

<b>Report To:</b>	<b>EXECUTIVE CABINET</b>
<b>Date:</b>	23 October 2019
<b>Subject:</b>	<b>IMPLEMENTATION OF A 2019 MODEL PAY POLICY FOR BOTH SCHOOL BASED AND CENTRALLY BASED TEACHING STAFF</b>
<b>Executive Member:</b>	Councillor Brenda Warrington – Executive Leader Councillor Leanne Feeley – Executive Member (Lifelong Learning, Equalities, Culture and Heritage)
<b>Lead Officer:</b>	Tracy Brennand, Assistant Director, People and Workforce Development
<b>Report Summary:</b>	The report outlines: <ul style="list-style-type: none"> <li>• The key statutory changes to pay and conditions effective from 1 September 2019 for all staff who are employed and subject to teachers pay and conditions.</li> <li>• Recommendations for amendments to update and improve upon the Model Pay Policy 2018</li> </ul>
<b>Recommendations:</b>	<ul style="list-style-type: none"> <li>(i) That the Council implements the Model Pay Policy 2019 as detailed in <b>Appendix 1</b> for all centrally based teaching staff employed within the Education Service.</li> <li>(ii) That the Council recommends the Model Pay Policy 2019 as detailed in <b>Appendix 1</b> for adoption by all Governing Bodies of community, voluntary controlled and voluntary aided schools within the Borough, and that it applies to all teaching staff employed within these schools.</li> <li>(iii) That the Council implements the national cost of living pay award with effect from 1 September 2019 to all teacher pay ranges and allowances as follows: <ul style="list-style-type: none"> <li>a 2.75% uplift to the minima, maxima and discretionary pay points of the unqualified, main pay range (MPR), upper pay range (UPR), leading practitioner pay range, leadership pay range and all allowances (i.e. TLR and SEN allowances).</li> </ul> </li> </ul>
<b>Reason For Recommendation:</b>	The Council is required to review its existing Model Pay Policy for teaching staff on an annual basis in light of statutory changes to conditions of service for teaching staff in England and Wales, implemented through the statutory School Teachers Pay and Conditions Document. The main objective for developing a Model Pay Policy is to ensure that Governing Bodies apply the statutory provisions of the annual School Teachers Pay and Conditions Document in a fair and consistent manner.
<b>Alternatives Considered:</b>	To not review the existing Model Pay Policy in light of the impending statutory changes would pose the Council to legal challenge.
<b>Financial Implications: (Authorised By Section 151 Officer)</b>	The majority of employees affected by the proposed implementation of this Model Pay Policy are employed within schools. Individual school governing bodies and senior school leadership teams will need to ensure that their school budget

plans take account of the new Model Pay Policy implications and that current and future staffing structures are affordable from their funding allocations.

Teaching staff employed by the Council will also be subject to the new Model Pay Policy. These staff are funded in a number of ways, including council budget, grant and traded income.

This cost of the impact for the Council base budget is approximately £13k. There are council employed staff funded from High Needs DSG budget, which will create further pressure of £47k.

**Legal Implications:  
(Authorised By Monitoring  
Officer)**

This decision is necessary to ensure compliance with regulations and consultation has taken place with schools and trade unions.

**Risk Management:**

Set out in the report

**Links To Corporate  
Priorities:**

Set out in the report

**Access To Information**

The background papers relating to this report can be inspected by contacting the report writer Jenny Dickie, HR Manager, People and Workforce Development.



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Details of appendices attached to the report:

Appendix 1 – A Model Policy for Teaching Staff in Schools and Centrally Based / Unattached Teachers

## **1. INTRODUCTION**

- 1.1 Remuneration and conditions of service for school teachers in England and Wales is governed by statute. The School Teachers Pay and Conditions Act 1991 established the School Teachers Review Body (hereinafter 'Review Body') responsible for recommendations relating to the pay settlement and other matters concerning duties and conditions of employment.
- 1.2 Each year the Review Body recommends amendments to pay, to develop an amended School Teachers Pay and Conditions Document (STPCD) to be implemented annually each September. The recommendations are subject to national consultation with the teacher unions, employers and other relevant interested parties as part of the usual statutory consultation process.
- 1.3 Upon publication of the updated STPCD, Local Authorities translate the document into a Model Pay Policy for teaching staff. This is a policy required by statute and which is recommended for adoption by each Governing Body. All establishments employing individuals under teacher's pay and conditions are required to have a Pay Policy available for their teaching staff. The Pay Policy should be linked to the Teachers Appraisal Policy.
- 1.4 The STPCD and the statutory guidance are to be read together to provide a complete picture of pay and conditions for teachers in England and Wales.
- 1.5 The main objective for developing a Model Pay Policy is to ensure that all Governing Bodies apply the statutory provisions of the annually revised STPCD in a consistent and fair manner, as statute provides each Governing Body with defined levels of autonomy for pay decisions. Teachers within community and voluntary controlled schools (excluding voluntary aided schools and academies) remain employees of the Council through the leadership and management of each individual Governing Body and Headteacher. As such any inconsistent decisions and action relating to pay levels and pay progression may result in equality claims, placing the Council as employer at risk of significant financial burden.

## **2. SCHOOL TEACHERS PAY AND CONDITIONS DOCUMENT (STPCD) 2019**

- 2.1 On 22 July 2019, the Review Body's 29<sup>th</sup> Report was published, setting out recommendations for changes to School Teachers Pay and Conditions 2019. The Government will publish its response to the School Teachers Review Body (STRB), following an 8 week consultation. The National Employers Organisation for School Teachers (NEOST) has been invited to respond, as a statutory consultee, and local authority leads have been contacted to contribute to the response by 23 August 2019.
- 2.2 The School Teachers' Review Body (STRB) has recommended a 2.75% uplift to the minima and maxima of all pay ranges and allowances in the national pay framework, which is due to be implemented in Autumn 2019.
- 2.3 The Department for Education has produced a 2019 School Teachers' Pay and Conditions Document (STPCD). The changes primarily show the September 2019 pay award being a 2.75% uplift to be applied to the statutory minima and maxima of all pay ranges and allowances, whilst also reflecting that teachers' pay and conditions for teachers in Wales was transferred from the Secretary of State to The Welsh Ministers on 30th September 2018.
- 2.4 Schools retain some discretion in respect of a number of specific elements within the Model Pay Policy, and the school's Pay Committee must make decisions which are relevant to their school in such circumstances. These discretionary elements include

defining the value of any Special Education Needs allowance (Appendix 1, section 12), the length of time any recruitment or retention payment will be payable for (Appendix 1, section 13), and finally whether or not the school will allow additional payments to be made for CPD or out of school learning activities (Appendix 1, section 13).

2.5 The main purpose of this report is to:

- advise on the individual changes being introduced by the **draft** STPCD 2019
- to inform of the subsequent review undertaken by the Council on its existing 2018 Model Pay Policy, and
- to seek formal ratification of a revised Model Pay Policy 2019 for teaching staff in schools and centrally based establishments, prior to it being recommended for adoption across school Governing Bodies.

### 3. SUMMARY OF STATUTORY CHANGES TO THE SCHOOL TEACHERS PAY AND CONDITIONS DOCUMENT 2019, AND IMPLICATIONS FOR THE COUNCIL'S MODEL PAY POLICY 2019

3.1 The statutory change for 2019 is only a single pay award to all pay groups and allowances tabled below:

Pay Ranges and Allowance	Statutory Obligation	Statutory Guidance to assist implementation and interpretation
Leadership pay range, leading practitioner pay range, unqualified pay range, main pay range, upper pay range and all allowances.	2.75% uplift to the statutory minima and statutory maxima of the pay range.	Except for teachers and leaders on the minima of their respective ranges or group ranges, schools must determine, in accordance with their own pay policy, how to take account of the uplift to the national framework in making individual pay progression decisions.

3.2 The draft STPCD requires a 2.75% uplift to the statutory minima and maxima of all leadership pay range, leading practitioner pay range, unqualified pay range, main pay range, upper pay range, leading practitioner range and all allowances, effective from 1 September 2019, but provides no guidance as to what should be applied in between, because any points in between are now discretionary, not statutory. Therefore, the Council will need to consider if any uplift is to be afforded to the discretionary pay points and allowances in between.

3.3 It is proposed therefore to provide the corresponding percentage uplift on all discretionary pay points in the Teacher Main Pay Range and all other pay ranges and allowances i.e. a 2.75% uplift on all discretionary points in the unqualified, main, upper and leadership pay points. This proposal is consistent with previous feedback at a local consultative level whereby local trade union representatives and headteachers have previously and consistently supported the uplift of all discretionary points within a pay range to the same level as that awarded to the minima and maxima pay levels.

#### 4. NON STATUTORY REVISIONS PROPOSED TO THE COUNCIL'S MODEL PAY POLICY 2019

4.1 The annual review cycle enables an internal review of the Model Pay Policy, allowing for revisions to improve future practice and provide clarification on matters.

4.2 The non-statutory changes proposed for 2019 are tabled below:

Topic	Issue	Non-statutory change proposal
Role profile templates	Ease of reference to role profiles for all teaching roles in schools particularly leadership roles such as Executive Headteacher.	<p>The STPCD and guidance on School Teachers' Pay and Conditions document contain the contractual framework for all teaching roles within schools and centrally employed services.</p> <p>The proposal is to use the contractual framework and overriding requirements of the roles to detail a role profile as an appendix in the Model Pay Policy. The following is to be included:</p> <ul style="list-style-type: none"> <li>- Executive Headteacher Role Profile</li> <li>- Headteacher Role Profile</li> <li>- Deputy Headteacher, Assistant Headteacher Role Profile</li> <li>- Teacher other than a Headteacher Role Profile</li> </ul>

#### 5. TEACHER'S APPRAISAL AND CAPABILITY POLICY

5.1 The Workload Advisory Group submitted a report on 5 November 2018 to all school leaders including headteachers, leaders of academy trusts and governing boards. The report outlined recommendations for the Department for Education, and Ofsted, and advice for school leaders. The advice included recommendations to assist schools in:

- minimising or eliminating the number of pieces of information teachers are expected to compile;
- having simple systems for logging behaviour incidents and other pastoral information; and
- reviewing and reducing the number of attainment data collection points a year and how these are used – specifically stating that as a rule, it should not be more than two or three a year.

5.2 An extract from the Workload Advisory Group Report provides:

*'Current practice in using pupil attainment data in teacher performance management systems is often poor. Research demonstrates that using quantitative metrics to judge teacher performance is difficult since few of the practices that we can straightforwardly codify and measure are highly correlated with teacher quality. Pupil assessment scores, grades in lesson observations, and scores following book scrutiny are all quite poor proxies for whether or not somebody is teaching well.'*

*Suitable teacher performance goals include those related to their classroom instructional practices, their contributions to the development of school curriculum and the relationships they uphold with pupils, colleagues and parents. If teachers are held to account for things that are largely outside their own control, such as a pupil's test performance or progress based on flight paths, it is not only unfair, but induces high*

*levels of stress and is likely to lead to burnout and ultimately attrition from the profession.'*

- 5.3 The recommendation from this report with regards to teacher performance management is that 'The DfE should amend performance management guidance to clarify that objectives and performance management discussions should not be based on teacher generated data and predictions, or solely on the assessment data for a single group of pupils.'
- 5.4 The DfE have accepted this recommendation, and published revised guidance on school teachers' pay and conditions in the '[Implementing Your School's Approach to Pay: Advice for maintained schools and local authorities](#)' to reflect the changes.
- 5.5 The Secretary of State published a letter to all academy trusts and local authorities on 17 July 2019, providing an update of the research that has been carried out and outlining the revised guidance that has subsequently been published.
- 5.6 The updated guidance publication has prompted a review of the Council's Appraisal Policy and Capability Policy for Teacher's in centrally employed services and schools. The Council will commence consultation with trade unions, schools and services in September 2019. A further report will be presented to seek approval to implement and adopt an updated Appraisal and Capability Policy for teachers in schools and centrally employed services, outlining the full review, consultation and recommendations.

## **6. CONSULTATION UNDERTAKEN AT A LOCAL LEVEL**

- 6.1 Consultation has been undertaken with Schools and Teacher Trade Unions: NEU (ATL and NUT), NASUWT, ASCL, NAHT
- 6.2 All Schools within the Borough received an email on 1 August 2019 to commence consultation on the proposed Model Pay Policy 2019. Feedback received was as follows:
  - All respondents to date (8) provided that their preference is to apply a 2.75% uplift to all the unqualified, main pay range (MPR), upper pay range (UPR), leading practitioner pay range, leadership pay range and all allowances (i.e. TLR and SEN allowances), pay points, including the discretionary points.
- 6.3 Recognised Trade Unions were emailed on 1 August 2019 to commence consultation. On 17 September 2019, the revised and proposed Model Pay Policy 2019 will be presented to local trade union representatives at the Joint Employment Consultation Group. Responses via email to date have been consistent with previous feedback over the years supporting the uplift to all discretionary points within each pay range points to the same level as awarded to the minima and maxima pay points.

## **7. RECOMMENDATIONS**

- 7.1 As set out on the front of the report.