

## ASCL Pay Policy Principles

### Introduction

As a trade union, ASCL responds to employee-related policy consultations on behalf of our members working in schools, trusts and colleges. This document sets out ASCL's relevant positions and expectations and is endorsed by ASCL's Conditions and Employment Committee. We ask that these are incorporated to strengthen the policy.

Where we engage with policy consultations, ASCL requests a minimum of a three-week consultation period on pay policies. We may require a longer period when a significant number of employers are consulting, for example, on updates following the publication of the STPCD and national pay awards. Please build this time into your policy review timetables.

Consultation may take place via joint negotiating committee (JNC) arrangements, trade union recognition agreement/s (TURA/s), and also in direct remote consultations, providing an annotated copy of the document with our comments which we believe, once incorporated, will strengthen the policy.

Once the consultation process has closed, we would be grateful for a copy of the employer's response to all consultees' comments and following the end of the process, a copy of the final adopted policy.

### Meaningful consultation

The Acas guidance on consultation makes clear that "*consultation involves taking account of as well as listening to the views of employees*". It also states that "*whenever employees' views are rejected the reasons for doing so should be carefully explained*". As such, we would expect that an employer responds to all consultees' comments before a policy is finalised, and where comments and recommendations cannot be incorporated, the reasons for not doing so are fully explained.

### Overview

It is a mandatory requirement for maintained schools to have a pay policy for teachers which is reviewed annually in consultation with the recognised trade unions (as stated in the STPCD).

ASCL believes that all schools and trusts should have a pay policy for all staff which is reviewed annually in consultation with the recognised trade unions.

### ASCL red lines

- The STPCD/Burgundy Book for teachers and NJC Green Book for support staff should be a **minimum benchmark for all schools and trusts**. Any deviations or implementation of flexibilities must be to improve pay and conditions and should not be detrimental to them. Policies should not restrict the flexibilities available within STPCD or Green Book, e.g. only including NJC points 1-43 in trust or local authority (LA) pay policies.
- **National pay awards (annual uplifts)** should be applied in full to all points within all pay ranges and allowances. This applies to teaching and support staff, whether working in schools or central roles. Pay policies must be explicit on this. We cannot support policies which simply say consideration will be given to annual uplift or that they will only apply to minima/maxima.
- **Budget** should have no bearing on annual uplifts or pay progression decisions. All eligible pay progression should be budgeted for.

- There should be wording in the policy to reflect **TUPE** entitlement i.e. where an employee has transferred into the trust and has enhanced terms that are subject to TUPE then the enhanced terms will continue to apply

### **Other important considerations**

- Although it is not mandatory to include **support staff** within a given pay policy, it is good practice and ASCL strongly advocates this. The policy must include arrangements for pay protection (salary safeguarding), annual uplifts, regrade requests and appeals process.
- The policy should be clear on the scope of staff covered. CEO and other executive/central roles should be included in trust pay policies, or in a separate **executive pay** policy which is in line with the requirements of the Academy Trust Handbook. This should be consulted on with trade unions. It is inappropriate for headteachers to move onto pay setting arrangements for the executive/central team. The pay, terms and conditions and pension arrangements for the central team should match those of school-based leaders, i.e. be equivalent to STPCD, Burgundy Book and TPS.
- **Performance-related pay (PRP)**: the requirement for schools to use PRP was removed from the STPCD from September 2024. This was a welcome move which ASCL has been calling for.
  - **ASCL position**: ASCL believes that all employers should move away from performance-related pay, and develop an alternative approach to appraisal which is supportive and developmental, is not linked to pay, and applies to both teachers and leaders.
  - There is currently no evidence that performance-related pay impacts positively on student outcomes. Research shows it does not work in schools and that it can be counterproductive and ineffective. We are concerned that PRP can also have a negative impact on retention.
  - The bureaucracy involved in linking performance to pay impacts on workload in a negative way for both the school leaders operating the system, and the staff being appraised.
  - Although this means that maintained schools and academies will now have the option to remove or keep PRP arrangements, ASCL believes that all employers should remove them for all teachers and leaders.
  - Where schools and trusts move away from PRP, a consistent approach should be taken, ie PRP should be removed for all roles including leadership roles and the central team.
  - When schools/trusts/LAs move away from PRP, ASCL expects a robust and developmental approach to appraisal to be in place. Care must be taken to not leave in place legacy arrangements for performance management that result in continued workload and data gathering for teachers and leaders.
  - Where PRP is in place\*, there must be provision for accelerated progression for exceptional performance at all levels.
  - Schools/trusts/LAs moving away from PRP may still want to consider how they reward staff in exceptional or extenuating circumstances, which could include the use of enhanced pay progression. This would require full consultation with clear and transparent criteria to be included in the pay policy.
  - It may be appropriate for pay progression to be halted for staff who are subject to the formal stages of the capability process. Pay progression should be reinstated at the point of successfully exiting the formal capability process.
  - Pay progression should not be halted if an individual is subject to an informal capability process.
  - It is not appropriate or acceptable for pay progression to be linked to disciplinary or absence. These should be managed through the relevant policy and procedures, with any sanctions imposed in line with that.
- **Early Career Teachers (ECTs)** should be referenced instead of NQTs. Arrangements must be included to ensure that ECTs are not negatively affected by the extension of the induction period from one to two years. This change does not prevent a school from awarding pay progression to ECTs at the end of the first year.
- **Upper pay range (UPR)**:
  - Applications should not be restricted to those on M5/M6. STPCD states that any qualified teacher may apply.

- Two years\* should be sufficient for demonstrating 'sustained' contributions, we cannot support longer than this.
- Where PRP is in place\*, there should be provision for accelerated movement on to/through UPR for exceptional performance.
- For unsuccessful applications, we would expect supportive feedback to be delivered verbally asap and followed up in writing.
- **Salary safeguarding:**
  - Should adhere to all arrangements in STPCD. The safeguarded sum remains fixed and paid in addition to new substantive salary which increases in line with annual uplifts.
  - Safeguarding should include allowances such as TLR payments.
  - For support staff, a minimum of two years' pay protection. Ideally, we would look for three years in parity with teachers.
- **Equalities:**
  - There must be provision within the policy for those who have been absent due to maternity, other family leave or long-term absence.
  - In line with the employer's equality duties, we would expect to see annual monitoring of pay progression against protected characteristics as well as by pay grade, employment status and contract type.
- **Appeals:**
  - After appeals ASCL recommends using the DfE's robust three-stage pay appeals process as detailed in "*Managing Teachers' and Leaders' Pay*" which is as follows:
    1. *Informal stage with Headteacher*
    2. *Appeal to decision maker (pay committee)*
    3. *Appeal to appeals panel not previously involved in process.*
  - Grounds for appeal:
    - a. incorrectly applied the school's pay policy
    - b. incorrectly applied any provision of the STPCD/NJC Green Book
    - c. failed to have proper regard to statutory guidance
    - d. failed to take proper account of relevant evidence
    - e. took account of irrelevant or inaccurate evidence
    - f. was biased or,
    - g. unlawfully discriminated against the teacher/employee
  - Please provide ten working days' notice to help facilitate TU representation or colleague accompaniment to ensure that the employee can access any support that they need

\*This relates to the STPCD requirements on applications to be paid on the upper pay range (paragraph 15), for the teacher's achievements and contributions to be 'substantial and sustained'.

## Useful resources

[STPCD](#)

[Burgundy Book](#)

[NJC Green Book](#)

[Managing Teachers' and Leaders' Pay](#) (previously *Implementing your school's approach to pay*)

[DfE staffing advice for schools](#)

[Academy Trust Handbook](#) – executive pay

[NGA guidance: Executive pay: considerations for trust boards](#)

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Please note that this document is updated from time to time. The latest version is published at [www.ascl.org.uk/ASCLPayPolicyPrinciples](http://www.ascl.org.uk/ASCLPayPolicyPrinciples)

*\*Please note that ASCL does not support the retention of PRP.*



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