

## **Brighton & Hove City Council Human Resources**

# **PAY POLICY FOR CENTRALLY / DIRECT BHCC EMPLOYED TEACHERS**



## **SEPTEMBER 2023– AUGUST 2024**

Please read this policy alongside the Teacher Appraisal Policy

**Note:**

This model policy reflects the changes in the 2023 School Teachers Pay & Conditions Document and updates the previous 2022 Pay Policy. It also reflects the BHCC Schools' Model Pay Policy 2023

## **Effective from September 2023**

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## INTRODUCTION

The School Teachers' Pay and Conditions Document ("The Document") requires schools and local authorities to have a pay policy which sets out the basis on which they determine teachers' pay; the date by which they will determine the teachers' annual pay review; and the procedures for determining appeals. Schools and local authorities must stay within the legal framework set out in the Document and within other relevant legislation that affects all employers, for example, legislation on equality, employment protection and data protection including 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) and Flexible Working Regulations 2014. All procedures for determining pay should be consistent with the principles of public life - objectivity, openness and accountability.

The 2023 STP&CD confirms the changes made originally in the 2013 Document linking all teacher pay progression to performance from September 2014.

Staff and their local union reps should be consulted each year on their pay policy and it should be reviewed each year, or when other changes occur to the School Teachers' Pay and Conditions Document, to ensure that it reflects the latest legal position. The pay policy should comply with the current School Teachers' Pay and Conditions Document and the accompanying statutory guidance. It should be used in conjunction with them, but, in the event of any inadvertent contradictions, the Document and Guidance take precedence. This Pay Policy is consistent with the BHCC Model Schools' Pay Policy and going through the same union consultation route.

This pay policy only covers 'unattached', centrally or direct employed BHCC teachers (i.e. not appointed by a school), who's statutory pay and conditions fall under the terms of the Document. It does not cover support staff, who have their own pay determination mechanism.

The Local Authority will exercise its discretionary powers using fair, transparent and objective criteria in order to secure consistency and fairness in pay decisions and to comply with the Authority's commitment to equal opportunities.

### **Safeguarded payments and allowances**

Safeguarding will apply up to a maximum of three years whenever a teacher faces a reduction in salary through no fault of their own.

### **Summary of changes to national teachers' pay and conditions**

The main national changes to the Document since 2022 make provision for the September 2023 pay award uplifts as follows:

- In line with the recommendations in the STRB's 33rd Report, from 1 September 2023 a 6.5% increase will be applied to all pay and allowance ranges and advisory points, with a higher increase of 7.1% to point 1 of the Main Pay Range to achieve a minimum starting salary of £30,000.
- The STPCD 2023 also reverts the number of days that teachers must be available to work to the normal 195 days (following last year's bank holiday amendments).

All uplifts will be backdated to 1 September 2023.

The STPCD states that all decisions relating to incremental pay progression up existing teacher pay ranges must continue to be based on performance (i.e. this is separate to the pay award uplifts).

The B&H 2023-24 Model Pay Policy for Schools and this updated LA Policy have incorporated the national changes set out above into the body of the report and associated pay rates. See Appendix 2 for the updated pay rates and pay ranges.

*N.B. See also the related Appraisal Policy for centrally employed teachers on the Wave.*

## **BRIGHTON & HOVE LA POLICY ON SCHOOL TEACHERS' PAY FOR 1 SEPTEMBER 2023 UNTIL 31 AUGUST 2024**

### **1. BASIC PRINCIPLES**

All teachers employed by the Local Authority are paid in accordance with the statutory provisions of the [School Teachers' Pay and Conditions Document](#) as updated from time to time.

All pay-related decisions are made taking full account of the Authority's/Children's Services' priorities and teachers and unions have been consulted on this policy. All pay related decisions are taken in compliance with relevant legislation as outlined in the introduction to this policy.

The process for making decisions on the pay of 'unattached' directly or centrally employed LA teachers (i.e. those not appointed/paid by the school governing body) at the school is as follows:

**The pay decision will be taken by the individual service manager and will be ratified by the overall head of service.**

### **2. PAY REVIEWS**

The LA will ensure that every BHCC centrally employed teacher's salary is reviewed with effect from 1 September and no later than 31 October (except in the case of the headteacher) each year and give them a written statement setting out their salary and any other financial benefits to which they are entitled (this will be the responsibility of the relevant service manager). Reviews may take place at other times of the year to reflect any changes in circumstances or job description that lead to a change in the basis for calculating an individual's pay. A written statement will be given after any review (normally in the Autumn term) and where applicable, will give information about the basis on which it was made.

Where a pay determination leads or may lead to the start of a period of safeguarding, the LA will give the required notification as soon as possible and no later than one month after the date of the determination.

Decisions will be communicated to each direct BHCC employed teacher by the appropriate service manager in writing.

### **3. APPEALS**

The arrangements for considering appeals are as follows:

A teacher may seek a review of any determination in relation to his/her pay or any other decision taken by the LA that affects his/her pay.

The following list, which is not exhaustive, includes the usual reasons for seeking a review of a pay determination;

That the person by whom the decision was made –

- a) incorrectly applied any provision of the Document
- b) failed to have proper regard for statutory guidance
- c) failed to take proper account of relevant evidence
- d) took account of irrelevant or inaccurate evidence;
- e) was biased
- f) otherwise unlawfully discriminated against the teacher.

Or if...

- g) There has been a significant increase in responsibilities undertaken by the post holder since his/her post was graded.
- h) The employee considers that the original grading of the post did not accurately reflect the responsibilities undertaken.
- i) The employee considers that his/her post is not graded appropriately in comparison with other posts within the school/college or within the LA generally.

The order of proceedings is set out in appendix 1.

## **4. USE OF DISCRETIONS IN BASIC PAY DETERMINATION**

### **4a) Pay range for service managers**

For those teachers on the leadership scale it will be the responsibility of the relevant head of service, in consultation with HR, to determine the relevant leadership pay scales to be used/revised and what will be taken into account in setting or amending pay ranges.

The relevant head of service should determine the pay range for those on the leadership scale when they propose to make new appointments or where there is a significant change in the responsibilities of serving post holders. They may determine the pay range as of 1 September or at any time of the year to reflect any changes in the circumstances or job description that lead to a change in the basis for calculating their pay .

### **4b. Discretionary experience points**

On appointment the Local Authority will determine the starting salary within that range to be offered to the successful candidate.

In making such determinations, the Local Authority may take into account a range of factors, including:

- the nature of the post
- the level of qualifications, skills and experience required
- market conditions
- the wider authority context

– *these options are for guidance only, are not intended to provide an exhaustive list, and may not apply to all appointments.*

### **IMPORTANT NOTE**

*Following detailed consultations with the teacher unions, B&H headteachers and the Local Authority, this pay policy follows the B&H school model pay policy recommendation which complies with the principle of pay portability. This means that when determining the salary for a newly appointed teacher, the LA will pay the teacher at a scale point which at least maintains the teacher's previous pay entitlement. This is dependent on the teacher producing evidence from the previous school/s to support this decision.*

“When placing a teacher on the main scale, the LA will consider awarding an extra point or points on the scale in recognition of other relevant experience that would not attract mandatory experience points in the following circumstances:

- One point on the main scale for each year of service as a qualified teacher in an Academy, a city technology college, a city college for the technology of the arts or Free School.
- One point on the main scale for each year of service teaching in further education, including sixth form colleges.
- One point on the main scale for each year of service teaching in higher education.

The LA will consider awarding additional increments for relevant service outside of teaching on a case-by-case basis. This might include industrial or commercial training, work in the independent sector and experience with children/young people.”

## **4c. Part-time teachers**

Teachers employed on an ongoing basis but who work less than a full working day or week are deemed to be part-time and can have their working arrangements reviewed only following appropriate consultation/agreement. The LA will give them a written statement detailing their working time obligations and the mechanism used to determine their pay, subject to the provisions of the statutory pay arrangements (an appropriate proportion of 1265 directed hours).

Part-time teachers must be paid the pro rata percentage of the appropriate full-time equivalent salary. The same percentage must be applied to

allowances awarded to a part-time teacher (except TLR3).

Any additional hours such a 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), should also be paid at the same rate.

#### **4d. Short notice/supply teachers**

Teachers employed on a day-to-day or other short notice basis must be paid in accordance with the provisions of the STPCD 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).

Teachers who work less than a full day will be hourly paid and will also have their salary calculated as an annual amount which will then be divided by 195, then divided again by 5 to arrive at the hourly rate.

A short notice teacher who is employed by the same authority throughout a period of 12 months beginning in August or September must not be paid more in respect of that period than s/he would have received had s/he been in regular employment throughout the period.

#### **4e. Unqualified teachers**

Each unqualified teacher must be paid:

- the salary determined in line with the provisions of the STP&CD and below

In England and Wales, the following categories of unqualified teacher 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 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;
- 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; or
- 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.

**i) Unqualified Scale** The LA will, when determining on which point to place unqualified teachers on the unqualified teachers' six point pay scale when they are appointed, take account of any relevant qualifications and experience. Unqualified teachers will be appointed to the minimum point unless the LA

determines that they have other relevant experience in which a discretionary point or points may be awarded. Unqualified teachers may be appointed above the minimum in the following circumstances:

**Qualifications:**

- One point for a recognised overseas teaching qualification.
- One point for a recognised post-16 teaching qualification.
- One point for a recognised qualification relevant to their subject area.

**Experience:**

- One point on the unqualified teachers' scale for each year of service as an overseas-trained teacher.
- One point on the unqualified teachers' scale for each year of service teaching in further education, including sixth form colleges.
- One point on the unqualified teachers' scale for each year of service teaching in higher education.

The LA will consider awarding additional increments for relevant service outside of teaching on a case-by-case basis. This might include industrial or commercial training, work in the independent sector and experience with children/young people.

**ii) Unqualified teachers' allowance**

The LA may pay an unqualified teachers' allowance to unqualified teachers when the head of service considers their basic salary is not adequate having regard to their responsibilities, qualifications and experience.

With effect from 1 September 2008, an allowance may be awarded where the teacher has:

- (a) taken on a sustained additional responsibility which is –
- i) focussed on teaching and learning
  - ii) requires the exercise of a teacher's professional skills and judgment;
- or
- (b) qualifications or experience which bring added value to the role s/he is undertaking.

An unqualified teacher cannot receive a TLR.

Please note that when employing unqualified, overseas teachers further advice should be taken from HR in relation to time limits that may be applicable to continuing employment.

## **5. PAY PROGRESSION BASED ON PERFORMANCE**

*(Changes in the 2013 Document mean that from September 2014 previous 'automatic annual increments' are linked to assessments of performance)*

The LA will ensure that appropriate funding is allocated for performance pay

progression at all levels. The LA recognises that funding cannot be used as a criterion to determine progression.

## **5a) Link to Appraisal policy and decision making**

All teachers can expect to receive regular, constructive feedback on their performance and are subject to annual appraisal that recognises their strengths, informs plans for their future development, and helps to enhance their professional practice. The arrangements for teacher appraisal are set out in the Local Authority Appraisal Policy for Centrally/Direct Employed Teachers.

Decisions regarding pay progression will be made with reference to the teachers' appraisal reports and the pay recommendations they contain. In the case of ECTs, whose appraisal arrangements are different, pay decisions will be made by means of the statutory induction process. It will be possible for a 'no progression' determination to be made without recourse to the capability procedure.

Teachers' appraisal reports will contain pay recommendations. Final decisions about whether or not to accept a pay recommendation will be made by the Head of Service, having regard to the appraisal report and taking into account advice from the individual Service Manager (see also the appeals procedure under annex 1). The Local Authority will make pay decisions according to the criteria set out below.

## **5b) Evidence, consistency and fairness of assessment of performance**

*The Local Authority will ensure fairness and consistency by the following:*

- *Having very clear performance criteria that link to pay progression. These are very well understood by both teachers and their appraisers. Criteria will be such that teachers will be able to tell their appraiser, how they have performed.*
- *The information used for appraisal will be objective and evidence-based*
- *Core objectives will be agreed by the Service Manager/Head of Service in consultation with teachers to ensure they are at a consistent and comparable level*
- *There will normally be no more than 3 objectives. Any more will be agreed with the individual teacher.*
- *Where objectives are differentiated in scope or complexity to reflect different levels of experience and seniority, these will be agreed with the teacher*

- *Teachers will have the opportunity to identify the support they may need to achieve the objective. This will be reviewed and amended accordingly to minimise the likelihood that objectives are not met.*
- *Appraisers have all received relevant up to date training on the new regulations*
- *The monitoring of teaching over time using a range of evidence will ensure robust and consistent judgements on the quality of teaching are made by appraisers.*
- *There is a clear appeals process.*

*The evidence we will use in assessing performance will be:*

- *Meeting all the teacher standards (many would be covered by the above) and any other relevant technical standards agreed between the Service manager/Head of Service and teachers in that particular area*
- *Quality first teaching taking account of a range of evidence across the year*
- *The achievement of objectives linked to the service's team or development plan (these may be generic for all teachers or differentiated in terms of demand/complexity to take account of experience/seniority). Any objective must have very clear success criteria that are evidence-based*

*It is acknowledged that teaching is a highly complex and dynamic process. There are situations and factors beyond a teacher's control that make exact assessment difficult and can adversely affect the achievement of appraisal objectives. Appraisers should refer to the 'Supplementary Guidance for the Assessment of Teachers' for further information on factors that may affect a teacher's performance or consult HR.*

## **5c) Eligibility for Pay Progression – Teachers**

Judgements of performance will be made against the Teacher Standards (and relevant standards judged appropriate and agreed in the Service area) and Appraisal Objectives using evidence shown above under 5b).

It should be noted that whilst the Ofsted criteria and framework are important documents in reviewing the performance of a school and formulating objectives these should not be used exclusively to measure individual performance directly.

Teachers will be eligible for pay progression on the Main Pay Range following a successful performance management/appraisal review. Teachers will normally be expected to have been alerted in writing during the course of the year if there are concerns about performance which may impact on their progression in order that they have an opportunity to address such issues and secure pay progression.

Further information on specific criteria in the context of the above is included in the guidance notes.

*Teacher performance will be judged according to the criteria set. If overall performance falls short of the standards required, pay progression may be withheld. In exceptional cases, an accelerated increment may be considered (although only where this would not lead to budgetary decisions to deny other teachers' progression\*).*

### **Classroom teachers - ECTs**

Early Careers Teachers (newly qualified) classroom teachers will be awarded pay progression following successful performance management assessment (using induction records). Also See page 3 of the *Supplementary Guidance for Appraisers of Teachers in Brighton & Hove* for further information on ECTs. In the case of early career teachers (ECTs), the relevant body must determine the teacher's performance and any pay recommendation by means of the statutory induction process set out in the Education (Induction Arrangements for School Teachers) (England) Regulations 2012(8). The relevant body must also ensure that ECTs are not negatively affected by the extension of the induction period from one to two years. This change does not prevent a school from awarding pay progression to ECTs at the end of the first year.

### **Teachers on the Upper Pay Range**

Teachers will be awarded pay progression on the Upper Pay Range if they meet the required performance standards and following two successful appraisal reviews (see Section 6 for assessment standards for UPR teachers). In exceptional circumstances enhanced progression (by 2 increments) may be considered (or annual progression through the range).

### **Leading Practitioner teachers**

Leading Practitioner teachers will be awarded pay progression on their pay scales if they meet the required performance standards and following each successful appraisal review (see STPCD para 16 and Section 3 Guidance paras 33 – 37).

### **Unqualified teachers**

Unqualified teachers will be awarded pay progression on their pay scales if they meet the required performance standards and following each successful appraisal review.

See appendix 2 for 2023 pay rates.

## 6. MOVEMENT TO THE UPPER PAY RANGE

### 6a) Applications and Evidence

*Teachers who apply to move to the Upper Pay Range (usually from Point 6 of the Main Pay Range) must be assessed in line with this policy. It is the responsibility of the teacher to decide whether or not they wish to apply to be paid on the upper pay range.*

*For consideration to move to the Upper Pay Range, teachers require evidence of eligibility from two successful appraisals. Teachers will normally be expected to have been alerted in writing if there are concerns about performance which may impact on their progression in order that they have an opportunity to address such issues and secure pay progression.*

*Teachers should usually indicate their intention to progress two years before they are eligible although this is not a requirement. This allows objectives to be set that enable the teacher to demonstrate eligibility. In this way, there would be no need for any other documentary evidence other than that included in the appraisal paperwork.*

It should be noted that application by the teacher is not required for post-threshold progression and that Heads of Service must ensure that they review eligible teachers at the correct time.

*The Supplementary Guidance document provides outline examples to ensure that teachers who have had breaks in service are treated equitably.*

### 6b) The Assessment

An application from a qualified teacher will be successful where the Service Manager/Head of Service is satisfied that:

- (a) the teacher is highly competent in all elements of the relevant standards; and
- (b) the teacher's achievements and contribution to the service are substantial and sustained.

For the purposes of this pay policy:

*Eligibility information will be drawn from the teacher's previous appraisal documentation from the last two years. Teachers will need to demonstrate that they are highly competent practitioners and have made a sustained and substantial contribution.*

## 6c) Processes and procedures

Eligible teachers who wish to be assessed in Round 23 should submit their request to the relevant service head by 31 May 2024 (the administrative deadline for requests) for successful applications to receive pay enhancement from 1 September 2024. Discussions about 'applications' (or the teacher's expressed desire to be considered for acceleration onto the Upper Pay Range) should take place during the appraisal discussion.

Despite the administrative deadline of 31 May, under the STP&CD eligible teachers who wish to be assessed in Round 22 do have the right to submit their requests up until 31 October 2023 (if the applicant is on Point M6 during that period) – with payment being made from 1 September 2023 if successful.

The assessment will be made within ten working days of the receipt of the Application (the administrative deadline date agreed is 31 May) or the conclusion of the performance management/appraisal process, whichever is later.

If successful, applicants will move to the Upper Pay Range from 1 September of the academic year following the application and will be placed on point 1 of that pay scale.

If unsuccessful, feedback will be provided by the Service Manager/Head of Service as soon as possible and at least within 10 working days of the decision. Feedback will cover the reasons for the decision and the appeals arrangements available to the teacher.

Any appeal against a decision not to move the teacher to the Upper Pay Range will be heard under the pay appeals arrangements (see Appendix 1)

N.B. The LA should, as part of the appraisal/performance management process, inform teachers of their eligibility to apply for threshold assessment two years ahead of their becoming eligible and of the mandatory deadline for applications and any local administrative deadline.

Where teachers are employed under two or more separate contracts within B&H LA, postholder threshold and progression reviews will be held by the more substantive post manager (or whoever holds responsibility for performance management reviews relating to that post). He/she should consult/receive evidence from the less substantive post manager/s before making the progression decision. Where a teacher is simultaneously employed by B&H LA and another LA, B&H LA will not be bound by any pay decisions made by another LA.

N.B. For progression to the next point of the Upper Pay Range, two successful performance reviews will be required (an application or additional paperwork are not required for this). Only in exceptional circumstances will post-threshold teachers be awarded a further point on the upper pay scale more frequently than at two yearly intervals.

## 7. Teachers on the Leadership Scale

Teachers on the leadership scale must demonstrate sustained high quality of performance in respect of leadership, management and pupil progress in the service or at the school and will be subject to a review of performance against performance objectives before any performance points will be awarded.

**“Application of Leadership Group Pay Progression Criteria - Clarification”** reproduced below will be taken fully into account when considering progression.

### **“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.

Annual pay progression within the range for this post is not automatic. The head of service will consider movement by more than one point *only in exceptional circumstances (to a maximum of two)*.

*The pay of those in leadership positions only needs to be reviewed when there are significant changes to responsibilities on or after 1 September 2014 (Document para. 4)\*. Where changes are required the process outlined in the B&H 2023-24 Model Pay Policy for Schools will be followed.*

## 8. ALLOWANCES AND PAYMENTS

### 8a) Allowances and Safeguarded payments

Safeguarding will apply up to a maximum of three years whenever a teacher faces a reduction in salary through no fault of their own.

### 8b) Teaching and Learning Responsibility Payments (TLRs)

TLRs may only be awarded in the context of the LA's service staffing structures and pay policy.

A TLR1 or TLR2 payment will be awarded to a 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. Where a TLR1/2 is awarded to a part-time teacher it must be paid on a pro-rata basis.

From 2013 the Service has been able to award a fixed-term third **TLR (TLR3)** to a teacher for clearly time-limited school improvement projects, or one-off externally driven responsibilities. The duration of the fixed term must be established at the outset and payment should be made on a monthly basis for the duration of the fixed term. Where a TLR3 is awarded to a part-time teacher it need not be paid on a pro-rata basis.

Although a teacher cannot hold a TLR1 and a TLR2 concurrently, a teacher in receipt of either a TLR1 or TLR2 may also hold a concurrent TLR3.

TLR payments will be made in accordance with the pay ranges specified in the 2023 STPCD as updated from time to time and the following levels and values will apply:

- a) the annual value of a TLR1 is a) 9,272, b) £11,409, c) £13,549 , and d) £15,690
- b) the annual value of a TLR2 is a) £3,214, b) £5,350, and c) £7,847
- c) the annual value of a TLR3 must be no less than £639 and no greater than £3,169.

The criteria for the award of TLR 1 and 2 payments are as follows:

Before awarding any TLR 1 or 2 payment, the LA must be satisfied that the teacher's duties include a significant responsibility that is not required of all teachers and that it:

- 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.

In addition, before awarding a TLR1 payment, the LA must be satisfied that the significant responsibility referred to above includes line management responsibility for a significant number of people.

Teachers will not be required to undertake permanent additional responsibilities without payment of an appropriate permanent TLR1 or TLR2 payment.

Before making any TLR3 payment, the LA must be satisfied that the responsibilities meet a, b and d of the above criteria, that they are being awarded for clearly time limited school/service improvement projects or externally driven responsibilities and that the responsibilities are not a permanent or structural requirement, which should instead be rewarded by means of a permanent TLR payment.

Where the LA wishes to make TLR3 payments, the proposed responsibilities, level of payment (within the published range) and the duration of payment will be set out clearly and subject to consultation with union representatives.

The LA will ensure that the use of TLR3 applies only to clearly time limited school/service improvement projects or one-off externally driven responsibilities and where there is a genuine development or operational need. TLR3 payments will not be used to replace or otherwise limit teachers' pay progression on the Main, Upper or Leading Practitioner Pay Ranges.

*The STPCD states that TLR 3s may also be awarded where teachers are undertaking planning, preparation, coordination of, or delivery of tutoring to provide catch-up support to pupils on learning lost to the pandemic, and where that tutoring work is taking place outside of normal directed hours but during the school day.*

*The relevant body should not award consecutive TLR3s for the same responsibility unless that responsibility relates to tutoring, as set out above.*

## **8b. Special Educational Needs Allowances**

A SEN allowance of no less than £2,539 and no more than £5,009 per annum is payable to a teacher in accordance with the STP&CD 2023 and summarised below in this Pay Policy under this section 6b). N.B. The 2010 STP&C document removed the SEN 1 and 2 allowances replacing it with one SEN range, the number of points within which relevant bodies could choose. The BHCC range for SEN allowance is two points reflecting the upper and lower range of this allowance (equivalent to the old SEN 1 and SEN 2 spot allowances).

### **Point 1 of the SEN Allowance (old SEN1 allowance) will be awarded:**

To teachers teaching 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.

To teachers in any non-designated setting 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.

### **Point 2 of the SEN allowance (old SEN2 allowance) will be awarded to:**

Teachers for whom a mandatory qualification is a requirement of the post, i.e. teachers of HI or VI who also meet the criteria of working substantially with children with special educational needs.

N.B. Where point 2 is awarded, it is instead of rather than in addition to point 1.

The statutory pay guidance states that:

SEN allowances may be held at the same time as TLRs. However, heads of service should, when reviewing their staffing structures, keep them under review in accordance with statutory guidance.

## 9. OTHER PAYMENTS

### 9a. Continuing professional development (CPD)

Teachers who undertake voluntary continuing professional development outside directed time will be entitled to an agreed additional payment determined in consultation with HR.

### 9b. Out-of-school learning activities

Teachers who agree to provide learning activities outside of the normal directed time and whose salary range does not take account of such activity will be considered for an extra payment.

### 9c. Recruitment and retention incentives and benefits

In exceptional circumstances the LA will pay recruitment awards in relation to 'hard to recruit' posts for a maximum of three years. Refer to HR for a definition of 'hard to recruit' posts. At the end of the 3 years R&R period, the recruitment/retention situation will be reviewed and may be extended, depending on local/national guidance for an additional 3 years.

The Head of Service will review the amount of the R&R payment each year at the same time as the teachers annual salary review/pay statement (any changes effective from 1 September).

### 9d. Honoraria

The LA **will not pay any** honoraria to any member of the teaching staff for carrying out their professional duties as a teacher. There is no provision within the School Teachers' Pay and Conditions Document for the payment of honoraria in any circumstances.

## 10. MONITORING THE IMPACT OF THE POLICY

The Local Authority will monitor the outcomes and impact of this policy on an annual basis including trends in progression across specific groups of teachers to assess its effect and the school's continued compliance with equalities legislation. This will be shared with union representatives.

See also the Appraisal Policy and the Supplementary Guidance for Appraisers of Teachers in BHCC including Exemplar frameworks on Performance Criteria and Teaching Standards (available on the Wave or BEEM).

## **SALARY GRADING APPEALS PROCEDURE**

### **1 Introduction**

- 1.1 This procedure applies to all direct BHCC employed teaching staff.
- 1.2 It is for the relevant service manager to determine the duties to be carried out by each post holder. For teachers this will be subject to the provisions of the Schoolteachers Pay and Conditions document. In order to carry out these responsibilities, LAs should agree a pay policy and ensure, as far as possible, that all employees are treated fairly.
- 1.3 An individual employee may, however, consider that his/her post is not graded correctly. In this context, the grading of posts for qualified teachers shall represent the allowance(s) awarded (including TLRs) and for teachers on the leadership scale, it shall represent the spinal column point determined for the post. The procedure set out below will enable such employees to discuss their salary with the head of service on both an informal and formal basis and the right to a personal hearing before the Assistant Director - Education & Skills at the LA. These arrangements are separate from other grievances and are not to be dealt with under the grievance procedure.
- 1.4 A salary grading appeal would be considered under this procedure where:
- ◆ There has been a significant increase in responsibilities undertaken by the post holder since his/her post was graded.
  - ◆ The employee considers that the original grading of the post did not accurately reflect the responsibilities undertaken.
  - ◆ The employee considers that his/her post is not graded appropriately in comparison with other posts within the school/college or within the LEA generally.

Or that the person by whom the decision was made –

- a) incorrectly applied any provision of the Document;
- b) failed to have proper regard for statutory guidance;
- c) failed to take proper account of relevant evidence;
- d) took account of irrelevant or inaccurate evidence;
- e) was biased; or
- f) otherwise unlawfully discriminated against the teacher.

However, a grading appeal for an individual employee would not normally be considered in the cases of sub paragraph (b) and (c) above where that employee had made an appeal on the same basis within the last two years.

- 1.5 The time limits referred to in this procedure may be modified by mutual agreement. The time limits referred to are working days; i.e. Monday to Friday and do not include Saturdays, Sundays or school holidays.

## **2 Procedure - Stage 1**

- 2.1 If the teacher is not satisfied with their written notification of pay determination he/she should seek to resolve this by discussing the matter informally with the service manager within ten working days of the decision. This is the informal stage for the purposes of this procedure known as **Stage One**.

N.B. In relation to the appraisal/performance management process for teaching staff, if a teacher feels their pay progression has been unfairly affected and/or discussions have already taken place with the 'appraisal/performance management reviewer' regarding any pay determination decision they should move to Stage Two of this procedure.

- 2.2 Where the teacher continues to be dissatisfied, he/she may follow a formal appeal process (see Stage Two and Three of this procedure).

## **3 Procedure - Stage 2**

- 3.1 Where the teacher is not satisfied following Stage 1, he/she should send written details of the reasons for his/her dissatisfaction to the head of service within 10 working days of receiving the written decision. The head of service should then arrange to meet with the employee again within 10 days of receipt of the written appeal.
- 3.2 The employee may be accompanied at the meeting by a trade union representative or colleague employed at the school. The head of service may be advised by a senior colleague or by a human resources officer of the Local Authority.
- 3.3 The head of service shall allow the employee or his/her representative the right to make an oral statement in support of the written submission. There shall be an opportunity for the head of service to question the employee about his/her statement. The employee or his/her representative shall also have the opportunity to put questions to the head of service about the decision at Stage 1. There should be an opportunity for the employee or his/her representative to make a closing statement
- 3.4 If the circumstances permit, the head of service should give his/her decision on the matter orally, normally after an adjournment to consider the decision. This decision shall be confirmed in writing within three working days. Alternatively, the circumstances may require further review and/or enquiries.

This should be confirmed orally at the end of the meeting and the decision should be given orally within 5 working days of the meeting and confirmed in writing within three further working days.

#### **4 Appeals Procedure - Stage 3**

- 4.1 Where the employee is not satisfied following Stage 2, he/she should notify the Assistant Director - Education & Skills (the 'Hearing' Officer) in writing within 10 working days of receiving the written decision. The Director of Families, Children & Learning has delegated his authority on this matter. The Hearing Officer must then arrange a meeting to hear the appeal. Normally, the meeting shall take place within 20 working days of the receipt of the written appeal.
- 4.2 The employee and the head of service shall exchange statements to be considered at the appeal hearing seven working days before the notified date of the appeal hearing. Neither party shall be entitled to see a copy of the written statement by the other party before the preparation of their own. The statements prepared by both parties shall be sent to the Hearing Officer at least five working days prior to the hearing.
- 4.3 The procedure to be followed by the Appeal panel during the appeal hearing shall be as follows:
- i) The employee (or his/her representative) to put his/her case in the presence of the head of service and to call such witnesses as he/she wishes.
  - ii) The head of service to have the opportunity to ask questions of the employee (or his/her representative) on the evidence given by him/her and any witnesses.
  - iii) The Hearing Officer to have the opportunity to ask questions of the employee (or his/her representative) and his/her witnesses.
  - iv) The head of service to present the case in response to the employee's representations calling such witnesses as he/she wishes.
  - iii) The employee (or his/her representative) to have the opportunity to ask questions of the head of service on the evidence given by him/her and any witnesses.
  - vi) The Hearing Officer to have the opportunity to ask questions of the head of service and witnesses.
  - vii) The head of service to have the opportunity to sum up his/her case.

- viii) The employee (or his/her representative) then to have the opportunity of summing up his/her case if they so wish.
- ix) The employee and head of service and any witnesses to withdraw.
- x) The Hearing Officer (with any adviser) to deliberate in private only recalling the parties where there are particular points of uncertainty on the evidence already given. If recall is necessary, both parties are to return not withstanding only one is concerned with the point-giving rise to doubt.

**4.4 The Hearing Officer is authorised to:**

- a) Reject the appeal and confirm that the grading for the post/pay determination is correct;
  - b) Agree that the overall range of duties and level of responsibility undertaken by the postholder is above that which could reasonably be expected of an employee at his/her salary level and:
    - i) Upgrade the post to the level considered appropriate where it is determined that the work undertaken will continue to be expected of the postholder; or
    - ii) Ask the head of service in consultation with the employee concerned to make adjustments to the job description ensuring that the overall range of duties and level of responsibilities is consistent with the existing grade for the post
    - iii) Ask the head of service to implement the pay progression originally denied
- 4.5 The decision of the Hearing Officer will be notified to the employee and his/her representative at the meeting and confirmed in writing within five working days of the meeting.
- 4.6 The head of service may arrange for a representative to present the case on his/her behalf and may be assisted in the presentation.
- 4.7 The decision of the Hearing Officer shall be final. There is no further right of appeal within the LA but the employee's rights to any statutory recourse would remain.

**APPENDIX 2****Teacher Pay Ranges 2023****Brighton & Hove Teacher Main Pay Range 2023**

<b>Spine Point</b>		
M1	<b>£30,000</b>	Minimum
M2	<b>£31,737</b>	
M3	<b>£33,814</b>	
M4	<b>£36,051</b>	
M5	<b>£38,330</b>	
M6	<b>£41,333</b>	Maximum

**Upper Pay Range 2023**

<b>UPR 1 (min)</b>	<b>£43,266</b>
UPR 2	<b>£44,870</b>
<b>UPR3 (max)</b>	<b>£46,525</b>

**Leading Practitioner Range 2023**

(Minimum £47,417 and maximum £72,085).

**Unqualified Teachers Pay Range 2023**

<b>UT 1 *</b> <b>Minimum</b>	<b>£20,598</b>		UTPR Minimum
UT 2 *	<b>£22,961</b>		
UT 3 *	<b>£25,323</b>		
UT 4	<b>£27,406</b>		
UT 5	<b>£29,772</b>		
<b>UT 6</b> <b>Maximum</b>	<b>£32,134</b>		UTPR Maximum

**Allowances****TLR**

- the annual value of a TLR1 is £9,272 - £15,690
- the annual value of a TLR2 is £3,214 - £7,847
- the annual value of a TLR3 must be no less than £639 and no greater than £3,169

**SEN**

Min £2,539 per annum  
Max £5,009 per annum