

## CAMPAIGN TOOLKIT

# UPS is not TLR

## Introduction

NASUWT is deeply concerned about schools misusing Upper Pay Scale (UPS) status as a substitute for awarding Teaching and Learning Responsibility (TLR) payments, particularly in primary schools. This practice undermines proper recognition of responsibilities and contradicts the provisions outlined in the Blue Book. This toolkit empowers NASUWT Representatives to address this issue effectively, ensuring fair practices and adherence to established guidelines.



## Why this issue matters

- **Fair compensation:** Teachers taking on additional responsibilities deserve appropriate TLR payments rather than having UPS status misused as a substitute.
- **Professional boundaries:** Misuse of the UPS creates confusion about roles and responsibilities, leading to undue stress and unclear expectations.
- **Legal compliance:** Paragraphs 20.4 and 20.5 of the Blue Book outline clear criteria for awarding TLRs, which should not overlap with UPS requirements.

# Toolkit components

This pack includes:

- 1 **Campaign actions:** Step-by-step guidance to challenge and resolve misuse of the UPS.
- 2 **Evidence collection tools:** Strategies to document instances of misuse.
- 3 **Legal guidance:** Key references to support your case.
- 4 **Template materials:** Letters and social media content for advocacy.

# Campaign actions

## Step 1: Assess the current situation

- Gather evidence of UPS misuse through anonymous surveys, testimonials and reviews of school policies.
- Document examples where UPS responsibilities align with TLR criteria.

## Step 2: Raise awareness among staff

- Host staff meetings to explain the distinction between the UPS and TLRs.
- Share anonymised testimonials that highlight the impact of this practice.

## Step 3: Engage school leadership

- Request a meeting with the headteacher or governing body.
- Present evidence and explain the distinction between the UPS and TLRs as outlined in the Blue Book.
- Propose clear actions to rectify misuse, such as proper allocation of TLR payments.

## Step 4: Leverage NASUWT support

- Report unresolved cases to your Local Secretary or National Executive Member or, in their absence, your Regional or National Centre for advice.
- Seek support via your Local Association Secretary from the legal and casework teams to address abuses effectively.

## Step 5: Escalate when necessary

- If the school fails to address the issue, escalate the case through NASUWT for potential collective action or casework support via your Local Association Secretary.

## Step 6: Monitor and celebrate progress

- Regularly check progress on resolving misuse.
- Acknowledge successes and share outcomes with staff to build morale.

# Evidence collection tools

## Anonymous survey

Gathering feedback from staff anonymously helps identify specific instances where the UPS responsibilities align with TLR criteria.

- Survey title: 'Your Experience with UPS responsibilities'
- Sample questions:
  - Have you been assigned responsibilities under the UPS that align with TLR duties? (Yes/No)
  - Please specify any additional responsibilities assigned that are not part of the standard teaching role. (Open text)
  - Do you believe these responsibilities require additional time, effort or accountability typically associated with a TLR payment? (Yes/No, with comments)
  - Have you raised concerns about this issue with leadership? (Yes/No)

This survey can be distributed via platforms like Google Forms or Microsoft Forms, ensuring anonymity to encourage honest responses.

## Incident logs

Encourage staff to document examples of UPS misuse.

- **Template for incident log:**
  - **Date:** [e.g. 06/12/2024]
  - **Description of issue:** [e.g. 'Required to lead subject area development without TLR payment.']
  - **Impact on role:** [e.g. 'Increased workload, stress and unclear accountability.']
  - **Location:** [e.g. 'Primary School A, Year 5 Team.']
  - **Reported to leadership:** [Yes/No]
  - **Follow-up action taken:** [e.g. 'Meeting requested, but no resolution yet.']

Logs can be compiled into a report for leadership or presented to NASUWT for further support.

## Documentation review

Examine existing school policies and role descriptions for discrepancies.

- Collect and review:
  - role descriptions for teachers on the UPS to check for additional responsibilities; and
  - policies outlining TLR criteria and whether they are being applied correctly.
- Highlight instances where roles requiring significant responsibilities are not accompanied by TLR payments.

**Output:** A structured summary of findings to support discussions with leadership, or escalate issues through NASUWT.

# Legal guidance

## Blue Book references

The Blue Book outlines clear criteria distinguishing the responsibilities under the UPS from those requiring a TLR payment. Key references include:

- **Paragraph 20.4:**
  - Defines TLR1 and TLR2, requiring responsibilities that go beyond the standard duties of a classroom teacher.
  - Responsibilities must involve leadership, development and management of a subject area or curriculum, or significant accountability over student progress and staff development.
- **Paragraph 20.5:**
  - Adds that TLR1 responsibilities must include line management of a significant number of staff or equivalent levels of accountability.
- **Paragraph 49:**
  - Clarifies that teachers on the UPS are expected to contribute their professional expertise but are not to assume leadership responsibilities without the appropriate TLR payment.

These references reinforce the fact that the UPS is part of the standard pay scale and not a substitute for TLR payments.

## Employment law compliance

Employers have a duty to ensure fair pay practices and meet contractual obligations under employment law:

- **Fair pay:**
  - Assigning TLR-level responsibilities without additional payment breaches the principle of equitable compensation for work performed.
- **Contractual clarity:**
  - Role descriptions must align with contractual terms, ensuring teachers on the UPS are not implicitly expected to fulfill TLR-level duties.

## Practical application

Use these legal references during discussions with leadership to clarify misuse of the UPS as a TLR substitute. Escalate unresolved issues through NASUWT, ensuring compliance with employment law and the Blue Book provisions. By leveraging this legal framework, representatives can build a strong case to address and rectify UPS misuse.

# Template materials

## Letter to leadership

Subject: Addressing misuse of UPS as TLR

Dear *[Headteacher/Principal]*,

I am writing to raise concerns about the misuse of UPS status in place of TLR payments at *[school/college name]*. This practice not only contravenes the Blue Book guidelines, but it also undermines the principles of fair pay and role recognition.

We respectfully request an urgent review of this practice and the implementation of corrective measures.

Yours sincerely,

*[Your name]*

NASUWT Representative

## Social media post

'UPS is not TLR! Teachers deserve clarity and fairness. Join the NASUWT campaign to end this widespread misuse. **#FairPayForTeachers #UPSNotTLR.**'