participate.

Revisions to Conditions of Employment

185. Teachers should carry out their responsibilities in the context of the expectations set out in the Teachers' Standards and other standards relevant to their career stage and their individual job descriptions, whilst meeting all applicable legislative requirements.

186. Local job descriptions must be consistent with these provisions. In cases where teaching is carried out by the head teacher, the responsibilities set out for teachers will apply.

187. The revised scope of professional responsibilities must be considered alongside the Education (Specified Work) (England) Regulations 2012[17] and the Education (Specified Work and Registration) (Wales) Regulations 2010[18] which list the activities that define teaching in England and Wales respectively. With regard to the responsibility for head teachers to 'teach', where a head teacher of a school in England does not have QTS, appropriate arrangements have to be made by the head teacher for teachers with QTS to carry out any function for which QTS is a requirement (such as classroom observations for the purposes of performance management).

188. Within these overarching principles, it is essential that employers, school leaders and teachers share a common understanding of 'professionalism'. Relevant bodies and local authorities should bear in mind the importance of achieving a proper balance between what teachers/head teachers might reasonably be expected to do in carrying out their responsibilities and what employers/school leaders might reasonably

[17] S.I 2012/762.
[18] S.I 2010/2710

ask of them in order to minimise the scope for local disputes as a result of differing interpretations of what specific responsibilities might entail.

Working time (paragraph 62)

Part-time teachers

189. The conditions of employment for part-time teachers mirror those of full-time teachers (see Part 10 of the Document). To avoid claims of discrimination against part-time teachers, schools should, as a minimum, ensure that their arrangements for the deployment of part-time teachers do not breach the relevant legal provisions regarding equal opportunities and unlawful discrimination (see paragraph 160 above).

190. The calculation in paragraph 164 above is specifically for establishing the proportion of remuneration (paragraph 46 of the Document) and working time (paragraph 62 of the Document) for part-time teachers and is to be used as the benchmark to determine a part-time teacher's remuneration and working time against the remuneration and working time of the teacher if they were employed in the same post on a full-time basis. The calculation, which excludes break duty, registration and assemblies, does not mean that part-time teachers cannot be required to undertake such duties (see Part 10 of the Document). This does not determine the mix of teaching, PPA and non-contact time each part-time teacher does. So it will be possible for two part-time teachers at the same school to be on a 50% contract, but to each have different amounts of teaching time, PPA and non-contact time.

191. The relevant body should establish the school's timetabled teaching week for each part-time teacher as a percentage of a full-time classroom teacher's school's timetabled teaching week using the same calculation as described in paragraph 164 of this guidance about part-time remuneration (paragraph 46 of the Document).

192. Part-time teachers will have 'directed time' hours at this percentage of 1265 hours; that being the amount that applies to a full-time teacher in any school year. Part-time teachers must therefore be available to perform such duties specified by the head for their part-time percentage of 1265 hours ('directed time') in any school year allocated reasonably on the days and sessions normally worked.

193. For example if a full-time teacher in a school has a timetabled teaching week (i.e. that school has a total school session time) of 25 hours and the part-time teacher's school's timetabled teaching week spans every morning from 9.00 to 12.15 (i.e. 3 hours excluding 15 minutes break) the percentage of part-time is 15 over 25, multiplied by 100 to produce 60%. The percentage is derived from the calculation for part-time teacher's remuneration, which is to be used as the **benchmark** to determine a part-time teacher's remuneration and working time against the remuneration

and working time of the teacher if they were employed in the same post on a full-time basis within the same establishment. Thus it would follow that the part-time teacher in the example would be required to be available for work for 759 hours directed time (1265 x 60%).

194. Part-time teachers cannot be required to work or attend non-pupil days, or parts of days, on days they do not normally work. It should, however, be open to a teacher to attend non-pupil days or work on other days by mutual agreement with the head teacher. They may, however, subject to paragraph 192 above be required to undertake work that is within their allocation of directed time beyond that specified in the school's timetabled teaching week, allocated reasonably on any day or part of any day on which they are required to work.

195. The relevant body should have ensured that, with effect from 1st September 2008, all teachers employed on a part-time basis are provided with a written agreed statement which sets out the expectations of the school, and the part-time teacher, regarding the deployment of working time. This should encapsulate both timetabled teaching time and leadership and management time where applicable. In addition the statement should also set out the expectations of the school in respect of directed time which is to be deployed beyond the school day.

196. The part-time teacher should not be subject to a greater proportion of their directed time to be allocated outside their normal sessions than are full-time teachers, as this may amount to discrimination. In arranging meetings and other activities outside of school sessions, head teachers should try to minimise situations where part-time teachers are subject to directed time either side of a period when they are not required to be available for work on any given day by structuring timetables as far as possible to accommodate working patterns.

Leadership group/AST

197. Whilst, however, this principle is an appropriate mechanism for determining the salary of part-time members of the leadership group and ASTs, it cannot, as is the case with the directed time of classroom teachers, be used for the pro rata calculation of their working time. Members of the leadership group and ASTs do not operate on a time-bound contract and are not subject to the working time provisions of paragraph 62 of the Document, which define the working year as 1265 hours allocated reasonably throughout the 195 days that constitute the school year. Nonetheless, the head teacher (or the relevant body in the case of the head teacher) remains duty bound to have regard to the work-life balance of such staff and should ensure that the workload of part-time members of the leadership group and ASTs is reasonable and that they are treated fairly in comparison with their full-time equivalents (see paragraph 53.2 of the Document).

All teachers

198. The relevant body should ensure that, with effect from 1st September 2009, they consult with all staff and their union representatives on the teaching timetable and an annual calendar which includes staff meetings, parental consultations and other activities.

SECTION 4: GUIDANCE ON CHANGES TO THE DOCUMENT RESULTING FROM THE NATIONAL AGREEMENT[1]

1. This section of the guidance relates to the changes to the School Teachers' Pay and Conditions Document (the Document) arising from the National Agreement on Raising Standards and Tackling Workload (the National Agreement). It has been agreed and endorsed by the signatories to that Agreement, who believe that the changes are helping to reduce teacher workload and raise standards by freeing teachers to focus on teaching and learning. The signatories are committed to keeping the implementation of all aspects of the National Agreement under review.

2. This guidance refers to contractual changes to the Document that came into force in September 2003, September 2004 and September 2005, and to those which come into force in September 2009. More detailed guidance is available at: www.tda.gov.uk/remodelling.aspx.

2003 CHANGES

ADMINISTRATIVE AND CLERICAL TASKS

Purpose of the provisions

3. Teachers need support so that they can focus on teaching and learning and expect administrative and clerical processing normally to be done by support staff and/or through more effective use of ICT. These provisions ensure that teachers cannot routinely be required to undertake administrative and clerical tasks.

4. The contractual changes apply to all teachers at a school, including teachers on the leadership spine and ASTs whether on permanent, fixed-term or temporary contracts and to teachers on part-time contracts.

5. The contract for head teachers never contained a duty to perform this type of task. However, some head teachers often felt obliged to undertake such work. That was a distraction from their leadership role. They should now have identified any tasks which are no longer necessary and delegated those which should be more appropriately carried out by members of the school support staff.

Defining administrative and clerical tasks

6. Some administrative tasks are straightforward – filing pupil records, recording absence data and collecting money. Others, such as administering examinations, ordering equipment and compiling and submitting bids require more expertise, but not necessarily that of a teacher.

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[1] *Additional guidance referred to in this section may no longer be available.*

7. Many activities in schools require a mixture of professional and administrative input. For example, writing reports on pupils' progress requires the expertise of a teacher. But that expertise is **not** required for many of the processes involved in producing the report - for example, "topping and tailing" reports or collating them either manually or using an ICT-based system. These elements should not routinely be done by teachers.

8. For the purposes of paragraph 63,12 the key tests for any task must be:

   a) Does it need to be done at all?

   b) Is the task of an administrative or clerical nature?

   c) Does it call for the exercise of a teacher's professional skills or judgment?

9. If the answers to a) and b) are yes but the answer to c) is no, then the task should not be carried out by a teacher. The list at Annex 3 in the Document contains a number of examples. It is not intended to be exhaustive.

"Routinely required"

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

11. Schools should ensure that their administrative systems provide appropriate support for teachers. It is important that teachers make good use of that support. This requires good organisation of administrative activities by all school staff – it would be unreasonable, for example, for a teacher to ask for large bulk photocopying jobs to be done immediately before a lesson. Schools must ensure that the administrative system in place is robust enough to meet the continuing needs of the remodelling agenda, and that it is clearly understood by both those who use it and those who provide it.

12. The changes reflected in these legal provisions are not mechanistic or about narrow issues of job demarcation. They are about teacher time being more exclusively devoted to high quality professional teaching tasks.

13. Consequently, teachers should not be given the option to "choose" to do administrative and clerical work. It is not an appropriate use of teacher time. Head teachers should ensure that administrative and clerical tasks are not carried out by teachers, even where this involves a difficult adjustment for some teachers. Teachers' professional

responsibilities are paramount and, in order to achieve the objective of raising standards and tackling workload, they must spend a larger proportion of their working time on those responsibilities.

Teachers with safeguarded management allowances for administrative and clerical tasks

14. There may be cases where teachers have safeguarded management allowances which were originally given for carrying out tasks that have been transferred to members of the school's support staff. In accordance with the safeguarding provisions at paragraph 5.1.2, the relevant body must review the teacher's assigned duties and allocate such additional duties as they consider appropriate and commensurate with the safeguarded sum, for as long as the teacher continues to be paid the safeguarded sum. In the context of the remodelling agenda any such additional duties should be focused on teaching and learning. There is no formal requirement to reach agreement on the nature of the additional duties, although it is good management practice to seek to do so.

15. Members of the leadership group, whose previous responsibilities included tasks of an administrative and clerical nature that subsequently transferred to support staff, should now be able to focus more on teaching and learning and to fulfil their contractual role, as defined in paragraph 58.2 in the Document. This includes: formulating the aims and objectives of the school; establishing the policies through which they should be achieved; managing staff and resources to that end; and monitoring progress towards their achievement.

16. Head teachers should ensure that these arrangements operate effectively.

Reviewing administrative systems

17. Administrative systems, and specifically the tasks listed in Annex 3, should be regularly reviewed to determine if there are different ways in which tasks can be carried out, or if they need to be carried out at all. No administrative task should be carried out by a teacher, which does not require their professional skills or judgement.

18. When giving administrative and clerical tasks to support staff, head teachers should have regard to the suitability of the task to the member of support staff's current role; whether sufficient time is available or could be freed up; whether additional training is needed; and any implications for pay and grading. Any revision of job descriptions should normally be agreed between the head teacher and the member of staff. Any extension of working hours must be by agreement.

19. Where the need for additional staff is identified, head teachers may wish to take the opportunity to consider whether the new post could

embrace a number of the facets of extended support staff roles identified in the National Agreement. Many schools have also benefited from the creation of specific specialist roles such as health and safety officers, examination and timetabling officers, attendance clerks and technical support staff. Small schools may wish to consider whether, for certain tasks, a post (for example, a Bursar) could be shared with a neighbouring school or schools.

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

Management

21. Managing the work of other staff (paragraph 61.10 – 61.14) should not include routinely seeking or giving advice on contractual issues such as pay and conditions of employment. There is no requirement in the Document on teachers to provide such advice. These matters should be referred to the individual with specific responsibility for personnel issues and/or the employer.

22. Teachers have a duty to direct and supervise the work of support staff, including in particular those undertaking teaching and learning activities. However, it should not automatically follow that they are required to undertake formal aspects of their line management. Many schools see it as appropriate and good practice for this role to be undertaken by a more senior member of support staff.

WORK-LIFE BALANCE

Purpose of the provisions

23. All teachers and head teachers should enjoy a reasonable work-life balance. The Document has been amended to reflect this. In relation to head teachers, specific provisions have been put in place through regulations made under section 21 of the Education Act 2002 which put a responsibility on the relevant body (normally a school governing body or LA) to have regard to the work-life balance of the head teacher.

24. In England, Regulation 5 of the Education (Review of Staffing Structure)(England) Regulations 2005 (2005/1910) set out the duty of the relevant body with regard to the management of the head teacher. This duty was incorporated into the School Staffing (England)(Consolidation) Regulations 2009,which includes a reference to work/life balance under 'Head teacher duties and entitlements'. In Wales, Regulation 5 of The Education (Review of Staffing Structure) (Wales) Regulations 2005 (S.I.2005/1910 (W.153)) set out the duty of the relevant body with regard to the management of the head teacher.

This duty was incorporated into The Staffing of Maintained Schools (Wales) (Amendment) Regulations 2009 and includes a reference to work/life balance under 'Head teacher's duties and entitlements'.

Implementing and monitoring work-life balance

25. Work-life balance is about helping teachers combine work with their personal interests outside work. It can help to recruit and retain better motivated staff through giving them greater control of their working lives and a stronger sense of ownership. A school that is committed to work-life balance:

    (a) recognises that effective practices to promote work-life balance will benefit both teachers and pupils;

    (b) highlights the joint responsibility to discuss workable solutions and encourages a partnership between individual teachers and their line managers;

    (c) develops, monitors and evaluates appropriate policies and practical responses that meet the specific needs of the school, having regard to fairness and consistency; valuing teachers for their contribution to raising standards, not their working pattern;

    (d) communicates its commitment to work-life balance to its staff; and

    (e) demonstrates leadership and encourages senior managers to lead by example.

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

    (a) additional hours for classroom teachers over and above the annual 1265 must be reasonable;

    (b) for those teachers (deputy and assistant head teachers and ASTs) not covered by the 1265 annual limit on directed time, overall hours should be reasonable;

    (c) head teachers must have regard to the desirability of all teachers at the school (including themselves and other members of the leadership group) being able to achieve a satisfactory balance between the time required to discharge their professional duties and the time required to pursue their personal interests outside work; and

    (d) to the extent that head teachers direct their own work, they are

covered by the provision above. However, specific provisions have been put in place through regulations made under section 21 of the Education Act 2002 which put a responsibility on the relevant body (be it the school governing body or LA) to have regard to the work-life balance of their head teacher and ensure that they are not required to work unreasonable hours and can achieve a reasonable work-life balance.

27. These changes form part of a wider commitment to secure downward pressure on excessive hours worked in schools over the years from September 2003, with progressive year on year reductions from some 52 hours per week during term-time. Overall teacher hours will continue to be monitored.

28. Individual schools face varying degrees of challenge in achieving this objective. A number of other strategies support head teachers and governing bodies. These include:

(a) the revision of circulars 2/98 and 22/98 to deal with non-contractual provisions such as the conduct and frequency of meetings. These assist in tackling teacher workload and unnecessary bureaucracy at school level;

(b) the change management programmes in England and Wales, including advice and guidance from the Training and Development Agency for Schools (TDA) in England, as part of which schools are able to call on the support of a network of local facilitators/advisers; and

(c) the operation of the Implementation Review Unit (in England) and the School Workload Advisory Panel (in Wales), which make a concerted attack on unnecessary paperwork and bureaucratic processes for teachers, head teachers and all who work in schools.

29. Effective preparation is essential in both introducing and monitoring work-life balance policies. Head teachers should consider how best to ensure that they monitor the work-life balance of their staff. Consultation with staff and trade union representatives could also aim to develop agreed strategies and procedures for monitoring. It is essential to communicate new or revised policies effectively, perhaps through non-contact days or the inclusion of work-life balance in staff reviews and appraisals.

30. Maintaining effective work-life balance requires ongoing monitoring and evaluation of work pressures. Some teachers may find it difficult to “let go” of work – in such cases head teachers will need to continue to take steps to ensure that such issues are addressed and resolved with the teachers concerned. It is not in the pupils’ interest for teachers to be working excessively long hours.

LEADERSHIP AND MANAGEMENT TIME

Purpose of the provisions

31. Members of the leadership group need time to focus on their leadership responsibilities and be supported in leading the reform agenda and managing change in their schools.

32. Many teachers outside the leadership group also have some form of leadership and management responsibility, including those of subject leaders and co-ordinators, heads of departments or faculties, ASTs, special educational needs co-ordinators and initial teacher training mentors.

33. Teachers with leadership and management responsibilities are now entitled, as far as is reasonably practicable, to a reasonable allocation of time within school sessions[(2)] to support the discharge of their responsibilities. This is in addition to the contractual provisions on work-life balance and guaranteed planning, preparation and assessment time (PPA), which was introduced on 1st September 2005.

34. The provision for leadership and management time applies to all teachers at the school with leadership and management responsibilities, whether employed on permanent, fixed-term or temporary contracts. It also applies to teachers on part-time contracts.

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

Implementation

36. Given the varying nature and extent of responsibilities held by teachers, it is difficult to identify a formula for the amount of time which might be appropriate for each responsibility. This is a matter for the school. Schools should keep allocations of leadership and management time under review.

[(2)] The Education (School Day and School Year) (England) Regulations 1999 (1999/3181) state that "every day on which a school meets shall be divided into two sessions which shall be separated by a break in the middle of the day" and that "at least 380 sessions shall be held at a school during any school year". Under the Education (School Sessions and Changes and Remissions Policies)(Information) Regulations 1999 (1999/2255) heads are required to inform parents of "the times at which each school session begins and ends on a school day".

37. The provision of leadership and management time is intended to be a contribution to the time needed to discharge the relevant responsibilities. Subject to that qualification, some time for leadership and management must be allocated within school sessions, taking account of the nature and extent of the responsibilities of each member of staff and the management structure of the school. In order for the time to be meaningful, it should not be allocated in short blocks, for example ten to twenty minutes here and there.

38. The Document requires cover to be allocated on an equitable basis. While leadership and management time may be used for cover, this should happen only rarely, in circumstances that are unforeseeable.

39. Time for leadership and management can be identified using one, or a combination, of the following strategies:

    (a) existing non-contact time already allocated specifically for that purpose;

    (b) re-designation of some or all of any non-contact time previously allocated to support a variety of tasks, including those which do not require the professional expertise of a qualified teacher (and which should therefore be carried out by appropriate support staff); and

    (c) the release of teachers from pupil contact time which does not involve teaching. This includes pupil supervision, registration, attendance at assemblies and other similar tasks that can be carried out by appropriate support staff. Where appropriate, this should be in accordance with the provisions of the regulations and guidance made under section 133 of the Education Act 2002.

40. All schools should ensure that the allocation of leadership and management time is reasonable.

41. Schools should have ensured that whatever had already been done in relation to the provision of leadership and management time was sustainable in the context of PPA time.

No detriment

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

ASSIGNED TEACHERS

Purpose of the provisions

43. These changes were related to regulations made under section 133 of the Education Act 2002 and accompanying guidance. They were designed to protect the role of the qualified teacher and prevent job substitution. The provisions should be read in conjunction with the section 133 regulations and accompanying guidance.

44. The section 133 regulations clarify the respective roles of qualified teachers and other staff in schools, and specify circumstances under which certain kinds of staff without qualified teacher status (usually support staff) may carry out "specified work" related to teaching and learning, including requirements for appropriate direction and supervision of support staff by a teacher.

45. The changes to the Document place a duty on head teachers to ensure that each class or group timetabled for core and foundation subjects and for religious education and each class or group in the foundation stage has a teacher assigned to teach it. The assigned teacher is responsible for the progress of the pupils in the class/group over the course of the academic year. Assigned teachers may be assisted in their work by other teachers and/or by support staff, some of whom may carry out "specified work", who are deployed on the timetable to take that class/group for particular activities or lessons.

46. Paragraph 4 of Schedule 2 of the regulations concerns the appointment of instructors – person with special qualifications or experience or both. In circumstances where there is no qualified teacher, or trainee on the Graduate, Registered or Overseas-Trained Teacher Programmes available for an appointment, the body which normally appoints staff in the relevant school, either the LA or governing body, may appoint an instructor, provided that they have made the necessary judgement as to the instructor's qualifications and experience.

2004 AND 2009 CHANGES

COVER

Background

47. The National Agreement on 'Raising Standards and Tackling Workload' signed in January 2003 provided the basis for work by schools to create time for teachers and head teachers to focus more of their time on teaching, and leading teaching and learning, including through:

    (a) progressive reductions in teachers' overall hours;

    (b) changes to teachers' contracts, to ensure all teachers and head teachers have a reduced burden of providing cover for absent colleagues; and

    (c) deployment of support staff to enable teachers and head teachers to focus on teaching and learning.

Purpose of the provisions

48. Progress on raising standards for pupils relies upon schools having in place policies and systems to free teachers and head teachers from excessive and inappropriate workload.

49. Cover for absence is not an effective use of teachers' time.

50. In the past, many teachers have borne a heavy burden of cover for absent colleagues. However, in accordance with the provisions set out in the Document, teachers may cover only rarely, in circumstances which are not foreseeable.

51. "Foreseeable circumstances" for the school include events that are foreseeable on the basis of historic experience; events that are foreseeable in the normal local experience; and events that may be expected as part of the evolving pattern of provision.

Implementation

52. Schools are required to ensure that teachers and the head teacher may be required to cover only rarely from 1st September 2009.

53. The contractual provision applies to all teachers and the head teacher at a school, including teachers on the leadership spine and ASTs whether on permanent, fixed-term or temporary contracts and pro rata to teachers on part-time contracts.

54. The only exceptions are teachers who are employed wholly or mainly to undertake cover.

55. The Document contains a duty for head teachers to ensure that cover is shared equitably among all teachers in the school (including the head teacher), taking account of their teaching and other duties and of the need to ensure that teachers and the head teacher may be required to cover only rarely, in the case of circumstances that are not foreseeable.

56. The guaranteed PPA time of teachers at a school forms part of the legal conditions of employment and cannot be used for cover.

Definition of absence

57. Absence occurs when the person(s) who has been timetabled to take a particular class or group is absent. The type of absence could be for a variety of reasons, including internal and external activities as well as sickness. It could be short-term or long-term. All types of absence should be carefully managed to minimise the impact on teaching and learning for the pupil.

58. Pupil standards are paramount.

59. The absence of the person(s) who has been timetabled to take a particular class or group is the trigger for cover.

60. Teachers, including the head teacher, should cover only rarely, for absences which are not foreseeable.

Management

61. Every school should have in place a clear policy and robust system that does not require teachers or the head teacher to provide cover other than rarely.

62. Cover supervisors and higher level teaching assistants should be deployed for short-term absences only and should not be used as the remedy for the medium or long-term absence of a teacher.

63. Medium and long-term absences should be covered by a teacher, possibly through a fixed term appointment or supply teacher.

64. Each school will need to consider the appropriate deployment of a supply teacher in the case of long-term absence and may wish to revise the agreed timetable if there are good educational grounds for doing so. Such revisions to the agreed timetable should be subject to consultation with staff and their union representatives.

65. The school should monitor and analyse patterns of absence (planned and unplanned) and levels of cover and manage these appropriately.

66. The member of the support staff administering the cover arrangements

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

School calendar and timetable

67. To ensure the system for managing cover is robust, every school should publish a calendar and timetable for each school year, in accordance with the provisions of paragraph 197 of section 3, and should:

    (a) consult with staff and their union representatives;

    (b) plan any changes well in advance; and

    (c) deploy staff appropriately, according to their skills, experience and qualifications.

68. The school calendar sets out the school's activities scheduled to take place in the academic year, for example: learning outside the classroom, meetings, parental consultation evenings and INSET days.

69. The timetable sets out the school's provision for teaching and learning in the school's timetabled teaching week (as defined in sub-paragraph 46.1.1 of the Document).

70. The pattern of the school timetable may vary across the year. For example, a school may accommodate activities during the year by having a timetable that follows the same pattern for 36 weeks and a different pattern for 2 weeks. This is an illustration, and schools will devise their own patterns.

71. Teaching timetables are not frozen in time and there may be variations from year to year.

72. In-year changes to the calendar and timetable may be made, but this should be only for sound educational reasons – for example, a long-term absence or significant educational development. Such changes during the year should not be a frequent occurrence.

Learning outside the classroom

73. Learning outside the classroom is an important part of the curriculum and provision for it should be included in school calendars and timetables. Appropriate arrangements should be included in the timetable for both the staff and pupils who will be participating in learning outside the classroom and for those who are not.

74. Whatever timetabling pattern may pertain, it is the absence of the person who has been timetabled to take the class or group that is the trigger for cover.

75. The extended roles for support staff, which are an integral part of the remodelling agenda, provide the opportunity for schools to consider the use of appropriate adults, other than teachers, to undertake educational visits.

Gained time

76. During the academic year, particularly in the summer term, teachers who take examination classes/groups are often released from some of their timetabled teaching commitments as a result of pupils being on study or examination leave. Such time is known as gained time.

77. There are activities directly relevant to teaching and learning for which it would be appropriate and desirable to use gained time and which it would be reasonable for a head teacher to direct teachers to undertake. An agreed list of these activities is listed below:

    (a) developing/revising departmental/subject curriculum materials, schemes of work, lesson plans and policies in preparation for the new academic year. This may include identifying appropriate materials for use by supply staff and/or cover supervisors;

    (b) assisting colleagues in appropriate, planned team teaching activities;

    (c) taking groups of pupils to provide additional learning support;

    (d) supporting selected pupils with coursework;

    (e) undertaking planned activities with pupils transferring between year groups or from primary schools; and

    (f) where the school has a policy for all staff to release them for CPD during school sessions, gained time may be used for such activities.

No detriment

78. The implementation of the requirement that teachers should only be expected to cover rarely from 1st September 2009 is not intended to result in a worsening of a teacher's overall working conditions.

79. Rarely covering is an integral part of the overall package of contractual provisions designed to raise standards by freeing teachers and head teachers from tasks which do not require their professional skills and expertise and enabling them to focus on their function of teaching and leading and managing teaching and learning. Schools' strategies for

managing teachers rarely covering should secure downward pressure on workload, assisting to ensure that teachers and head teachers are not required to work unreasonable hours and that they can achieve a reasonable work-life balance.

Strategies for managing cover

80. Schools have a range of strategies for providing cover for absence, including through supply teachers, 'floating teachers' employed for the purposes of cover, TAs/higher level teaching assistants, who provided they meet the provisions of the Education (Specified Work and Registrations)(England) Regulations 2003[(3)], can carry out 'specified work' (which includes delivering lessons to pupils) and cover supervisors. Supervision is not a good use of the time of a teacher and teachers providing cover should normally expect to teach rather than to supervise pupils.

Supply teachers

81. Supply teachers can be used to cover for all types of absence. Where supply teachers are providing cover, they must, as far as reasonably possible, be actively teaching and not mainly supervising pupils.

82. It is also important that supply teachers are managed properly and effectively, with regard to their teaching and developmental needs. They should have appropriate access to CPD to maintain their standards of subject knowledge, pedagogy and behaviour management skills.

83. Schools are encouraged to adopt good practice in the use of supply teachers. This includes:

(a) careful induction into the school using materials that are matched to their period of employment;

(b) the provision of simply structured and clearly explained medium-term and short-term plans that also define the teaching expectations, the resources to be used, the demands that should be made of the class and the homework that should be set;

(c) the provision of information about the abilities and prior attainment of the pupils in the class; and

(d) effective management so that all involved understand what is required and the professional standards that must be met.

84. Schools also need to have regard to the Part-Time Workers'

[(3)] S.I. 2003/1663, as amended by S.I.2007/2117, and S.I. 2008/1883, available at: http://www.opsi.gov.uk/si/si2003/20031663.htm

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

Cover supervision

85. Cover for short-term absences may be provided by persons who are not qualified teachers. To the extent that, during the period of cover, such persons are involved in specified work, they must operate subject to the regulations made under section 133 of the 2002 Education Act and accompanying guidance.

86. Those providing cover supervision may be existing members of staff or they may be new staff appointed on contracts which have a defined range of appropriate administrative or support tasks, but which include cover as one of their key functions. In considering issues related to the deployment of support staff for this purpose, schools should have regard to Annex A of the Rarely Cover Implementation Process Guidance (published in April 2009)[(4)].

87. The head teacher needs to ensure that any persons used in this way have been appropriately trained, particularly in pupil behaviour management. Such training is essential if those responsible for cover supervision are to make a real contribution to reducing the burdens on teachers.

88. Cover supervision is particularly valid in some settings where work has been set, or where pupils are able to undertake effective self-directed learning, for example within an ICT Learning Centre in a school. Strategies should be devised to ensure that the arrangements for providing appropriate work for pupils who are being supervised do not place excessive additional burdens of planning, preparation and assessment on teachers. This could include developing banks of appropriate material and/or attaching a cover supervisor to a year band, department or faculty to enable them to, for example, support the teachers in administrative tasks and to be involved in the planning and preparation of cover when necessary.

Higher level teaching assistants

89. The primary function of higher level teaching assistants is to support and assist teachers. They may be deployed to release teachers for guaranteed PPA time, provided that they carry out work specified in the regulations made under section 133 of the 2002 Education Act under the direction and supervision of a teacher.

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(4) http://www.socialpartnership.org/wamg_guidance.aspx

90. In addition, HLTAs may be used for short-term cover, but their deployment in this way should be balanced against the educational desirability of regularly removing them from planned activities with the teachers to whom they are normally assigned.

2005 CHANGES

EXAM INVIGILATION

Purpose of the provisions

91. Invigilating examinations is not a productive use of teachers' time. From September 2005, teachers have no longer been routinely required to invigilate external examinations (e.g. National Curriculum tests, GCSE and AS/A2 examinations). Schools should have worked towards these changes and maximised the use of support staff as external examination invigilators, prior to the contractual change.

92. Teachers may, however, be required to conduct practical and oral examinations in their own subject area and to undertake the preparation of pupils and those aspects of assessment, recording and reporting associated with external examinations which require the professional input of a qualified teacher.

93. Teachers may also be required to invigilate internal examinations and tests where these take place during their normal timetabled teaching time. However, if a school reorganises the timetable for 'mock' examinations to replicate the external examination process then teachers should not be required to invigilate.

94. The principle underpinning the change is that invigilation does not require a teacher's professional expertise. In this context, it is a reasonable expectation that, subject to the agreement of the head of centre (usually the head teacher), a teacher should be present at the beginning of an external examination in their subject area to check the paper and to ensure that there are no problems with it. Those invigilating the examination should be made aware of the procedure for dealing with emergencies and for contacting a teacher in the subject area under examination should any candidate raise a concern or problem with the paper which requires their professional judgement. It may also be appropriate for a teacher to be present at the end of an external examination to ensure its efficient conclusion.

95. None of the tasks outlined in paragraph 94 above constitutes invigilation and all of them require a teacher's professional expertise. When carrying out such tasks, teachers should not be expected to stay in the examination hall/room for any longer than is necessary to perform them.

GUARANTEED PLANNING, PREPARATION AND ASSESSMENT TIME

Purpose of the provisions

96. The purpose of guaranteed planning, preparation and assessment (PPA) time is to relieve some of the existing workload pressures on teachers and to raise standards by providing some time for PPA within the timetabled teaching day.

97. Since 1st September 2005, all teachers at a school (including head teachers) with timetabled teaching commitments, whether employed on permanent, fixed-term, temporary or part-time contracts, have had a contractual entitlement to guaranteed PPA within the timetabled teaching day.

Principles underpinning the allocation and use of guaranteed PPA time

98. The amount of guaranteed PPA time should be set as at least 10% of a teacher's timetabled teaching time. Only teaching time within a teacher's 1265 contracted hours counts for these purposes, not other forms of pupil contact.

99. Guaranteed PPA time should be provided as part of a teacher's normal weekly or fortnightly timetable. It must take place, therefore, during the timetabled teaching day (i.e. during the time in which pupils are taught at the school) and must not be bolted on before or after pupil sessions. In order for the time to be put to meaningful use by the teacher, it must be allocated in blocks of no less than 30 minutes.

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

No detriment

101. The 10% guaranteed PPA time is a minimum figure. Any teacher who was already in receipt of more than this amount of time specifically for PPA prior to the introduction of this change should not have had his or her existing allocation reduced to 10%.

Implementation

102. For teachers who did not previously have a regular timetabled allocation of non-contact time, a reduction in teaching time will have been necessary to provide guaranteed PPA time.

103. Other teachers may previously have received non-contact time, some or all of which may have been designated for PPA-related activities. Where additional time was needed to meet the minimum allocation for such teachers, then one, or a combination, of the following strategies may have been necessary:

(a) a reduction in teaching time;

(b) changes in the use of existing non-contact time; and

(c) redesignation and redistribution of non-contact time currently allocated to teachers in the school for other tasks which will transfer to appropriate support staff, such as the administration of cover, organisation of work experience and the administration of examinations.

104. For example, a teacher who is timetabled to teach 20 hours out of a 25 hour teaching week must receive at least two hours of guaranteed PPA time. This time must appear on the teacher's timetable. Any non-contact time allocated for other activities (e.g. non-guaranteed PPA time, meetings, and time for leadership and management responsibilities) must be additional to the guaranteed PPA time.

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

Use of higher level teaching assistants

106. Some schools may choose to use higher level teaching assistants (HLTAs) as one of the strategies for releasing teachers for guaranteed PPA time, providing that the head teacher is satisfied that the HLTA meets all the provisions of the regulations and guidance made under section 133 of the Education Act 2002. Where HLTAs are deployed in this way, the teacher's guaranteed PPA time must not be encroached upon. In case of problems with a class, the HLTA should use the school's usual referral system, in the same way a teacher would in case of difficulties or an emergency.

107. In some cases, HLTAs will be deployed to release teachers with whom they work regularly and where they are familiar with the programme of work of the class. This will help to maintain continuity and to enable the work of the HLTAs to be incorporated into the teachers' normal PPA cycle.

108. Other schools may deploy HLTAs in specialist roles where they have relevant expertise and/or training (for example, in sport or modern foreign languages), under the direction and supervision of a single

teacher in the school. In either case, arrangements for deploying HLTAs should aim to reduce the overall workload burden on the teachers they support.

Newly qualified teachers

109. In addition to their guaranteed PPA time, newly qualified teachers also benefit from the contractual provisions of paragraph 63.15. This states that teachers serving induction periods under the induction regulations do not teach for more than 90% of the time a teacher at that school who does not receive payments in respect of additional duties or responsibilities would be expected to teach.

DEDICATED HEADSHIP TIME

Purpose of the provisions

110. Head teachers must have dedicated time to lead their schools, as well as manage them. Therefore, with effect from September 2005, governing bodies have needed to ensure that head teachers have dedicated headship time, having regard to resources in the school and to further national guidance that is being developed.

Context

111. Issues remain where head teachers with significant teaching loads (for example those who teach for more than 50% of the school timetable) have inadequate time during school sessions for their leadership and managerial role. The momentum behind the remodelling of the school workforce and a number of other specific provisions that have been introduced have helped here. These include:

(a) the work-life balance provisions;

(b) the introduction of leadership and management time and reference to the leadership function in paragraph 58 of the Document, which will effectively limit how much teaching a head can be expected to do;

(c) the limits on cover; and

(d) guaranteed PPA time, commensurate with their teaching load.

Department for Education

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