



ATL Guidance for Negotiating School Pay Policies

Every school must have a pay policy which is available to all staff. ATL strongly believes that a clear and transparent pay policy will help the school to make effective and justifiable decisions on pay and reduce the need for appeals and claims of unfair treatment.

There are significant changes to the School Teachers' Pay and Conditions Document (the STPCD) from September 2013 and all schools will need to revise their pay policies. ATL's aim is that these changes are implemented sensitively and at a pace that is appropriate to the individual school so as to minimise disruption and avoid additional workload for teachers or school leaders.

The STPCD sets out the statutory pay framework for teachers in maintained schools in England and Wales and school pay policies must adhere to the provisions of the STPCD. In addition, schools should also adhere to relevant local agreements on pay and conditions where these vary from the STPCD or add to the provisions.

ATL school representatives should consider the following points during the consultation to introduce these changes into their school's pay policy (references to paragraph numbers apply to paragraphs in the STPCD).

- **Abolition of the main and upper pay scale (paragraphs 15 and 16)**

The STPCD has replaced the main and upper pay scales with statutory maximum and minimum points but with the size and number of points between the maximum and minimum – if any – to be decided at school level. The DfE will continue to produce a reference pay scale as a guide for teachers as to what they can expect to be paid during their career. Some schools may choose to use the reference pay scale or adopt their own pay scale. All schools must use the 2013 reference scales to place teachers on as at 1 September 2013.

ATL's view is that schools should retain a pay scale for teachers to help ensure that the pay structure is transparent and non-discriminatory. Ideally the school should adopt the reference pay scale. If the school decides not to adopt a pay scale the school should consider the additional complications of every teacher being on a different salary and particularly the difficulties of defending the pay system against claims of favouritism or discrimination.

- **End of portability of points on the main and upper pay scale (paragraph 14.3)**

From September 2013, points on the main and upper pay scale are no longer automatically retained by teachers when they move schools. Schools will need to determine a starting salary for each newly appointed teacher. Schools may pay post-threshold teachers on the upper pay scale at appointment if they have been entitled to be paid as such at a previous school.

Points on the leadership group have never been portable and posts are usually advertised with a pay range applicable to the weight of the role at that school.

ATL is particularly concerned at the impact that this will have on teachers returning to the profession after taking leave to raise or care for their family. In addition, teachers may be reluctant to move schools for fear of taking a pay cut which may lead to teachers remaining at a school which is no longer suitable. ATL believes that schools should take full account of the experience of the newly appointed teacher and make a commitment in the pay policy to honour a teacher's position on the main or upper pay scale in the previous school at appointment.

- **Performance related progression on the main pay scale (paragraph 21)**

The outcome of the 2013-14 cycle will be the first time that progression on the main scale has been directly linked to appraisal. Schools must be able to show that pay decisions are clearly attributable to the teacher's performance. (Progression as at 1 September 2013 should take place in accordance with the principles of the 2012 STPCD where, unless the teacher has been informed of serious concerns during the academic year, progression is assumed.)

For teachers eligible for progression within their pay range or on their pay scale, schools should inform them of the effective date from which any increase will be applied. Teachers should also know the latest date by which decisions on their progression should be made. It is likely that this will be linked to the appraisal cycle.

Progression for teachers on the upper pay scale and the leadership group was previously based on the outcome of performance reviews.

ATL's view is that all changes to salary should be effective from 1 September each year with decisions on progressions made by 31 October. Teachers should be provided with a salary statement each year giving full details of their pay. Where a teacher is eligible for progression, they must be given written reasons as to the outcome of the review and, if no progression is awarded, why that decision was made and direct the teacher to the school's appeal process.

- **How progression on a pay scale will be determined (paragraph 21)**

The pay policy should clearly establish how teachers will progress within the pay range or on their pay scale after September 2014. Ideally, this should be linked to the appraisal system with teachers who meet their objectives being progressed. Where objectives have been designed to be achieved over several years or where circumstances are such that teachers have not been fully met their objectives, progression may still be granted.

ATL's view is that progression should be based on the outcome of the agreed appraisal objectives. The recommendation for progression should be made by the reviewer and approved by the head teacher and governing body. Decisions made by the reviewer should not normally be overturned.

- **Differentiation**

The DfE guidance advises schools that they should differentiate increases so that the amount of any increase is clearly attributable to the individual teacher's performance.

ATL's view is that this will be unworkable in practice and if implemented may lead to schools making different level of increase to teachers based purely on the need to meet this criterion. Such an approach may lead to grievances or claims of discrimination. ATL believes that if schools retain a pay scale and can show that performance has been considered before awarding progression that this should be sufficient to meet this requirement.

- **Threshold applications (paragraph 17)**

The changes remove the formal application procedure for crossing the threshold and teachers no longer need to be at the top of the main scale to be considered for moving to the upper pay range or scale. The school must have a clear procedure for progressing teachers on to the upper pay range or scale. The criteria for progression are that the school is satisfied that the teacher is highly competent in all elements of the Teachers' Standards (or other relevant standards) and that the teacher's achievements and contribution to the school are substantial and sustained. The pay policy should detail how the school will determine that the criteria have been met.

ATL believes that the decision to move a teacher on to the upper pay range/scale should be based on the teacher's appraisal review. The policy should detail when teachers are eligible for consideration to be moved on to the upper pay range/scale. Part-time and teachers on maternity or sick leave should have the opportunity to progress on to the upper pay scale.

- **TLR3 payments (paragraph 25)**

From September, schools will have the option to award a fixed-term TLR payment (TLR3) to classroom teachers who undertake a time-limited or one-off project. The annual value of any TLR3 paid must be between £500 and £2,500 per annum, paid pro-rata for the duration of the fixed-term. The duties undertaken must be focused on teaching and learning and meet the same criteria as for existing TLR2 payments. The STPCD states that TLR3 payments can only be made to qualified classroom teachers and they cannot be held by TLR1 or TLR2 post holders.

ATL has resisted the introduction of TLR3 payments as we believe that this will undermine the existing TLR structure, with schools breaking down areas of responsibility into small chunks. This will impede the career progression opportunities for teachers. TLR3s will also reduce stability in teachers' salaries as, unlike TLRs 1 and 2, TLR3s are not eligible for safeguarding at the end of the fixed period.

If schools wish to make provision for TLR3s in their pay policy then the criteria for determining when they will be paid and for setting the appropriate level must be detailed in the policy. Teachers awarded a TLR3 must be given details of the duties and the duration of the award in writing. A commitment should be made in the pay policy that provision will be made for the duties to be undertaken in directed time.

- **ASTs, ETs and Leading Practitioners (paragraph 18)**

All Advanced Skills Teachers (AST) and Excellent Teachers (ET) posts are being abolished and schools have the option to appoint teachers to a new post of Leading Practitioner (LP). Schools which employ ASTs or ETs should make steps to review the school staffing structure. ASTs and ETs who are not appointed to an LP post should be placed on the upper pay scale and are eligible for safeguarding if they suffer a drop in salary.

The primary purpose of LP posts is the modelling and leading of improvement in teaching skills. Unlike ASTs and ETs there are no national criteria for LP posts. Also, there is no outreach requirement unless the schools wishes there to be. If, following consultation, the school decides to create one or more LP post then the pay policy must give a clear procedure for determining the salary range for the post.

ATL believes that the salary range for Leading Practitioner posts should be set to allow teachers reasonable scope for progression. It should be expected that Leading Practitioners will reach the top of their pay range within five years of appointment as AST had a five point range to allow for progression. The starting point of the range should be defined by the duties and responsibilities associated with the post. It may be possible for a school with more than one Leading Practitioner to have them on different pay ranges but only if there are significant differences in their duties and responsibilities.

- **Recruitment and retention payments (paragraph 47)**

Schools have complete flexibility whether and how to pay recruitment and retention allowances. To ensure that there are no grounds for claims of unfair treatment the school pay policy should give clear criteria for when recruitment or retention payments will be made. All payments should be regularly reviewed and the pay policy should state when this will be.

ATL believes that recruitment and retention payments should only be used in exceptional circumstances as they can be divisive and may lead to claims of discrimination if teachers undertaking similar roles with similar levels of experience are paid differently. If recruitment or retention payments are made then they should be reviewed at least every three years to ensure that the criteria are still being met. Teachers in receipt of recruitment or retention payments should be informed of the reason for the payment and when it will be reviewed.

- **The responsibility for making pay decisions (paragraph 3)**

With the closer link between the outcomes of a teacher's appraisal and their salary, the question of who has the responsibility for making decisions about a teacher's pay is even more important. Ultimately, governing bodies must make the final decision but they should do so after taking the advice of the head teacher and the teacher's reviewer in the school. At the end of each appraisal cycle the reviewer should make a recommendation on progression on the pay range or scale for the teacher, if eligible. All pay decisions must be effective with effect from 1 September.

ATL's view is that governing bodies should ratify the decision made by the teacher's reviewer at the end of the appraisal cycle unless they have good reason to challenge the decision. If the decision is overturned then the governing body must provide the teacher with the reasons behind their decision to overturn the recommendation and direct the teacher to the school's appeals process.

- **Unqualified teachers (paragraph 19)**

As with teachers on the main scale, unqualified teachers will be subject to performance based progression after September 2013. The same guidance applies as for teachers on the main scale.

- **Leadership posts (paragraphs 5 to 13)**

The STPCD has introduced no changes to the arrangements for determining the pay of members of the leadership group. ATL expects that the School Teachers' Review Body will be asked to make recommendations on changes to the pay of school leaders in the near future.

ATL has produced a checklist to be used in conjunction with this guidance.