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Dear Ms Sheldon

Teachers' Pay – Dispute over Interpretation

Two serious issues have arisen recently that have caused disagreement between Kent County Council and local teacher union representatives. We would be grateful for formal written clarification over these issues, and for amendment and/or further guidance if appropriate.

1. Teaching and Learning – Responsibility Payments

We are currently in disagreement over eligibility for these payments, particularly in primary schools. This disagreement has also resulted in communication with the General Secretary of the NASUWT, so I sought telephone advice from DCSF, who agreed with our interpretation.

- Our advice to headteachers is that teachers are only eligible for a TLR payment where the subject responsibility gives the teacher accountability for improved teaching practice of other teachers and for improved pupil attainment.
- Teacher unions interpretation is that whenever a teacher is asked to take subject responsibility for the whole school a TLR payment should be made.
- Our Headteachers are also concerned that OFSTED advise that all Subject Leaders should have responsibility for Teaching practice and pupil results in that subject – but no primary school could afford to implement such an arrangement without extra funding.

We advise Headteachers that subject responsibility can often fall under the requirement for all teachers set out in paragraph 75 of the STPCD, but clearly this should not be abused.

2. Progression to UPS2 or UPS3

Ever since the introduction of UPS2 and UPS3 we have had interpretation issues over how this should work in practice.

- We have been quite clear in our advice that teachers must improve their level of performance beyond that of the ‘threshold’ for UPS1 to get UPS2 and the same applies for progression from UPS2 to UPS3. However, we have reached agreement in principle with unions that there is no need for teachers to “apply” for UPS2/3; we have suggested that Headteachers should be able to use evidence from the performance management process to support the decisions, and only ask for further specific evidence by exception.
- Headteachers claim that the performance management process is much too narrow to be used to provide evidence for UPS2/3, and they have to ask teachers to provide structured evidence (effectively in the form of an application) for any decision to be made.
- Trade unions are threatening action if their members are refused UPS2/3 progression, but insist that they should be paid this without the need to provide evidence outside of the performance management framework.

To get value for money for UPS2 and UPS3 it is clearly important that progression only takes place where evidence supports the criteria in the STPCD. However, it does seem as though further clarification is required.

I would be grateful for written clarification on these two issues, and an indication of whether any further guidance is likely to be issued.

Yours sincerely

Rob Semens
Directorate Personnel Manager

cc: Alex Duncan
Chair of Primary Forum
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