Implementing the 2016-17 Teachers’ Pay Award

This pay guidance provides additional advice on key provisions relating to teachers’ pay which NASUWT negotiators should aim to secure in school, academy trust and local authority pay policies. The guidance supplements the bulletin on teachers’ pay issued in September 2016.

Key information which teachers should receive about their pay

Teachers are entitled to receive key information about their pay. The School Teachers’ Pay and Conditions Document (STPCD) sets out the key information which teachers are entitled to receive in their annual pay statement and when they should receive this information.

The School must notify teachers of the outcome of pay decisions as soon as possible after the pay determination date in their pay policy and no later than one month after the pay decision has been made. In circumstances where the School has retained in its pay policy the date of 31 October (and 31 December for the leadership group) as a deadline for making pay determinations, decisions must be relayed to the teacher as soon as possible after that date.

This notification must include any performance pay progression decisions which have been made. Teachers must also be notified of any subsequent change in pay during the School Year.

The School is required to notify each teacher annually with written details of their pay. The information which the School must provide to every teacher is:

- any payments and financial benefits awarded to the teacher and the period for which they are awarded;
- the position on the pay ranges;
- the value of any allowances;
- the value of any Teaching and Learning Responsibility (TLR) payment and the nature of the significant responsibility for which it was awarded;
- any safeguarded sums to which the teacher is entitled;
- in the case of a leadership group or leading practitioner teacher, the basis on which remuneration has been determined and the criteria;
- the nature of any fixed-term contract (including a fixed-term appointment to the leadership group or as a leading practitioner);
- where the School’s pay policy is located.

Monthly payslips

The NASUWT has become aware of the growing practice of electronic pay reporting as an alternative to monthly payslips. The NASUWT believes that this practice makes it more difficult for teachers to receive details of the pay they receive and NASUWT negotiators should ensure that an entitlement to receive a hard-copy monthly payslip is included in school and academy trust pay policies.

The hard-copy monthly payslip should include full information about all earnings and deductions, including:

- gross pay;
- total net pay;
allowances;
• tax;
• National Insurance contributions;
• pension contributions;
• back pay (for example, for a pay award).

Full details of the information above should be provided, together with a running total for the tax year. In the case of a teacher with regular monthly income, the annual salary (September to August) should also be provided.

NASUWT representatives should contact the Union for assistance if schools do not comply with the STPCD provisions in respect of the annual pay statement or do not provide key information to teachers about their pay.

The NASUWT pay policies checklist

The NASUWT National Executive has made some changes to the Union’s pay policies checklist in respect of pay progression:

• teachers with Qualified Teacher Status (QTS) can apply to the upper pay range from any point on the main pay range;
• movement to the upper pay range should be on the basis of one successful performance review;
• movement up the upper pay range should be on the basis of one successful performance review.

These changes are entirely consistent with the provisions in the STPCD.

The provision in the attached STPCD for an annual review of a teacher’s pay is set out in paragraph 19.1:

‘19.1. The relevant body must consider annually whether or not to increase the salary of teachers who have completed a year of employment since the previous annual pay determination and, if so, to what salary within the relevant pay ranges set out in paragraphs 13, 14, 16 and 17.’

Paragraph 14 sets out the upper pay range provisions, establishing that teachers paid on the upper pay range should have their pay reviewed annually, alongside teachers on the main pay range, the leading practitioner pay range and the unqualified teacher pay range (paragraphs 13, 16 and 17). Arrangements for reviewing leadership pay are set out in a different part of the STPCD (Part 2, paragraph 11), but also provide for annual review.

The NASUWT has made these changes to speed up the progression of teachers to higher pay levels. Research carried out and commissioned by the NASUWT, including a data analysis of the Department for Education’s (DfE’s) pay data from 2010 onwards, shows that pay discretions tend to be exercised by schools and academies so that they have a particularly detrimental impact on teachers with protected characteristics, together with women teachers.

There has also been a significant increase in young teachers who are rooted to the minimum of the main pay range. In addition, approaches to pay advocated by the Local Government Association (LGA), and supported by the non-NASUWT unions, slow down teachers’ progression up the pay ranges and can prevent teachers from accessing higher pay levels.

The NASUWT’s policy is in accordance with the recommendation of the School Teachers’ Review Body (STRB), that teachers should be able to access higher pay levels more quickly than is frequently the case in many schools.

The STPCD places a duty on schools to consult the NASUWT, other unions and staff on revisions to the
School’s pay policy,¹ and NASUWT representatives should seek to ensure that school pay policies enable pay progression to take place in accordance with the principles above.

The performance management objective-setting process for movement to the upper pay range from any point on the main pay range

A school must ensure that the performance management process allows for pay progression to the upper pay range from any point on the main pay range. The objective-setting process should allow teachers to be set, and to meet, objectives which fulfil the criteria for movement to the upper pay range when they are at any point on the main pay range.

A school must ensure that, in circumstances where a teacher who is not at the maximum of the main pay range unsuccessfully applies for movement to the upper pay range, this does not automatically preclude movement to the next level, or to the maximum of the main pay range.

It is therefore good practice for schools to discuss with teachers, who are at any point on the main pay range, objectives which enable them to fulfil the criteria that their performance is highly competent against the relevant Teachers’ Standards and that their performance is substantial and sustained. Schools should not interpret ‘sustained’ as being for a period of two years, as a teacher can demonstrate sustained performance within a one-year performance management cycle.

Detailed and comprehensive advice on performance management, including the objective setting process, is set out in the NASUWT publication, Taking Control of your Performance Management.

Responsibility payments and performance pay progression

This section is a summary of the statutory provisions in the STPCD:

Schools must ensure that teachers are properly remunerated when they carry out duties which warrant the awarding of a TLR payment, payment as a special educational needs co-ordinator (SENCO) or payment on the leadership or leading practitioner pay ranges. Schools must not confuse or conflate the criterion and factors for the award of any of these payments with the criteria for pay progression, both within the context of objective setting and when making pay decisions. This includes movement up the main and upper pay ranges and movement from the main to the upper pay range.

A TLR payment (or, alternatively, payment on the leadership pay range) must be awarded to a teacher with responsibility for leading and managing teaching and learning for pupils other than their own assigned class or group.

The STPCD states: ‘Teachers are expected to contribute […] to curriculum development by sharing their professional expertise with colleagues[…] 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 TLR1 or TLR2’.²

Schools must therefore take care to ensure that teachers are not directed to carry out duties which, in practice, are those which warrant the awarding of a TLR payment or payment on the leadership pay range, but ‘responsibility’ or ‘accountability’ nominally rests with another teacher or with a school leader. Schools should take care to ensure that ‘proxy’ TLR, leadership group, SENCO or leading practitioner posts are not created which are allocated to teachers with no additional remuneration.

Schools must also ensure that the success criteria for a teacher’s appraisal objectives do not include the completion of tasks or activities, or the performance of duties, which warrant the awarding of a TLR payment, payment on the leadership pay range, payment as a SENCO or payment as a leading practitioner.

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¹ STPCD 2016, Section 3 Guidance, Paragraph 4
² STPCD 2016, Section 3 Guidance, Paragraph 48
The DfE has confirmed that the responsibilities of an upper pay range teacher and those of a main pay range teacher are identical. Schools must ensure, therefore, that additional duties and responsibilities are not given to a teacher when they move to the upper pay range or up the upper pay range. Schools must also ensure that additional duties or responsibilities are not placed on teachers by way of expectation of movement to the upper pay range. The appraisal process must be regularly monitored to ensure that this does not occur through the process of setting success criteria for objectives.

Following the consideration of the NASUWT’s evidence about the upper pay range, the STRB drew the following conclusion in its 26th Report:

'We have considered the current provisions in the STPCD in respect of teachers on the main and upper pay ranges. We noted in particular the inclusion of criteria for progression to the upper pay range but the lack of any similar basis for continuing expectations once teachers have progressed. We also noted that the statement of teachers’ professional responsibilities in the STPCD does not make any distinction between the responsibilities of teachers on the main and upper pay ranges' (paragraph 5.23).

This was accepted by the Secretary of State for Education in July this year.

Recruitment and retention Incentives

The 2016 STPCD includes the following new paragraph:

'Schools may make payments or provide financial assistance or benefits to aid recruitment or retention. An advance of salary for a rental deposit is one of a number of tools that schools may wish to consider as an incentive for the recruitment of new teachers and the retention in their service of existing teachers. Other examples of assistance are transport season ticket loans for travel costs, a one-off payment such as a contribution to removal costs, or a timelimited allowance. Recruitment and retention incentives and benefits must not be made for carrying out specific responsibilities, and should be in line with the relevant body’s pay policy.'

In its 26th Report, the STRB recognised that the number of non-retiring teachers has risen since 2011 and that the number of teachers entering Initial Teacher Training (ITT) has been below the Government’s target for four years. Furthermore, the number of pupils is projected to grow by 13 per cent between 2015 and 2024 and the DfE has accepted that more teachers are needed to meet future demand.

Research published by the National Foundation for Educational Research (NFER) in September 2016 concludes that the proportion of teachers who are considering leaving the profession has increased significantly in the last year:

Figure 3: The proportion of teachers considering leaving has increased significantly

3 STPCD 2016, Section 3 Guidance, paragraph 70.
4 NFER, Engaging Teachers, NFER Analysis of Teacher Retention, September 2016.
The proportion of teachers leaving teaching with a destination in mind has particularly increased recently. Schools and academies which do not use their pay policies to retain teachers will experience the worst of the teacher shortage.

The NASUWT pay policies checklist and NASUWT advice on the performance management process provides the basis for a fair performance pay process for teachers which will aid recruitment and retention. If schools wish to use additional recruitment and retention incentives, as set out in the STPCD, the following principles should be set out in the School’s pay policy:

- there must be equality of access – if an incentive, such as a salary advance for a rental deposit, is made available, it should be made available to all teachers;
- all teachers must be eligible for incentives – schools and academy trusts should not just provide incentives for headteachers, principals or chief executives;
- schools and academy trusts should monitor access to, and awarding of, recruitment and retention incentives, to ensure that unlawful discrimination does not occur when they are used. This monitoring must be published at least annually to NASUWT representatives.

It is the duty of a school or academy trust to ensure that discrimination towards a teacher because of a protected characteristic does not occur, including when formulating pay policies and making pay decisions. Protected characteristics are set out in the Equality Act 2010 and are:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy (including maternity leave);
- race;
- religion or belief;
- gender;
- sexual orientation.

Schools and academy trusts must also ensure that teachers are not treated less favourably for the following reasons:

- a union-related reason;
- participating in protected (i.e. official) industrial action;
- a health and safety reason;
- asserting a statutory right (for example, the right to request flexible working);
- taking or requesting leave for family reasons;
- asserting a right under the Working Time Regulations;
- asserting rights under the Tax Credits Act 2002;
- because of the teacher’s part-time status;
- because the teacher is on a fixed-term or temporary contract;
- because the teacher is absent on jury service.