

NOTICE OF MEETING

Education Employment Sub Committee

Tuesday 16 July 2013, 5.30 pm

Council Chamber, Fourth Floor, Easthampstead House, Bracknell

To: Education Employment Sub Committee

Councillor Allen (Chairman), Councillor Angell , Councillors Mrs Birch, Davison, Leake and Mrs Temperton

Non-Voting Co-optee

Councillor Ward

cc: Substitute Members of the Committee

Councillors Angell, Blatchford, Ms Brown, Dudley and Worrall

ALISON SANDERS
Director of Corporate Services

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Published: 8 July 2013



Education Employment Sub Committee
Tuesday 16 July 2013, 5.30 pm
Council Chamber, Fourth Floor, Easthampstead House,
Bracknell

AGENDA

Page No

1. Apologies for Absence/Substitute Members

To receive any apologies for absence and to note the attendance of any substitute members.

2. Declarations of Interest

Any Member with a Disclosable Pecuniary Interest or an Affected Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.

3. Urgent Items of Business

Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.

4. Minutes

To receive the minutes of the Education Employment Committee meeting held on 17 October 2011.

1 - 2

5. Model School HR Policies

To receive a report on reviewing the new model policies for Performance Capability and Model Pay policies and agreeing to present these to school governing bodies for adoption.

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**EDUCATION EMPLOYMENT SUB COMMITTEE
17 OCTOBER 2011
5.30 - 6.05 PM**

Bracknell Forest Borough Council:

Councillors Brunel-Walker (Chairman), Allen and Davison

Also Present:

Graham Jackson, NASUWT

Tom Wheaton, NUT

In Attendance:

Tony Madden, Chief Officer: Human Resources

Paul Young, Human Resources Manager Children, Young People and Learning

Apologies for absence were received from:

Councillors Mrs Birch and Mrs Temperton

9. Declarations of Interest

There were no declarations of interest.

10. Urgent Items of Business

There were no urgent items of business.

11. Minutes

RESOLVED that the minutes of the meeting of the Education Employment Sub-Committee held on 19 July 2011 be approved as a correct record and signed by the Chairman.

12. Severance Options

The Chief Officer: Human Resources presented a paper setting out the reasons for, and legal basis of, the Council's current severance policy.

The Committee was informed that the Employment Committee had agreed at its meeting on 12 October 2011 to recommend to Council that when calculating redundancy payments for those with no immediate access to pension a multiplier of 1.75 of the statutory table be used.

It was reported that 172 out of 175 local authorities had responded to a recent survey on severance policies with 56% of responders confirming that they paid multipliers of either 1.5 or 2 and 9 out of 10 responders using actual salaries to calculate redundancy payments.

It was noted that when considering potential redundancies redeployment opportunities were always considered in the first instance however schools could not be made to take on redeployed staff.

The Committee was pleased by the proposal to retain the weekly wage as a basis for redundancy calculations. In view of increasing primary school rolls and the number of schools taking on additional staff the Committee considered the proposals to be reasonable.

RESOLVED that the Committee recommends to schools that subject to full Council agreement they:

- i. Retain the use of actual weekly pay levels for redundancy purposes
- ii. Retain the policy of paying statutory weeks only to those with immediate access to pension
- iii. Reduce the current x2.5 multiplier of the statutory table for those with no immediate access to pension to a multiplier of x1.75
- iv. Continue with the policy of awarding added years only in exceptional circumstances
- v. Apply the new policy with effect from 1 December 2011

CHAIRMAN

**TO: EDUCATION EMPLOYMENT COMMITTEE
16 JULY 2013**

**MODEL SCHOOL HR POLICIES
Director of Children, Young People and Learning**

1 PURPOSE OF REPORT

- 1.1 This report provides the background on the policy development for Teachers Capability and a Model Policy for Pay. This includes the activities undertaken to produce model policies for adoption by school governing bodies. These policies are statutory for school governing bodies and these updated policies will ensure the school are complying with the latest arrangements.

2 RECOMMENDATION

2.1 The Committee are requested to:

Review the new model policies for Performance Capability and Model Pay Policy and recommend to school governing bodies for adoption.

3 REASONS FOR RECOMMENDATION

- 3.1 To enable schools to effectively manage the performance of teachers and to take advantage of the new flexibilities for teachers pay.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None.

5 SUPPORTING INFORMATION

- 5.1 All schools are required to have a suite of HR policies to enable them to manage their staffing arrangements. The Human Resources Team in Children, Young People and Learning provide model HR policies for school governing bodies in Bracknell Forest to adopt. By performing this task it enables the local authority to continue positive relations with trade unions and saves each school the time and energy in that the full consultation arrangements are completed centrally. Once model policies are available, these are presented to school governing bodies to consider adoption.
- 5.2 The HR Team have been working to develop new policies for dealing with Teacher Capability and a new Pay Policy. This follows changes implemented by the Government to allow speedier timescales to dismiss poorly performing teachers and to provide schools with more flexibility for the pay arrangements for their teachers.
- 5.3 Draft model procedures were created and a period of consultation was held with the trade unions. As it often the case in Bracknell Forest the consultation period was undertaken in a constructive way with positive engagement with most teacher unions.
- 5.4 The Teacher Capability procedure was a relatively straight forward process as the changes implemented largely mirrored national expectations and best practice. The main changes to the previous procedure centres around the reduction in the stages in the procedure and the removal of an informal stage of support, The Government wanted to ensure schools could, where necessary, remove "poorly" performing teachers as quickly as possible. In Bracknell Forest the capability procedure has been used as a supportive performance improvement tool. This will continue to be

done through this new procedure but, should performance fail to improve, this can be resolved within reduced timescales.

- 5.5 The new national pay “flexibilities” has created some concern nationally as to how these may be implemented. These have been incorporated into the new Pay and Conditions document. Both the trade unions and, to some extent head teachers, are concerned how these will be implemented. In a number of local authorities it has been left to individual schools to establish their own pay policies and arrange their consultation with trade unions. In Bracknell Forest we have decided the most effective route was to establish a model policy for schools to adopt. This has been achievable thanks to the constructive consultation with trade unions and assistance from a group of head teachers.
- 5.6 The main changes to the School Teachers Pay document:
- Pay progression linked to performance thereafter (i.e. end of annual incremental progression)
 - Introduction of minimum and maximum salary levels – reference points in between decided by school
 - Removal of Advanced Skills Teachers (ASTs) and Excellent Teachers pay scales
 - Leading practitioners pay range introduced
 - Simpler criteria for threshold assessment
 - Removing requirement to protect existing salary at recruitment
 - Introduction of fixed term TLR
- 5.7 The most contentious issues include the whole scale introduction of performance related pay, the removal of a formal pay structure and the removal of pay protection, or portability as it is known, when appointed to a new teaching appointment.
- 5.8 The performance related pay arrangements were already in place for members of the leadership teams and teachers on the upper pay range. The new arrangements extend this to teachers on the main scale and unqualified scale. The new policy has defined how these new arrangements can be implemented.
- 5.9 There is an expectation from the DFE that schools will welcome the new flexibilities for the pay arrangements for their teachers. Schools can decide where, within the salary ranges, chose to pay new recruits. After September 2013, for recruitment purposes, they will not be required to protect the level of pay that the teacher was previously on. Having consulted headteachers in Bracknell Forest it is fair to say that these new arrangements have created uncertainty and concern. There is every likelihood that applicants for vacant teacher posts, particularly for “outstanding practitioners”, can put pressure on schools to pay more for as part of a job offer. Almost a situation of naming a price. It is yet to be seen what the implications will be for this but there is some concern how this might operate. Through the consultation it has become apparent that trade unions do not want to see the removal of the pay portability arrangements. As this is now not covered in the new School Teachers Pay and Conditions Document the pay portability arrangements will no longer apply.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

6.1 Not requested

Borough Treasurer

6.2 Not requested

Equalities Impact Assessment

6.3 Not undertaken

Strategic Risk Management Issues

6.4 Schools are required to have policies for Performance Capability and pay. Not updating these policies could allow Ofsted to criticise school leadership for not taking advantage of new pay flexibilities and would also result in the policy to matching the requirements of the statutory School Teachers Pay and Conditions document.

Other Officers

6.5

7 CONSULTATION

Principal Groups Consulted

7.1 Trade unions

Headteachers

Chairs of Governors

Method of Consultation

7.2 Meetings and information exchanges

Representations Received

7.3

Background Papers

Contact for further information

Paul Young, Children, Young People and Learning - 01344 354060

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MODEL WHOLE SCHOOL PAY POLICY

ate Published - draft for consultation	June 2013
Version	Draft V7

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Appendix C	School Staff Structure
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(INSERT) SCHOOL

1 Introduction

The Governing Body seeks to ensure that all employees are valued and receive proper recognition for their work and their contribution to school life. The Governing Body will act with integrity, objectivity and honesty in the best interests of the school; will be open about pay decisions made and actions taken, and will be prepared to explain decisions and actions as required. Due to the different pay and conditions for teaching and support staff the policy presents this information separately.

The governing body will fulfill its obligations with due regard to:

For teachers:

- The School Teachers' Pay and Conditions Document (The Document)
- The Conditions of Service for School Teachers in England and Wales (Burgundy Book)
- Relevant legislation

For support staff:

- The National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service (Green Book)
- Bracknell Forest job evaluation scheme
- Relevant legislation

2. Aims

To maintain and improve the quality of education provided for pupils in the school by having a pay policy which:

- supports the school's stated aims and the school development plan.
- maximise the quality of teaching and learning at the school
- support the recruitment and retention of a high quality workforce
- enable the school to recognise and reward teachers appropriately for their contribution to the school
- To show all staff that the Governing Body is managing its pay policy in a fair, transparent, consistent and responsible way.

3. Responsibility

The Governing Body has responsibility for establishing the school's Pay Policy and for ensuring it is implemented, having taken advice from the head teacher on all matters with the exception of their own salary. It considers and approves the staffing structure for the school. The Governing Body delegates authority to the Pay Committee to administer the pay policy on its behalf, including the determination of grade and salaries to be reviewed following the appraisal process for teaching staff. The pay committee will review job descriptions when required and will reconsider the grade if responsibility or accountability is increased.

4. Consistency of Treatment & Fairness

The governing body is committed to ensuring consistency of treatment and fairness and will abide by all relevant equality legislation i.e. Employment Rights Act 1996, Employment Relations Act 1999, Employment Act 2002, Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000, Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 and Equalities Act 2010/2012.

5. Job Profiles

The head will ensure that each member of the staff is provided with a job profile in accordance with the staffing structure agreed by the governing body. These job descriptions may be reviewed from time to time in consultation with the employee concerned.

6. Appraisal/Performance Management

The Governing Body will ensure that decisions regarding pay progression will be made with reference to the teachers' performance management/appraisal reports and pay recommendations they contain. This will take due regard to the Teachers' Standards. In the case of NQTs, pay progression will be made by means of the statutory induction process.

The Governing Body recognise that the annual appraisal arrangements for support staff do not have a direct link with salary progression or promotion, but are to do with developing the potential of all staff.

7. Pay Relativity

The Governing Body will seek to ensure that there is appropriate pay relativity between jobs within the school.

8. Handling Salary Queries

If a member of staff has a query about his/her salary he/she should in the first place seek to resolve the matter informally with the head teacher (or, in the case of a head teacher, with the Chairman of the Pay Committee). If the matter remained unresolved the appeals procedure as outlined in Appendix A should be followed.

9. Policy Review

The pay policy will be reviewed annually in consultation with all staff affected.

10. Monitoring the Impact of the Policy

The Governing Body will monitor the outcomes and impact of this policy annually, including trends in progression across specific groups of teachers to assess its effect and the school's continued compliance with equalities legislation.

11. School Staffing Structure

The school staffing structure, including the values of TLRs, is as detailed in Appendix C.

12. TEACHING STAFF

All teachers at the school will be paid in accordance with the statutory provision of the School Teachers' Pay and Conditions Document. The discretions allowed by this document will be used in accordance to identified school needs and based on clearly laid down criteria, subject to annual review and available funding.

12.1 Pay decision for September 2013

The revised arrangements on pay progression do not take effect until September 2014. Teachers appointed to start employment on 1st September 2013 will be paid according to the 2012 STPCD.

12.2 Pay Reviews

The governing body will ensure that every teacher's salary is reviewed with effect from 1 September and no later than 31 October each year and give them a written statement setting out their salary and any other financial benefits to which they are entitled. 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 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 governing body will give the required notification as soon as possible and no later than one month after the date of the determination.

Teachers moving post and appointed on 1st September 2013 will receive any pay progression which they would have received had they remained in their previous post.

12.3 Appeals

A teacher may seek a review of any determination in relation to his pay or any other decision taken by the governing body (or a committee or individual acting with delegated authority) that affects his pay.

The following list includes the usual reasons for seeking a review of a pay determination;

That the person or committee by whom the decision was made –

- a) incorrectly applied any provision of the Teachers' Pay and Conditions 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 employee.

The procedure to follow in any appeals is as detailed in Appendix A.

12.4 Teachers' Performance Pay

All pay progression decisions from September 2014 will be linked to performance. For pay decisions therefore the pay policy should be read in conjunction with the appraisal policy.

12.5 Head teacher

The governing body will determine the salary of a head teacher in accordance with paragraphs 5 to 11 of the Document.

The head teacher must demonstrate sustained high quality of performance, with particular regard to leadership, management and pupil progress at the school and will be subject to a review of performance against performance objectives before any performance points will be awarded. The clarification of the application of the criteria for Leadership Group progression will be taken fully into account.

12.6 Deputies and Assistant Heads

The governing body will determine the salary on the pay spine for members of the leadership group for deputy and assistant head teachers in accordance with paragraphs 12 and 13 of the document.

Deputies and assistant heads must demonstrate sustained high quality of performance in respect of school leadership and management and pupil progress and will be subject to a review of performance against their performance objectives before any performance points will be awarded. The clarification of the application of the criteria for Leadership Group progression will be taken fully into account.

12.7 Main Pay Range for Teachers

The governing body will determine the salary on the main pay range for qualified teachers in accordance with paragraphs 14 and 15 of the document. It is noted that the new Main Pay Range as a minimum and maximum salary level (as shown as at M1 and M6 respectively).

Minimum	M1	£22,626
	M2	£24,330
	M3	£26,202
	M4	£28,145
	M5	£30,278
Maximum	M6	£32,588

* Pay award pending for the figures shown

Following incremental progression on 1 September 2013 the Main Pay Range for Teachers will include a minimum and maximum salary. The points M2 to M5 shown above are salary reference points. The governing body will decide where within the minimum and maximum of this grade it will appoint and, where appropriate following appraisal, progress teacher's within this pay range.

12.8 Upper Pay Range

The governing body will determine the salary on the upper pay range for qualified teachers in accordance with paragraphs 16 and 17 of the document.

Minimum	U1	£35,218
	U2	£36,482
Maximum	U3	£37,794

* Pay award pending

The governing body will decide where within the minimum and maximum (U1 and U3 respectively) of this grade it will appoint and, where appropriate following appraisal, progress teacher's within this pay range. Grade U2 shown above is for reference purposes only.

i) Application to be paid at the Upper Pay Range Applications and Evidence

Any qualified teacher may apply to be paid on the upper pay range and **any such application 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.

Applications may be made at least once a year.

The application should be received by 31 October in conjunction with the appraisal process. Where successful the teacher will be paid on the Upper Pay Range from September.

If a teacher is simultaneously employed at another school(s), they may submit separate applications if they wish to apply to be paid on the upper pay range in that school or schools. This school will not be bound by any pay decision made by another school.

All applications should include the results of reviews or appraisals under the 2011 or 2012 regulations, including any recommendation on pay (or, where that information is not applicable or available, a statement and summary of evidence designed to demonstrate that the applicant has met the assessment criteria).

ii) The Assessment

An application from a qualified teacher will be successful where the Governing Body 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 school are substantial and sustained.

For the purposes of this pay policy:

'highly competent' means that the teacher is:

- sufficiently experienced (usually at least 4 years experience with QTS)
- secure in delivering consistently good or outstanding teaching
- able to provide effective professional development, including coaching and/or mentoring, to other teachers

"substantial" means that the teacher is:

- making a valid and valued contribution to the broader life of the College
- acting as a role model for teaching and learning;
- making a distinctive contribution to
learners' outcomes so that they meet or exceed their benchmarks
the closing of any learner progress and attainment gaps;
- taking advantage of appropriate opportunities for professional development and uses the outcomes effectively to improve pupils' learning.

And

'sustained' means is maintained continuously over a period of time; this will usually require at least two consecutive appraisal reports demonstrating performance at the required standard (ie. not based solely on one year's results or teaching performance).

The application will be assessed by the line manager. A recommendation will then be made to the headteacher who will make the decision as to whether or not to authorise. The Governing Body Pay Committee will meet to consider all authorised applications and make the final determination.

iii) Processes and procedures

The assessment will be made within 20 working days before the applicant will receive a response to their application.

If successful, applicants will move to the upper pay range from the start of the academic year). The head teacher will decide where on the upper pay range a successful teacher is placed.

If unsuccessful, feedback will be provided by the line manager through discussion and confirmed in writing within 5 working days of the discussion.

Any appeal against a decision not to move the teacher to the upper pay range will be dealt with under the appeal arrangements.

12.9 Pay Range for leading Practitioners Teachers

The governing body will determine the salary on the main pay range for qualified teachers in accordance with paragraphs 14 and 15 of the document.

Minimum	£tbc
Maximum	£tbc

The governing body will decide where within the minimum and maximum of this grade it will appoint and, where appropriate following appraisal, progress teacher's within this pay range.

12.10 Unqualified Teachers

The governing body will determine the salary on the main pay range for qualified teachers in accordance with paragraphs 14 and 15 of the document.

Minimum	1	£16,856
	2	£18,694
	3	£20,534
	4	£22,373
	5	£24,212
Maximum	6	£26,051

*** Pay award pending**

The governing body will decide where within the minimum and maximum of this grade it will appoint and, where appropriate following appraisal, progress teacher's within this pay range.

Following incremental progression on 1 September 2013 the Unqualified Teachers Range will include a minimum and maximum salary. The points 2 to 5 shown above are salary reference points. The governing body will decide where within the minimum and maximum of this grade it will appoint and, where appropriate following appraisal, progress teacher's within this pay range.

i) Unqualified teachers' allowance

The governing body may pay an unqualified teachers' allowance to unqualified teachers when the governing body consider their basic salary is not adequate having regard to their responsibilities, qualifications and experience.

12.11 Basic Pay Determination on Appointment

The Governing Body will determine the pay range for a vacancy prior to advertising it. On appointment it will determine the starting salary within that range to be offered to the successful candidate.

In making such determinations, the Governing Body 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 school context)

There is no assumption that a teacher will be paid at the same rate as they were being paid in a previous school as “pay portability” is no longer included within the document. The governors will however wish to have due regard to the previous salary level when making an offer of employment, including those teacher returning to the profession following a break.

12.12 Pay Progression Based On Performance

In this school 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 school’s appraisal policy.

Decisions regarding pay progression will be made with reference to the teachers’ appraisal reports and the pay recommendations they contain. In the case of NQTs, 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.

To be fair and transparent, assessments of performance will be properly rooted in evidence. In this school we will ensure fairness by:

- Annual monitoring of the execution and application of this policy by the Governing Body.
- Annual moderation of a sample of appraisal reports and recommendations by the school leadership team
- Providing regular training, advice and guidance for all appraisers and appraisees.

The evidence the school will use in determining pay progression will include the appraisal report and other evidence such as:

- lesson observations
- pupil progress and attainment data
- self assessment
- Any other information that the teacher wishes to present will also be considered.

Teachers' appraisal reports will contain pay recommendations. Final decisions about whether or not to accept a pay recommendation will be made by the Governing Body, having regard to the appraisal report and taking into account advice from the senior leadership team. The Governing Body will consider its approach in the light of the school's budget and ensure that appropriate funding is allocated for pay progression at all levels.

Approved pay recommendations will normally result in pay progression by one point on the main pay scale. In exceptional cases, The Governing Body Pay Committee may determine that progression by two points on the main pay scale is deemed appropriate.

A recommendation for pay progression on the main pay scale will be made when there is strong and robust evidence to demonstrate that the teacher:

- A. Consistently meets the Teachers' Standards in their work at a level that generally meets or exceeds the expectations of a teacher at his/her career stage and level.
- B. Typically delivers secure good or better teaching over time (ie. the normal day-to-day teaching provision is good or outstanding)
- C. Has met, or largely met, appraisal targets and objectives, and has worked pro-actively to try and mitigate any circumstances beyond his/her control which may have compromised the meeting of any objectives.
- D. Has a track record for pro-actively engaging in, and taking responsibility for developing their professional practice, including responding positively to advice, feedback, training/INSET including any individually tailored CPD offered.
- E. Consistently works to the school's vision, aims, priorities, polices, practices and procedures and makes a good contribution to the life of the school.

Where evidence in respect of point B above is not strong and robust (ie. teaching may sometimes be good but overall requires improvement), a pay recommendation may still be made if there is strong evidence that a teacher is developing well in improving their teaching practice to the extent that securing consistently good or better teaching is achievable within a reasonable time frame given his/her career stage and level (ie. well within the time period of the appraisal cycle), and the teacher's performance is not inadequate in any respect. In this case, all other conditions must be met. In particular, the teacher will have demonstrated a strong commitment to managing and meeting their objectives and developing their professional practice and, when setting objectives for the forthcoming year, one objective should clearly relate to securing good or better teaching overall. It follows that it is extremely unlikely that a teacher will be recommended for pay progression on this basis in successive years (ie. the teacher's progress in developing his/her practice has not been sufficiently good enough to secure good or better teaching overall by the time of the next appraisal review).

With respect to point B, where there is no strong evidence that a teacher is developing well in improving their teaching practice to the extent that securing consistently good or better teaching then no pay progression recommendation will be made.

Discussions about standards of performance, including progress towards securing good or better teaching, should be held with the teacher during the appraisal cycle, and any concerns formally recorded as part of the Interim Review.

In certain circumstances, it may be deemed that a teacher is demonstrating exceptional performance. For exceptional performance, a teacher must be highly competent, performing at a substantial and sustained level and can demonstrate that they:

- A. Consistently meet the Teacher Standards with impact significantly above expectations and/or performance regularly exceeding expectations of a teacher at his/her career stage or level.
- B. Consistently deliver teaching that is mostly outstanding.
- C. Have met or exceeded all appraisal targets and objectives, including high impact learning outcomes.
- D. Have an excellent track record for pro-actively engaging in, and taking responsibility for successfully developing their own and other colleagues' professional practice.
- E. Consistently model the school's vision, aims, priorities, policies, practices and procedures and makes a significant contribution to the life of the school, including improving and developing the school through his/her work with other colleagues.

12.13 TEACHING AND LEARNING RESPONSIBILITY PAYMENTS (TLRS)

i) The Governing Body will award TLRs to a classroom teacher as part of the staffing structure where the duties include a sustained additional responsibility for the purpose of ensuring the delivery of high quality teaching and learning for which the teacher is made accountable. In awarding a TLR 1 or 2 the Governing Body must be satisfied that the teacher's duties include a significant responsibility that is not required of all classroom teachers and that:

- a) is focused on teaching and learning
- b) requires the exercise of a teacher's professional skills and judgment
- 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 teacher's assigned classes or groups of pupils and
- e) involves leading, developing and enhancing the teaching practice of other staff.

The values of the TLRs are:

TLR 1 – (insert range of values)

TLR 2 – (insert range of values)

If the relevant body awards TLRs of different values to two or more teachers, the minimum difference in value between each award of a TLR1 is £1,500; and between each award of a TLR2 is £1,500.

The TLR 1 will require the post holder to include line management responsibility of a significant number of people.

ii) TLR 3 - Fixed term TLRs

The Governing Body may award a fixed term TLR to a classroom teacher for clearly time-limited school improvement projects, or one off externally driven responsibilities. The conditions as detailed above at 12 (i) a to c apply for the award of a TLR 3. The conditions detailed at (d and e) do not apply.

The TLR 3 payment must be no less than £500 and no greater than £2500. TLR 3 is not subject to safeguarding upon completion of the fixed term period.

A TLR3 may be awarded in addition to a TLR1 or TLR2.

12.14 Special educational needs allowances

A SEN allowance of no less than £2001 and no more than £3954 per annum is payable to a classroom teacher:

- in any SEN post that requires a mandatory SEN qualification;
- in a special school;
- who teaches pupils in one or more designated special classes or units in the school;
- in any non-designated setting (including any PRU) 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 judgment 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.

Where a SEN allowance is to be paid, the pay committee must determine the spot value of the allowance, taking into account the structure of the school's SEN provision and the following factors:

- Whether any mandatory qualifications are required for the post;
- The qualifications or expertise of the teacher relevant to the post;
- The relative demands of the post

12.15 Additional Payments

In accordance with paragraph 46 of the Document the pay committee may make payment to a teacher, including a head teacher in respect of:

- Continuing professional development undertaken outside the school day
- Activities relating to the provision of initial teacher training as part of the ordinary conduct of the school
- Participation in out-of-school hours learning activity agreed between the teacher and head teacher or, in the case of the head teacher, between the head and the pay committee
- Responsibilities and activities due to, or in respect of, the provision of services by the head teacher relating to the raising of educational standards to one or more additional schools – subject to paragraph 46.2,

12.16 Recruitment and retention incentives and benefits

The governing body can award lump sum payments, periodic payments, or provide other financial assistance, support or benefits for a recruitment or retention incentive

Either:

- The pay committee will not exercise its discretion under paragraph 47 of the Document.

Or

- The pay committee will consider exercising its powers under paragraph 50 of the Document where it is appropriate to do so.

The governing body should review the level of payment/benefits annually.

12.17 Safeguarding

Safeguarding applied on or after 1st January 2006 is for a period not exceeding three years and may end sooner in the circumstances set out in the Document. General safeguarding applied on or before 31st December 2005 is not subject to the three year limit

12.18 Part-time teachers

Teachers employed on an ongoing basis at the school but who work less than a full working week are deemed to be part-time. The Governing Body will give them a written statement detailing their working time obligations and the standard mechanism used to determine their pay, subject to the provisions of the statutory pay and working time arrangements and by comparison with the school's timetabled teaching week for a full-time teacher in an equivalent post.

12.19 Supply teachers

Teachers who work on a day-to-day or other short notice basis have their pay determined in line with the statutory pay arrangements in the same way as other teachers. Teachers will have their salary assessed as an annual amount, divided by 1265 hours to establish an hourly rate of pay. The hourly rate is multiplied by the number of hours worked during the day. Teachers working a full day will have their salary based on a working day of 6.5 hours.

Guidelines for the payment of supply teachers are shown in Appendix B.

Separate payment arrangements may apply for those supply staff engaged through a supply agency.

12.20 PPA

PPA shall be provided in accordance with the Document.

12.21 Pay awards

The governing body will implement national pay awards as agreed and updated in the Pay Document.

13 SUPPORT STAFF

13.1 General Principles

The Governing Body will comply with all national and local agreements on Conditions of Service as applicable to Local Authority Staff, as agreed with Professional Associations/Trade Unions.

The application of the Bracknell Forest job evaluation scheme will be used for the assessment and the re-grading of all posts.

The Governing Body will take into account any national or local developments that affect the pay and conditions agreements for these groups of staff.

If the school considers changing the organisation structure, duties or role of any member of the support staff, a revised job description should be prepared and submitted, where appropriate, for re-evaluation through the Council's job evaluation system.

The individual starting salary of new support staff will be assessed taking into account the following criteria:

- Level of expertise.
- Qualification.
- Level of training required to fulfill all requirements of post.
- Value to the school.

13.1 Increments

Employees should receive 1 increment every 12 months, which is normally paid on 1 April each year until the maximum point on the grade is reached.

New employees who are recruited between 1 April and 30 September, will receive their first increment on the following 1 April. New employees appointed between 1 October and 31 March will receive their first increment 6 months after they joined and then on the following 1 April thereafter.

13.2 Additional Payments

a) Accelerated Increments

The Governing Body may award merit or accelerated increments within the range at any time. Criteria for such a decision will be:

- Achievement exceeding normal job requirements but at an equivalent level of responsibility;
- Completion of key tasks to a degree which exceeds line manager recorded expectations;
- Undertaking a specialist project at an equivalent level of responsibility to the post holder's current job description.

b) Additional Duties

Where a member of staff is required by the Governing Body to undertake the full duties and responsibilities of a higher graded post for a continuous period of at least four weeks, he/she will be entitled to receive the salary appropriate to the post temporarily occupied. The salary paid will be at the bottom of the appropriate salary range, unless this is below the employee's existing incremental step, when the payment made will be equivalent to an increase of at least one increment. Once the qualifying period of four weeks has been completed, payment at the higher rate will be made from the first day the duties were undertaken.

c) Honoraria

The Governing Body may pay an honorarium where, for an extended period, a member of staff is asked to undertake:

- part of the duties of a higher graded post;
- duties outside the scope of his/her post which are particularly onerous.

13.3 Designated First Aiders

The Governing Body has (determined/determined not)* to pay designated first aiders a retainer (currently £200 per annum) whilst they are available, qualified and willing to render first aid to employees.

* delete as appropriate

APPEAL PROCEDURE AGAINST SALARY ASSESSMENT

If, after notification, a teacher does not consider that the Governing Body has taken all the relevant information into account they have the right to appeal against the decision.

General principles:

- The teacher is entitled to be accompanied by a union representative or work colleague at the formal stage of the appeal procedure.
- The decision of the appeal panel is final. There is no further internal process available once the appeal stage has been completed.

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 governing body (or a committee or individual acting with delegated authority) that affects his/her pay.

The following list includes the usual reasons for seeking a review of a pay determination;

That the person or committee 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.

The order of proceedings is as follows:

1. The teacher receives written confirmation of the pay determination and where applicable the basis on which the decision was made.
2. If the teacher is not satisfied, he/she should seek to resolve this by discussing the matter informally with the decision-maker within ten working days of the decision.
3. Where this is not possible, or where the teacher continues to be dissatisfied, he/she may follow a formal appeal process.
4. The teacher should set down in writing the grounds for questioning the pay decision and send it to the person (or committee) who made the determination, within ten working days of the notification of the decision being appealed against or of the outcome of the discussion referred to above.
5. The committee or person who made the determination should provide a hearing within ten working days of receipt of the written grounds for questioning the pay decision to consider this and give the teacher an opportunity to make representations

in person. Following the hearing the employee should be informed in writing of the decision and the right to appeal.

6. Any appeal should be heard by a panel of three governors who were not involved in the original determination normally within 20 working days of the receipt of the written appeal notification. The teacher will be given the opportunity to make representations in person. The decision of the appeal panel will be given in writing, and where the appeal is rejected will include a note of the evidence considered and the reasons for the decision

Appeal Hearing Procedure

The panel for the appeal hearing should consist of 3 governors who have not previously been involved in the initial salary review. Advice at this hearing will be available from HR.

At the appeal hearing, the appellant will set out the reasons why they consider the salary assessment to be inappropriate and provide evidence to support their case. The head teacher will be called to give evidence as to the information that was provided to the initial salary review committee that will have guided their considerations. The Chairman or another member of the initial salary review committee will then explain the reasons for the decision that was taken.

The opportunity for the appeal hearing to question the parties after they have given their evidence will be given.

The appeal committee will retire to consider any new evidence that has been presented and may either:

- Uphold the appeal and award additional salary spinal point(s).
- reject the appeal.

The decision of the appeal panel will be notified in writing within 5 calendar days of the appeal being held.

GUIDELINES FOR THE PAYMENT OF SUPPLY TEACHERS

The schools expectation of a Supply Teacher

Firstly, the school will determine that the relevant pre-employment checks have been satisfied in relation to the teacher in question.

The supply teacher should arrive at least 15 minutes before school starts, to enable them to read plans, prepare lessons, learn the geography of the school and become familiar with routines within the school including safety procedures and disciplinary arrangements. Undertake playground duty if covering for the teacher who was scheduled to undertake these duties on the day in question.

Undertake marking and providing feedback to the Head or designated teacher at the end of the day and reporting on any issues of concern.

The school should ensure that other duties should be available to be undertaken by the Supply teacher that could reasonable be completed in the non contact time available.

What the school will provide for the supply teacher

The Supply teacher will be provided with:

- the name of the person to report to who will be there to greet them at the agreed time.
- all the necessary documentation to be able to undertake the duties for which they have been employed.
- written details of emergency procedures, name of contact in case of difficulty be shown round the school.

Hours to be paid

The School Teachers Pay and Conditions document sets out that Supply teachers are paid on the basis of a working year of 195 day and that they should be considered to be working 6.5 hours a day including an allowance for duties other than direct contact time .

Why the hours to be paid should be 6.5 hours rather than a variable number?

1 It would support the notion than supply teachers have responsibility for and an expectation by the school to undertake duties other than only class room duties.

2 It would eliminate any ill feeling caused by different views on the number of hours to be paid based on the views of the amount of other work they undertake. The management and reasons why less than 6.5 hours are to be paid will have to be fully documented in order to defend any claims made at a later date.

3 The suggestion of variable paid hours is administratively complicated and may well lead to pay queries that will take time to resolve.

4 The payment of a 6.5 hour day would be in line with other schools and we would therefore not be at a disadvantage to other schools when seeking supply teachers.

5 Supply teachers may then be more willing to be employed directly by schools rather than through a supply teacher agency.

6 Complies with the School Teachers Pay and Conditions Document and will not be detrimental to any supply teacher

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SCHOOL STAFFING STRUCTURE

(School to insert their staffing structure)

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BRACKNELL FOREST COUNCIL
PERFORMANCE CAPABILITY PROCEDURE
FOR SCHOOLS

Date Published	March 2013
Version	V3

Capability Procedure for schools

1. Purpose

- 1.1 The purpose of this procedure is to manage underperformance arising from lack of skill, aptitude or ability. It aims to encourage employees to achieve and maintain acceptable standards of performance and is designed to ensure fairness and consistency in the management of employee performance.
- 1.2 Where possible, the procedure should be used as a performance improvement tool.
- 1.3 This model procedure has been developed and complies with the principles set out in the model teacher appraisal and capability policy published by the Department for Education.

2. Scope

- 2.1 This procedure applies to all employees of the school, including the head teacher, with the following specific exceptions;
 - Newly Qualified Teachers during the statutory Induction Period;
 - School support staff under a probationary period, for whom alternative procedures apply.
- 2.2 This procedure should be used where performance falls below the required standards for the job (including, in the case of teachers, the professional standards for teachers), and the underperformance is deemed to be due to lack of skill, aptitude or ability.
- 2.3 It should not be used to deal with underperformance where the lack of capability is due to ill health or disability. Where, after investigation, this is found to be the case, the use of this procedure should be ended. Schools should refer to the Sickness Absence procedure.
- 2.4 It should not be used to deal with misconduct, the school disciplinary procedure should be used.

3. Roles and Responsibilities

- 3.1 Head teachers/line managers and the governing body are responsible for implementing this procedure when required.
- 3.2 Head teachers/line managers are responsible for ensuring staff receive appropriate training and support and receive adequate feedback on performance.
- 3.3 Employees are responsible for performing the duties of the post to the best of their abilities and in accordance with any specified regulations or performance standards. Employees are also responsible for complying with the requirements of this procedure.

4. General Principles

- 4.1 Employees subject to this procedure have the right to be accompanied by a work colleague or trade union representative during all stages of the formal process. The representative should be identified to management in advance and should not be someone whose presence would prejudice the meeting or who might have a conflict of interest. If the representative is a work colleague they will be entitled to take reasonable time off to prepare for and attend the hearing and confer with the employee following the hearing.
- 4.2 No formal action will be taken against a trade union representative until the circumstances of the case have been notified to a regional officer of the trade union concerned.
- 4.3 If the employee or his/her representative requires support (e.g. because of issues to do with language or disability) to take part in this procedure, these matters will be reasonably addressed so that any formal proceedings can take place fairly.
- 4.4 Information relating to formal proceedings will be kept confidential as appropriate.
- 4.5 Notes will be taken of formal meetings and a copy will be sent to the employee, normally within five school days. If the employee agrees, and provides contact details, the notes may also be sent to the trade union representative.
- 4.6 The time-scales within this procedure may be amended by mutual consent. Whilst accommodation should be made to ensure proper representation at formal meetings, all efforts should be made to ensure that there are no unreasonable delays in arranging these meetings.
- 4.7 In Church schools, the Diocesan director should also be informed of any proposed action against the head teacher.

5. Roles and Responsibilities

Capability procedure in respect of	Formal capability/ review meeting	Appeal against formal warning	Dismissal	Dismissal appeal
Head teacher	Chair of Governing Body and senior officer from CYP&L	A Governor not previously involved in the case (<i>larger schools may have a panel of up to 3 Governors</i>)	Panel of 3 Governors not previously involved in the case	Panel of 3 Governors not previously involved in the case.
Support Staff Teacher	Senior manager or head teacher	Head teacher (or, where head teacher involved at Stage 1, a Governor)	Head teacher (if not previously involved in the case and has delegated powers to take a dismissal decision) or panel of 3 Governors not previously involved	Panel of 3 Governors not previously involved in the case

6. Informal support under the appraisal process

- 6.1 All employees (with certain specific exceptions set out in the appraisal procedure) should have their performance managed routinely under the school's appraisal policies. Where the appraiser/line manager has concerns about the performance of an employee they should initially manage these informally within the appraisal process and/or normal day-to-day management processes.
- 6.2 If informal support within the appraisal process does not produce the required improvements to performance within a reasonable timescale, the appraiser/line manager will decide whether to recommend that the matter should be dealt with under the capability procedure.
- 6.3 The appraiser/line manager will seek advice from the head teacher who will decide whether to move to the capability procedure. In the case of the head teacher, the chair of the appraisal panel will seek the advice of the chair of governors.

7. Notification of move to capability procedure

- 7.1 The employee will be notified in writing of the decision to cease use of the appraisal process/informal day to day management processes and that performance will be managed under the capability procedure. The notification will include an invitation to attend a formal capability meeting. At least five school days' notice will be given of the date of the meeting, unless a shorter period is mutually agreed.
- 7.2 The notification will contain sufficient information about the concerns about performance and their possible consequences to enable the employee to prepare to answer the case at a formal capability meeting.

8. Formal capability meeting

- 8.1 The head teacher (or a senior manager nominated by the head teacher, or the chair of governors in the case of the head teacher) will chair the meeting. The intention of the meeting is to establish the facts – to detail the areas of the performance concerns and to discuss any factors relating to this.
- 8.2 The appraiser/line manager will explain the nature of the performance concerns, and the steps that have been taken to address these informally. The employee will be allowed to respond to concerns about their performance and to make any relevant representations. This may provide new information or a different context to the information/evidence already collected.
- 8.3 The head teacher (or senior manager/chair of governors) will consider the evidence presented and, after a brief adjournment to consider his/her decision, may decide either;

- a) That there are insufficient grounds to pursue formal capability proceedings and that the matter should either be dropped or dealt with informally. In these circumstances the meeting will end and use of the formal procedure will cease; or
- b) To adjourn the meeting to investigate further or to allow time for consideration of the evidence before reaching a decision. Any adjournment should be for a period of normally no more than ten school days. The meeting will be reconvened to consider any further information and the head teacher (or senior manager/chair of governors) will make a decision under a) or c) of this paragraph; or
- c) To issue a first written warning.

8.4 In very exceptional circumstances the decision may be to issue a final written warning and invite the employee to a decision meeting.

9. Issue of written warning

9.1 Where a written warning will be issued, the meeting will continue and the head teacher (or senior manager/chair of governors) will:

- a) Identify the area(s) and nature of the underperformance (for teachers, this may include which of the standards expected of teachers are not being met);
- b) Give clear guidance on the improved standard of performance needed to ensure that the employee can be removed from formal capability procedures (this may include the setting of new objectives focused on the specific weaknesses that need to be addressed, any success criteria that might be appropriate and the evidence that will be used to assess whether or not the necessary improvement has been made);
- c) Explain the support that will be available to help the employee improve his/her performance, including who will be involved in providing the support. These might include;
 - Changes to working practices within the terms of the employee's job description;
 - Increased supervisory support or mentoring for a specified period of time
 - Feedback from classroom or other observation
 - Work shadowing a competent employee which could include visits to other schools/workplaces
 - Modified workload or tasks for a specified period of time
 - Further training in the area(s) of deficiency
- d) Set out the timetable for improvement and explain how performance will be monitored and reviewed. The timetable will depend on the circumstances of the individual case but will not normally be for less than six weeks or more than ten weeks in straightforward cases. The period should be reasonable and proportionate, and should provide sufficient opportunity for an improvement to take place; and

- e) Warn the employee formally that failure to improve within the monitoring and review period could lead to dismissal.

The issue of a written warning will be confirmed in writing. The notification will summarise the content of the formal capability meeting and include details of;

- i. The areas and nature of the underperformance identified; and
- ii. The standard of performance to be achieved during the monitoring and review period and any success criteria; and
- iii. How progress towards achieving these standards will be monitored and assessed; and
- iv. The support that will be made available; and
- v. The timescale for improvement; and
- vi. The procedure and time limits for appealing against the warning.

10. Monitoring and review period

- 10.1 The period of formal monitoring, evaluation, guidance and support should start as soon as reasonably possible after the formal capability meeting.
- 10.2 During this period the head teacher (or senior manager/chair of governors), will ensure that the agreed support is provided and will monitor performance against the target improvements to be made. The format of the support and monitoring will depend on the job role and the nature and scale of the underperformance identified.
- 10.3 A formal review meeting will be convened at the end of the period of support to consider the outcome. The employee will be notified in writing at least five school days before of the date and time of the meeting unless a shorter period is mutually agreed (this date may be agreed at the formal capability meeting).

11. Formal review meeting

- 11.1 The head teacher (or senior manager/chair of governors) will chair the meeting.
- 11.2 The head teacher (or senior manager/chair of governors) will consider the evidence gathered during the monitoring and review period, and any evidence presented and other representations from the employee, before reaching a decision. The head teacher (or senior manager/chair of governors) may decide that;
 - a) The employee has made sufficient improvement. In this case the capability procedure will cease and the appraisal process will re-start;
 - b) Some progress has been made and there is confidence that more is likely. In this case the monitoring and review *period* may be extended for a period of up to six school weeks;

c) No, or insufficient improvement has been made during the monitoring and review period. In this case the employee will be issued with a final written warning. The employee will be invited to a decision meeting.

11.3 Where a final written warning is issued, the employee will be informed in writing that failure to achieve an acceptable standard of performance (within the set timescale), may result in dismissal and given information about the handling of the final monitoring and review period, including any support which will continue, and the procedure and time limits for appealing against the final warning.

11.4 At least five school days' notice will be given of the date of the decision meeting (unless a shorter period is mutually agreed), which will be at least four weeks after the formal review meeting at which the final written warning was issued.

12. Decision meeting

12.1 The head teacher will chair the meeting if he/she has delegated responsibility to make dismissal decisions, and he/she has not chaired the formal capability meeting(s) or review meeting(s). In all other cases (including where the dismissal of the head teacher is under consideration), the meeting will be held by a panel of three governors.

12.2 The management case will be presented by the manager conducting the earlier stages of the process, or the head teacher or chair of governors, as appropriate.

12.3 The head teacher/governor panel will consider the evidence gathered during the monitoring and review period, and any evidence presented and other representations from the employee, before reaching a decision. They may decide that;

a) An acceptable standard of performance has been achieved during the final monitoring and review period. In this case, the capability procedure will end and the appraisal process will re-start.

b) That performance remains unsatisfactory. In this case, a decision will be made that the employee should be dismissed or required to cease working at the school.

12.4 The employee will be informed as soon as possible of the reasons for the decision to dismiss, the date on which the employment contract will end, the appropriate period of notice and their right of appeal.

12.5 Once the decision to dismiss has been taken, the governing body will arrange for the issue notice of dismissal. This could be issued by the LA for maintained schools or from the governing body for aided schools.

12.6 The period of notice will be the statutory minimum or contractual notice (for teachers, this will be notice in accordance with the Burgundy Book), whichever is the longer.

13. Appeals

- 13.1 An employee may appeal against a decision to dismiss, or to issue a formal warning under this procedure. The appeal should be made in writing, addressed the head teacher or, if the head teacher has issued the warning, or the employee is the head teacher, or the appeal is against dismissal, to the clerk to the governing body, within five days of the written notification of the decision, setting out the grounds for appeal.
- 13.2 An appeal meeting will be convened as soon as possible and the employee will be given at least five school days' notice of the time and date, unless a shorter period is mutually agreed.
- 13.3 Appeals will be dealt with impartially and, wherever possible, by managers or governors who have not previously been involved in the case.
- 13.4 The employee will be informed in writing of the results of the appeal hearing as soon as possible.

14. Dealing with grievances

- 14.1 Where a member of staff raises a grievance during the capability procedure, the procedure may be temporarily suspended in order to deal with the grievance.
- 14.2 Where the grievance is related to the capability case, it will be appropriate to deal with it under the terms of the capability procedure, either during formal meetings or as part of an appeal.
- 14.3 Where the grievance has no direct relevance to the capability procedures then the time table for the capability procedures will continue to apply and the grievance should be dealt with separately.

15. Sickness absence

- 15.1 Short term sickness absences will not normally interfere with monitoring or other formal procedures.
- 15.2 If long term sickness absence appears to be triggered by the start of monitoring or a formal capability procedure, this will be dealt with in accordance with the school's absence policy. The employee will be referred to Occupational Health for an assessment of the employee's fitness for work and the appropriateness or otherwise of continuing with monitoring or formal procedures.