

department for  
children, schools and families

Mowden Hall  
Staindrop Road  
Darlington, DL3 9BG

Tel: 0870 0012345  
Fax:  
info@dcsf.gsi.gov.uk  
www.dcsf.gov.uk

Mr Rob Semens  
Kent County Council  
Sessions House  
County Hall  
MAIDSTONE  
Kent  
ME14 1XQ

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Our ref: 2009/0038058  
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Dear Mr Semens

Thank you for your letter of 20 April in which you raise concerns over Teaching and Learning Responsibility Payments and progression up the upper pay scale.

Teaching and Learning Responsibility Payments (TLRs)

As you know it was necessary for all head teachers to review the staffing structure at their school and determine the types of post and the numbers that were appropriate to meet the school's needs. A consultation exercise should have then followed so that all the staff were aware of the proposed structure which will have included posts with TLRs attached.

The School Teachers' Pay and Conditions Document 2008 at Section 2 paragraph 22 sets out the circumstances that must be met for a TLR to be paid. The relevant body may award a TLR to a classroom teacher for undertaking a sustained additional responsibility in the context of their staffing structure for the continued delivery of high-quality teaching and learning and for which he is made accountable.

Before awarding a TLR the relevant 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 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.

I have underlined the above text to highlight the key criteria for consideration. It is a matter for local determination and identification within the staffing structure as to what constitutes sustained additional responsibility that is not required of all classroom teachers, and therefore attracts additional payment.



For example, statutory guidance in paragraph 65 of Section 3 says: that teachers (who are not in receipt of TLR payments) “can be expected to contribute, both orally and in writing as appropriate, to curriculum development by sharing their professional expertise with colleagues and advising on effective practice. This does not mean that they can be expected to take on the responsibility of, and accountability for, a subject area or to manage other teachers without appropriate additional payment. Responsibilities of this nature should be part of a post that is in the leadership group or linked to a post which attracts a TLR on the basis set out in paragraph 22.”

As to the question of primary schools being able to afford an arrangement without extra funding, I can say that there was nothing in the statutory provisions that would cause schools to incur additional costs. When all previous management allowances ended it would be logical to assume that the overall cost of payments nationally would have reduced.

There is nothing to prevent primary schools paying the higher level of TLR if they want a post or posts in their structure. How schools choose to use their budgets in this regard is a matter for them. When re-structuring took place some primary schools which had three or four members of the leadership group might have decided to restructure and have higher level TLRs and no leadership group (other than the head teacher).

### Progression to UPS2 or UPS3

As you know, revised performance management arrangements for teachers and head teachers came into force from September 2007 alongside the framework of professional standards for teachers. The standards provide the framework for a teacher’s career and clarify what progression looks like. The standards clarify the professional characteristics that a teacher should be expected to maintain and to build on at their current career stage. After the induction year, therefore, teachers would be expected to continue to meet the core standards and to broaden and deepen their professional attributes, knowledge, understanding and skills within that context. This principle applies at all subsequent career stages. So, for example, teachers who have gone through the threshold would be expected to continue to meet the core and post-threshold standards and to broaden and deepen their professional attributes, knowledge, understanding and skills in that context.

Performance management is the key process here. Performance management provides the context for regular discussions about teachers’ career aspirations and their future development, within or beyond their current career stage. The framework of professional standards will provide a backdrop to discussions about how a teacher’s performance should be viewed in relation to their current career stage and the career stage they are approaching. The relevant standards should be looked at as a whole in order to help teachers identify areas of strength and areas for further professional development. For example, a teacher who wishes to move from UPS1 to UPS2 or UPS2 to UPS3 will need to reflect on and discuss how they might plan their future development so they can work towards such a move and performance management would provide evidence for this.

How progression from UPS1 to UPS2 and UPS2 to UPS3 operates is a matter for local determination but, as per the guidance which supports the STPCD, we are clear that progression on the UPS should be based on two successful performance management reviews and evidence the achievements of post-threshold teachers and their contribution to school(s) - this should have been substantial and sustained. To ensure that the achievements and contribution have been substantial and sustained, the performance review will need to assess that the teacher has: continued to meet post-threshold standards; and grown professionally by developing their teaching expertise post threshold.

There is no expectation that progression up the UPS be via a formal application. Rather all those taking part in the professional dialogue around a teacher's performance management - be they the reviewee (teacher), reviewer and/or head teacher - need to ensure that the drafting of a reviewee's planning and review statement will ensure that sufficient evidence is collected in order for pay progression decisions to be made in line with the requirements outlined above.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Richard Rudkin', written in a cursive style.

Richard Rudkin  
School Resources Group