

12 July 2016

To: Chief Executives of County Councils and Metropolitan Districts and Unitary Authorities in England;
Chief Executives of London Boroughs;
Chief Executives of County Councils and County Borough Councils in Wales;
(Copy enclosed for Treasurers)
Directors of Children's Services/Directors of Education of County Councils, Metropolitan Districts and Unitary Authorities in England;
Directors of Children's Services/Directors of Education of London Boroughs;
Directors of Children's Services/Directors of Education of County Councils and County Borough Councils in Wales;
Members of the Soulbury Committee.

Dear Sir/Madam

JOINT EDUCATION SERVICES CIRCULAR NO 203

Dear Colleague

SOULBURY JOINT ADVICE ON SPA POINTS

The following nationally agreed joint advice is intended to help authorities administer the Soulbury agreement's "Structured Professional Assessment" (SPA) system in a fair and transparent fashion.

BACKGROUND

The SPA system was introduced into the national Soulbury agreement in 2001 in order to provide a means of recognising and rewarding contributions and of addressing recruitment and retention.

Eligible Soulbury officers may apply for assessment against nationally agreed criteria set out in Appendix D to the Soulbury agreement. Where they are assessed as meeting the criteria, they receive pay progression by up to three additional pay scale points in addition to their normal individual pay scale entitlements. Soulbury officers can therefore make pay progression under SPA arrangements at the same time as, and in addition to, pay progression received under the normal experience-based incremental progression arrangements (see "Relationship to Normal Pay Scale Entitlements" below).

ELIGIBILITY AND RELATIONSHIP TO NORMAL PAY SCALES

Eligibility and Timetables

All Soulbury officers may apply for pay progression under the SPA arrangements providing they meet the eligibility criteria. Where they meet the required standards at each level, they should receive pay progression.

The Soulbury agreement sets out specified service requirements for eligibility to apply for assessment and pay progression. Employers have the discretion, however, to waive these requirements and consider applications at an earlier stage if they choose.

The agreement states that officers should have four or more years' continuous Soulbury service with one or more local authorities in order to apply for pay progression on the basis of Structured Professional Assessment, with "in normal circumstances" not less than two years in the current post. No specific time period is provided for application for the award of the second SPA point, so such applications can therefore be simultaneous with the first application. The agreement states that the award of the third SPA point "will not be made" until at least 2 years after officers have achieved the second SPA point.

The following advice relates to the application of the agreement and its length of service provisions in specific situations commonly encountered by employers:

- Soulbury officers who are awarded SPA progression in one post, but then move to another Soulbury post in the same or another authority, are eligible to apply for SPA progression in the new post after the appropriate period;
- Periods of service by Soulbury officers in another post on a temporary basis, due to acting-up, temporary promotion or secondment - whether or not for the same employer and whether or not in a Soulbury role - should be counted for these purposes and should not therefore interrupt the timetable or put the clock back;
- Service with local authorities in Soulbury roles which were not paid on Soulbury scales should be counted for these purposes. Consideration should also be given to counting periods of service in Soulbury roles with non-local authority employers as well;
- Years 2 to 3 of the training period for educational psychologists should be counted for these purposes where they are counted as periods of service for other purposes under the terms of JESC 186.

Relationship to Normal Pay Scale Entitlements

The SPA system creates the potential for each officer's normal individual pay scale to be extended by up to three further points.

SPA points are not "scale extensions" which would require officers to have reached the top of their normal scales before the first SPA point can be awarded. SPA points

can be awarded before officers have reached the top of their normal scale. In such cases, officers receive SPA points in addition to any normal incremental points due to them that year - in other words they receive a "double increment" or "triple increment".

Once awarded, SPA points are treated in the same way as experience-based incremental points. They become a permanent part of the officer's pay entitlement and should not be taken away while the officer remains in that post.

Portability of SPA points

There is no provision precluding the portability of SPA points when a Soulbury officer moves post. Authorities have the discretion and can allow Soulbury officers to "transport" SPA points on moving post, either when "moving sideways" (in order to avoid offering a lower pay scale point than the officer already earns) or when moving to a higher pay scale (in order to encourage external recruitment or facilitate internal applications and retention). Whatever arrangements are adopted should be clear and applied consistently.

Examples:

1. An EP is employed by LA1 on Scale A points 1-6 (therefore allowing progression to a maximum of point A9 through SPA progression). The EP is currently paid at point A8 through normal progression to point A6, the maximum of the substantive scale, plus the award of 2 SPA points. The EP is offered a post in LA2 on Scale A points 1-7. In order to maintain the EP's position in the substantive pay scale plus their existing SPA points and expectation of further SPA progression, LA2 agrees to appoint the EP to point A9 representing point A7, the maximum of the new substantive scale, plus 2 SPA points. The EP will have the opportunity to progress to point A10 through the award of the third SPA point when eligible.
2. An EIP is employed by LA3 on EIP scale points 13-16 (therefore allowing progression to point 19 through SPA progression). The EIP is currently paid on point 17 through normal progression to point 15 plus the award of 2 SPA points. The EIP is offered a post in LA4 on EIP scale points 22-25. In order to encourage applications, LA4 has stated in the advertisement that SPA points will be treated as portable. LA4 therefore agrees to appoint the EIP to point 24, representing point 22, the starting point of the new scale, plus 2 SPA points. The EIP will have the opportunity to progress to point 28 through a combination of further normal progression of 3 points and the award of the third SPA point when eligible.
3. An EP is employed by LA5 on Scale A points 2-7 and has progressed to point A10 through award of 3 SPA points. The EP is offered a post in LA6 on Scale B points 3-6. Since the EP's existing salary of A10 equates in financial terms to B5, LA6 decides that the EP should be provided with a pay increase in order to secure their acceptance of the post. LA6 could offer either portability of SPA points - appointing the EP at point B6 representing point B3, the starting point of the new scale, plus 3 SPA points - or a higher starting point within the substantive scale - again appointing the EP at point B6 but with no portability of SPA points. The difference between these two options is that in the former case the EP will be entitled to normal pay

progression by three further points, while in the latter case the EP will be entitled to further progression through the award of 3 SPA points when eligible. LA6 will need to agree with this with the EP and ensure that it is set out clearly for future reference.

ASSESSMENT PROCESS

Arrangements for Assessment

Structured Professional Assessments should be based on the officer's range of duties, responsibilities and achievements and against the agreed targets and objectives for the post.

Assessments should be undertaken by an officer of the employing authority who should be senior to the applicant and should wherever possible be in a line management role to the applicant and aware of the applicant's role and work. Arrangements for assessment should have been designed locally.

Authorities are advised to avoid time-consuming application requirements including form-filling, production of evidence or other burdens. Where Soulbury officers maintain CPD portfolios for professional registration purposes, these may be useful in supporting assessment but are not required for SPA application purposes.

Appraisal arrangements, where they exist, should be used to inform assessments. The appraisal process should automatically include consideration of the officer's eligibility for SPA progression without the necessity for a separate application. The decision on SPA progression should be part of the appraisal decision, with the date of progression backdated to the date of becoming eligible.

In all cases, SPA progression decisions should be taken promptly, with officers being notified in writing as soon as possible of the outcome

Applying the criteria - SPA 1 & 2

Over the years since the implementation of the SPA system, the roles undertaken by Soulbury officers have changed with, in many cases, a much greater focus on working directly with and within schools and other education settings or with young people and community organisations, as opposed to within a "local authority service".

For that reason, the elements of the SPA criteria in Appendix G of the Soulbury Agreement which refer to authorities' "services" and "functions" should be read broadly in conjunction with the officer's individual job description, duties, responsibilities and achievements and their impact and influence on the client groups with whom they work.

Applying the Criteria - SPA 3

The requirement for an "exceptional contribution" in relation to the third SPA point is more demanding than those for SPA 1 and 2. The Soulbury Committee has agreed, however, that "the criteria for award of a third SPA point are not based on any

specific quota for its award” (JESC 144). Authorities should adopt a standards-based approach. This means that all eligible officers meeting the standards can be assessed as having made the necessary contribution.

References to the “development of the service” should again be read broadly as outlined above in relation to SPA 1 & 2. References to CPD participation should not be used to deny officers the third SPA point if participation in CPD has been prevented or hampered by budgetary or other organisational reasons beyond the individual's control.

APPEALS ARRANGEMENTS

Soulbury officers who are unsuccessful in the SPA assessment process have the right to an appeal at local level. These appeal arrangements must comply with the statutory requirements relating to workplace grievance procedures. Local authorities should therefore have internal appeals mechanisms in place for use by officers.

You can view the Soulbury officers' pages on the LGA website: <http://www.local.gov.uk/workforce-education-and-young-people>

Yours sincerely



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Employers' Side Secretary



Andrew Morris
Officers' Side Secretary