



NEU Guidance on the Pay Framework for Teachers in Sixth Form Colleges

This document gives NEU guidance on the pay framework for sixth form college teachers and advice for NEU representatives for college level discussions on its implementation. It should be read in conjunction with the joint guidance produced by the NJC for Sixth Form Colleges, covering pay progression provisions, the role of appraisal and the transition process.

KEY POINTS

- The framework came into effect in September 2016 in most sixth form colleges as advised by the NJC. Implementation was delayed or staged in a small number of colleges.
- Colleges should have made this decision in consultation with teaching staff.

THE PAY FRAMEWORK

The framework comprises a pay structure, pay progression provisions linking progression to appraisal and 6FC Teachers Standards.

Pay Spine for 6FC Teachers

- A 9 point Pay Spine replaced the 6 point Main Scale and 3 point PSP Range.
- The spine retained fixed mandatory pay points and restored pay parity with schools at the maximum and minimum points.
- Annual progression was introduced at all points on the pay scale.

Existing teachers on the Main Scale and PSP Range transferred to assimilation points on the new structure guaranteeing at least the same pay after assimilation.

The new spine retained fixed spine points and restored pay parity with schools at the maximum and minimum points. The uniform differential between spine points from September 2016 meant that some points were slightly higher or lower than previously.

The structure provides for annual pay progression at all points, as opposed to two-yearly progression on the PSP Range, so that when the new framework is fully implemented, teachers may reach the top of the pay spine earlier than before 2016.

The structure provides, as previously, that teachers moving between colleges should “normally” be paid at least at the same pay point. This should be college policy for all newly appointed teachers. Not doing so will harm the college’s ability to recruit teachers - they will either stay where they are or go to colleges which will guarantee pay portability.

The structure does not involve any change to the longstanding system of separate London allowances in 6FCs.

Responsibility Allowances

- Responsibility Allowances (RAs) replace the Management Ranges.
- The RA payment band has a minimum of £1000 and a maximum of £10,000.
- RAs will be separate payments paid in addition to the teacher's pay spine salary.

Existing teachers on Management Range A, B and C transferred to assimilation points on the new structure which guaranteed at least the same pay after assimilation. Teachers on Management Range D transferred either to assimilation points on the new structure or to the Leadership Spine, again guaranteed at least the same pay. Teachers on Management Range E transferred to the new Leadership Spine (see below).

For appointees since September 2016, the level of RA payments are set by reference to the duties of the post. They are either be paid a single "spot payment" or appointed to an "RA payment range" with progression as on the Management Ranges. RA ranges should normally be no longer than 5 points - allowing teachers to reach the top of RA ranges through annual progression as quickly as they reach the top of the Management Ranges.

The RA payments structure should absorb many "off scale" payments being paid under the previous structure. However, teachers in receipt of RAs continue to be entitled to additional payment for additional days of work beyond the 190/195 limit.

The structure should not be used to cut pay for posts of responsibility. The NEU believes that colleges should have a set structure of Responsibility Allowances, set at levels which maintain the pay levels previously available under the Management Ranges. They should therefore at least match the previous pay differentials between the Management Ranges and PSP Range as follows:

Range A posts - £2554
Range C posts - £7551

Range B posts - £4345
Range D posts - £9882

NEU members should seek to ensure that all posts of additional responsibility carry an appropriate RA and that posts are not offered or accepted on lower pay than now.

Leadership Spine

- The Leadership Spine extends from £45,972 to £85,027.
- The Leadership spine covers previous Range E posts and may also have been used for Range D posts - and can also be used for Assistant and Deputy Principal posts currently outside the scope of the national pay structure.

As noted above, Range D or E post holders moved to a Leadership Spine assimilation pay range the same or slightly higher than the previous range.

For appointees since September 2016, Leadership Spine pay ranges will be set by reference to the duties of the post. Although there is no specified length for individual pay ranges, the NEU does not want ranges to be excessively long and the NEU would oppose ranges longer than 5 points.

Leadership Spine teachers will be ordinarily covered by the usual working time limits (1265 hours and 190/195 days) but these can be extended on an individual basis. This should always be the subject of consultation with the teacher concerned. Any extra working time obligations eg an additional 5 days' working time should be specified in the teacher's contract and should be taken into account when deciding the pay range.

Colleges should not seek extra working time from teachers without paying for it. Many Range D&E teachers already worked extra days, not always in return for extra pay - so the new structure will allow this extra working time to be defined, limited and rewarded by additional payment. Any additional working time for teachers on Leadership spine contracts should be included only by agreement, should be defined in the contract and should be appropriate and not excessive. Leadership spine pay rates should be at least equal to the teacher's previous pay rate, including any previous off scale payments, and should give extra pay for extra working time, whether or not the teacher was previously paid extra for it.

Pay Progression

- All pay progression on all pay spines and ranges is dependent on the teacher having secured "acceptable appraisal outcomes".
- Each college will agree its own policy on the factors relevant to pay progression and the standards needed for progression - but there is nationally agreed joint guidance which creates in effect a presumption of pay progression unless evidence to justify its refusal can be provided.
- Pay progression reviews become an automatic annual process, removing the previous requirement for applications for pay progression.

Nationally agreed joint guidance on pay progression and on appraisal was published as Appendices 7 and 8 to the Red Book agreement. The NEU advice on pay progression in the next section refers substantially to those joint guidance documents.

The joint guidance on pay progression contains various statements and safeguards regarding the standards required to secure pay progression. The general requirement for pay progression is that teachers' performance is "acceptable" or better.

Colleges should consult teacher unions about the factors which will be relevant to pay progression and the standards which will be required for progression. Individual teachers' appraisal objectives should then be set with a view to informing pay progression decisions as well as informing discussions on professional development. In the NEU's view, pay decisions should be limited wherever possible to matters which are covered in the appraisal process, and therefore understood and accepted as relevant since the beginning of the year.

Colleges should be expected to set a pay budget for the year which pre-supposes pay progression by eligible teachers. Otherwise, in the event that all teachers do progress as expected, the college will face a shortfall in funding and - since this could not be used to justify denying progression to any teacher - a need to seek savings elsewhere to accommodate their progression.

NEU ADVICE ON PAY PROGRESSION

The following sections give advice on the following key areas - the overall standards which should be required for progression; the role of the 6FC Teacher Standards; the setting of objectives; the role of student outcomes; and the role of classroom observations.

Overall standards for progression

The joint guidance on pay progression does not specify particular areas which should be covered in teachers' appraisal objectives or taken into account in decisions on pay progression. The areas to be covered, and the exact standards to be reached, are a matter for discussion and agreement in each college.

The joint guidance on pay progression states clearly that the new framework has not been designed with the intention of reducing rates of progression (see Introduction, para 2). NEU members should not accept policies on pay progression which would lead to stricter requirements for progression or lower rates of progression. Given the long-standing rates of progression in the sector, any policies which require “above average” performance in any way are obviously contrary to the agreement.

Unacceptable policies can be challenged both before their implementation and when they prove in practice to lead to lower rates of progression. NEU members should also make sure they have information on recent years’ rates of progression under the previous structure. The NEU will support members in opposing policies which could lead to or are leading to lower rates of pay progression.

The joint guidance on pay progression includes the following statements (see Section 3, paras 4 and 6):

- *...teachers who meet the standards as evidenced by acceptable appraisal outcomes will be entitled to pay progression where they are eligible*
- *...the underlying principle ... is that teachers are assumed to be performing at an acceptable standard unless there is evidence to suggest otherwise*
- *...there is no requirement to provide evidence for every standard, or indeed any standard, unless there is a concern over performance*
- *...any decision not to recommend pay progression has to be based on clear evidence that the standards are not being met and that the teacher has been given every opportunity to put things right*

Taken together, these statements mean that the onus is on the teacher’s reviewer to demonstrate a case that the teacher should not progress - not that the teacher is required to demonstrate a case for progression. There should be “no surprises” - any issues should have been raised during the year, with an opportunity to improve. The NEU’s view is that the new framework contains a presumption of progression for teachers unless managers can demonstrate otherwise.

The joint guidance documents refer to a range of things that colleges may propose are taken into account in determining pay progression (eg appraisal guidance page 10, pay progression guidance page 4). These are examples only. They do not have to be used, and the NEU does not necessarily accept that some of them can or should be used - see in particular the section below on student outcomes.

For clarity’s sake, the NEU does not accept the “balanced scorecard” approach which some colleges are putting forward. The NEU wants the decision on pay progression to be based only on matters which are considered as part of the appraisal process. The NEU specifically rejects any link between pay progression and “standards of personal and professional conduct”; and has significant concerns about use of numerical targets relating to student outcomes and use of student opinion surveys - see below for more on all of these.

Teacher Standards

The framework includes a set of Teacher Standards for Sixth Form College Teachers. These are the Teacher Standards for school teachers, adopted for use in the sixth form colleges sector. Although the Staff Side accepted their inclusion in the sixth form colleges pay framework as a backdrop to discussions on teachers’ performance, the specific content of the Standards was not endorsed.

There is no requirement to consider evidence against each Standard or for discussion of every Standard - the assumption is that teachers are performing at an acceptable standard unless there is evidence to suggest otherwise.

The Standards should not therefore be used as a tick box list. Effective objective setting will mean that certain specific Standards are the focus for the review. Trying to cover all the Standards via objective setting will either lead to meaninglessly broad objectives or create excessive workload for those conducting the appraisal as well as those being appraised.

Most of the Standards relate to teachers' professional and pedagogic performance and are therefore potentially relevant to objective setting and pay progression. Some Standards should not however be taken into account in pay progression decisions. In particular, Standard S2.2 on personal and professional conduct is not relevant to pay progression - breaches should be a matter for disciplinary processes, not pay processes, so NEU members should oppose any suggestion that pay progression might be denied on the basis of personal and professional conduct. Denying progression just once on this basis could cost a teacher up to £15,000 cumulatively by the time they eventually reach the top of the scale - disproportionately greater than any possible fine for misconduct. The NEU will support any members facing denial of pay progression on the basis of their conduct.

Setting appraisal objectives

The nationally agreed joint guidance on appraisal includes key points on setting teachers' appraisal objectives. It says clearly that they should be appropriate to the teacher and reasonable with regard to their role and individual circumstances, should not seek to cover all aspects of a teacher's role, should measure performance rather than simply results, and should be limited in number.

The following are key points of NEU advice in relation to setting acceptable objectives which will then be relevant to pay progression:

- Objectives should, as advised in the joint guidance on appraisal, be SMART ie specific, measurable, achievable, relevant and time limited.
- They should be personal to the teacher, developmental and genuinely related to their individual post and responsibilities.
- They should relate only to matters over which the teacher has control - preferably sole control, as opposed to matters on which outcomes can be influenced by the actions of other teachers or by matters completely outside the teacher's control.
- They should not be set in a negative way ie identifying areas seen as weaknesses that need to be remedied.
- In line with the statement in the joint guidance on appraisal that they "should seek to measure performance rather than simply results", wherever possible they should NOT include numerical targets based on specific statistical outcomes.

The joint guidance on appraisal provides that if any teacher has reservations about any of their objectives, they may either appeal or record their reservations in writing. The NEU advises members at the very least to record any reservations, in order to be able to refer back to those reservations in the event that they do not meet the objective.

Student outcomes

The previous pay framework required, for PSP progression purposes, that teachers could identify two whole classes within half an A or AS level grade of the ALPs subject median performance across all SFCs.

The new framework does not require any specific student outcomes measure to be achieved - in fact it doesn't require any such measure to be used at all in setting objectives or taking pay decisions. Colleges are entitled to adopt a policy on pay progression that does not specify the use of such measures in forming judgments on whether performance is "acceptable". Your starting point can therefore be to argue that student outcomes measure should not be used at all.

The NEU argues that, in principle, measures of student outcomes are unlikely to represent an accurate and objective measure of any teacher's performance. Matters will be influenced by the nature of the specific student group, the social circumstances of the whole college, the interaction of various teachers' efforts, specific circumstances arising during the year etc. For that reason the NEU's preference is that, wherever possible, colleges' progression criteria and teachers' objectives should NOT include numerical targets based on specific statistical outcomes.

Many colleges will, however, propose that measures of student outcome are part of teachers' objectives and requirements for pay progression. The SFCA intends to compile and publish a new set of benchmarks drawing on ALPs and other value added measures for A level, GCSE and BTEC. Some colleges may wish to use these while others may wish to use their own measures related to student outcomes.

The most important thing is to ensure that the college's pay progression criteria will support teachers' pay progression. If colleges do not use numerical targets, they may instead use other targets which are more subjective in nature. NEU members may well decide that achievable numerical targets are better than subjective, less reliable non-numerical targets.

If using measures based on student outcomes is accepted, NEU members as a whole should be content that the system for setting objectives is appropriate and will not disadvantage teachers individually or collectively. Individual teachers should have the right to register concerns about this type of objective (although that right should also extend to all types of objective). The college should explicitly accept that failure to meet such objectives will not automatically mean failure to progress - rather, it will inform the discussion about whether the teacher's performance is acceptable - and that the circumstances will be considered in every case. There should be no expectation to meet nationally-derived benchmarks where the circumstances of the college or the individual student group make that unrealistic.

Data from student opinion surveys should only be used if members agree to this.

Classroom observations

The previous framework required, for PSP progression purposes, that teachers had at least one observation graded as at least 4 on the former 7 point scale (usually interpreted latterly as at least Good on the current 4 point scale).

Again, there are now no specific requirements on classroom observation, either as part of objective setting or as part of pay decision making.

The joint guidance on appraisal states clearly that classroom observations are no longer a mandatory component of pay progression. This change in approach accompanies other recent developments such as the announcement by Ofsted that it will not seek to grade individual lessons during inspections, and the move in some colleges away from graded observations.

For that reason, the NEU advises members to oppose any requirement to achieve specific gradings in lesson observations as part of the requirements for pay progression.

With regard to observations as part of the appraisal process, the joint guidance on appraisal says clearly that the new framework is not intended to require or result in any change to the current pattern of observation, either the number or duration of observations. Few colleges had more than one or two observations per year for appraisal or PSP purposes. NEU members should strongly oppose any increase in the number or duration of observations, or other changes to the pattern of observations which would disadvantage teachers. Some NEU groups may think it is useful to seek a specific limit on observations in college appraisal policies but if so care should be taken to avoid suggesting that any increase in observations is in any way acceptable.

All of this does not mean the NEU opposes other observation practices initiated or supported by teachers - such as peer observations or observations in pursuit of support sought by the teacher (or part of an agreed support plan for teachers experiencing difficulties). Indeed, if any teacher wants a further observation in order to demonstrate effective teaching, having been notified that an observation was not at the required level, this should be permitted.

Appeals against denial of pay progression

Any teacher denied pay progression must have the right of appeal. The Red Book contains a model appeals procedure at Appendix 3.

Any NEU member denied progression should consider appealing. However, if a pattern of pay decisions suggests there is collective cause for concern, the NEU advises a collective response rather than a series of individual appeals.

NEU advice on handling individual pay appeals and on taking forward collective responses to unfair pay policies, which is relevant to 6FCs as well as schools, can be found at <https://neu.org.uk/advice/pay-appeals>

TRANSITION & ASSIMILATION

The new structure came into effect from September 2016. Full details of the provisions on implementation of the new framework, assimilation of existing teachers and on delaying or staging implementation were set out in the NJC joint transition guidance.

Implementation date

The joint advice from the SFCA and teacher unions was that colleges should seriously consider moving to the new structure immediately in September 2016. There was, however, provision for colleges to consider delaying or staging implementation where immediate implementation would have caused financial difficulties.

Where a college decided to implement the new pay structure from September 2016, it needed to ensure that the appraisal system from September 2015 provided for objectives to be set in such a way as to allow pay decisions for September 2016 to be taken according to the new pay progression provisions.

Where a college delayed or staged implementation, this should have been the subject of consultation with the teacher unions.

Assimilation and subsequent progression

Agreed assimilation provisions determined the pay spine point which existing teachers moved to on the new structure, ensured that no teacher moved to a lower rate of pay in cash terms and that existing levels of payment for teachers with additional responsibility were protected. The transition table allowed teachers to track how they assimilated to the new pay structure and how they would progress in subsequent years.

The move to annual pay progression for all teachers was to be implemented at the same time as the rest of the new pay framework. However, for a period of three years, the new pay spine will include “half points” for teachers towards the top of their pay scale, so that the teacher will progress every year not every two years and receive some benefit from annual pay progression but will reach the top of their scale at the same time as before 2016. This was agreed in order to limit the immediate cost of faster pay progression during a difficult funding climate.

Delaying or staging implementation

One option for colleges was to delay implementation completely for up to two years so that the new framework, including the new pay scales and pay progression provisions, did not come into operation until September 2017 or September 2018. This would have been a complete delay in implementation - colleges should not have sought to implement the new pay progression provisions while delaying implementation of the new pay scales.

Alternatively, colleges could have implemented the new framework but used provisions allowing the staged implementation of the higher pay scale points at the bottom and top of the pay spine. These allowed the implementation of the full higher value of those new pay points to be delayed by no more than two years, while allowing the new pay progression provisions to come into effect immediately.

As noted above, where a college wished to delay or stage implementation, this should have been the subject of consultation with the teacher unions. Any proposal should have been accompanied by information on college finances supporting the case for the proposal.

National Education Union
February 2019

