

NAHT Guidance on Deputy and

Assistant Headteachers' Pay in England and Wales

A GUIDANCE DOCUMENT FROM THE NATIONAL ASSOCIATION OF HEAD TEACHERS

Eighth Edition September 2007

Introduction

1. This advice concerns deputy and assistant head teachers' pay and covers not only deputy and assistant heads employed in primary, secondary and special schools with delegated budgets, where the governing body is the relevant body, but also all those entitled under their contract of employment to be paid as deputy and assistant heads, Outdoor Education Centres, Pupil Referral Units and LEA Central Services, where the LEA is the relevant body.
2. NAHT is conscious that there are invariably differences between the roles of deputy and assistant heads. However, for pay purposes, the processes applicable to deputy and assistant heads are, in most respects, identical. Where there are differences, those differences will be clearly stated. The pay review process for 2007/08 is identical for deputy and assistant heads.

The 2007 School Teachers' Pay and Conditions Document

3. Throughout this advice, reference will be made to the School Teachers' Pay and Conditions Document 2007 (the Document) and to the statutory guidance (the Section 3 guidance) which forms part of the Document.

In addition the Document is available at www.teachernet.gov.uk/pay or from the DCSF Tel: 0870 0012345 e-mail: info@dcsf.gsi.gov.uk. Deputy and assistant head members are entitled to have access to the Document and, as necessary, for their leadership and management role. Members are reminded that payments to all teachers, including deputy and assistant heads, may only lawfully be made in accordance with the Document (paragraph 4 of the Section 3 guidance), "No payments or conditions of employment other than those provided for in the Document may be applied to teachers, except those conditions which are always determined locally and which do not conflict with the Document, unless the Secretary of State has granted exemptions under other legislation. The Document does not provide for the payment of so-called 'honoraria' in any circumstances".

4. Members should also note that the Document uses the terminology "special school" and "ordinary school" and, for ease of reference, this guidance adheres to that terminology. Similarly, the term "relevant body" is used throughout, except where regulations apply solely to the governing body or the context is very clearly a school, since the advice is intended to be generally applicable as set out in the opening paragraph.
5. General guidance on pay policies has been produced by NAHT and should be read in addition to this advice. (NAHT Guidance on School Pay Policies revised September 2007.)

Pay Review

6. **For serving deputy and assistant heads:** Relevant bodies must review the pay of a serving deputy or assistant head in accordance with paragraphs 13 and 15 of the Document respectively and paragraph 30 of the Section 3 guidance. **This is a statutory duty.** Members should note that there is a limit of **two points** which may be awarded. (Paragraphs 13.3(d) and 15.3(d)).

7. The relevant body may then determine a five point pay range on the leadership spine with effect from 1 September 2007 or at any time if they consider it necessary to retain a deputy head or assistant head teacher. (Paragraphs 14 and 16 of the Document for deputy heads and assistant heads respectively and paragraph 29 of the Section 3 guidance). If this discretion is exercised the governing body may need to review the head teacher's ISR as a consequence. Pay ranges for deputy and assistant heads must fall between the pay of the highest paid classroom teacher, calculated in accordance with paragraph 12.3.2 of the Document, (see also paragraph 13 below), and the lowest point of the head's ISR. Changes made to the head teacher's ISR will create more room for a deputy/assistant head range.

8. The criteria which the relevant body must apply in determining the pay range for a deputy or assistant head are set out in paragraph 14 (deputy head), 16 (assistant head) and paragraph 29 of the Section 3 guidance. The **responsibilities of the post** is the criterion which requires the relevant body to assess job weight and accountability. The relevant body will need to consider both the job description and the statutory conditions of employment applicable to the post concerned, taking clear account of the specific duty on the deputy head to undertake the professional duties of the head in his or her absence. (Paragraph 64, particularly 64.4 of the Document). No other teacher, including an assistant head, may be so required, and it has long been NAHT's advice that the deputy head must be sufficiently closely involved in the management of the school that he or she is able to take on that duty as required.

9. The **background of the pupils attending the school** broadly equates to considering the circumstances of the school. The relevant body will need to take account of any particular difficulties the school experiences as a consequence of the background of the pupils. Members will be aware of the precise circumstances of their own school and whether or not there is, for example, a high proportion of pupils receiving free school meals, significant language difficulties, or other such factors. This criterion should not simply be interpreted as relating to deprivation. The challenges of working with high expectation, particularly where the school is in competition with the independent sector, should not be underestimated.

10. As regards the **difficulty of filling the post**, relevant bodies should take account of the well recognised general difficulties in recruitment to senior management posts in education. The annual report commissioned by NAHT and ASCL on leadership group job vacancies for 2007, shows a deterioration in the number of deputy head vacancies that are filled on the first advertisement, and a continuing decline in numbers of applications for deputy head posts.

11. There is a specific discretion for the governing body to re-set the deputy head or assistant head range at any time if it considers it is necessary for retention purposes (paragraph 29 of the Section 3 guidance). Given general and widespread recruitment and retention difficulties, particularly on the leadership spine, governing bodies would be well advised to use this discretion or risk losing their best staff.

12. There are minimum differentials built into the provisions of the Document. The lowest point of the range of either a deputy or assistant head must exceed the salary of the highest paid classroom teacher and the lowest point of the deputy head range must exceed, by at least one point, the lowest point of the range of an assistant head. (Paragraphs 14.2.1(b) and 16.2.2 of the Document).

13. NAHT continues to highlight to the School Teachers' Review Body the critical recruitment and retention situation being faced by schools as a result of eroding pay differentials. NAHT has argued for years, and continues to do so, that the statutory minimum differential between the highest paid classroom teacher's salary (i.e. UPS1 plus any TLR and special needs allowances paid to that person) is inadequate. NAHT continues to ask the School Teacher Review Body to improve, at the very least, the minimum statutory differential. In the meantime, NAHT advises that the calculation of the salary of the highest paid teacher should be made on the assumption that UPS3, rather than UPS1, is the salary of reference since UPS3 is the salary, "...to which all good classroom teachers can aspire..." (January 2004 Agreement). Any allowances or TLR payments, including recruitment and retention incentive benefits, paid to the highest paid classroom teacher should also be included in the calculation.

14. It is also important to ensure that appropriate differentials are created and maintained between deputy heads, assistant heads, ASTs and Excellent Teachers, where the deputy head takes any line management responsibility for holders of either of those posts. NAHT suggests that the lowest point of a deputy head's range should be no less than three points above the bottom point of an assistant head's range.

The Document does not cover the relationship between AST pay ranges, the salary of Excellent Teachers and those of deputy and assistant heads. NAHT has consistently advised that, since ASTs or ETs do not carry any significant leadership or management responsibilities, they should not be full members of senior management teams. It is therefore important that there are appropriate differentials between the pay ranges of ASTs, the salary of the ET and other leadership spine pay ranges.

Where there is more than one deputy, and differing responsibilities justify different ranges, there may be more than one deputy head range and, clearly, these ranges may well overlap, but the criteria on which these decisions are made must be clear, or there is a risk of an equal pay claim.

Those classroom teachers who, previous to 1 September 2000, held a post of head or deputy head, are entitled to be paid at any one of the three points on the upper pay spine. Those who were appointed to the leadership group on or after 1 September 2000 would need to spend at least 1 year in the leadership group before they were eligible to move back to point 1, 2 or 3 of the upper pay spine. Otherwise, on taking up a post of classroom teacher, they would move to point M6 of the main professional spine.

15. The **conditions of employment** of deputy and assistant heads are set out in paragraph 64, part 10 of the Document. As noted above, the requirement to cover for the head, in his or her absence, applies solely to deputy heads. In addition to the requirements of paragraph 64, deputy and assistant heads are covered by part 12 of the Document which sets out the professional duties of classroom teachers except that paragraph 74 (working time) does not apply to any member of the leadership group. It is important to note that the Working Time Regulations do apply as set out in paragraph 56.4 of the Document.

16. Deputy and assistant head members are able to receive additional payments for continuing professional development (CPD), initial teacher training activities and out-of-school learning activities (paragraph 52 of the Document and paragraphs 115 to 120 of the Section 3 guidance).

Performance Management/ Appraisal

Introduction

Members in England

The new Performance Management Regulations 2006 (“the PM Regulations”) come into force on 1 September 2007. However, the former Regulations governing performance management (The Education (School Teacher Appraisal) (England) Regulations 2001 – “the Appraisal Regulations (E)”) are still applicable for the review of performance for the academic year 2006/07, which forms the basis for pay determinations with effect from 1 September 2007 (see below).

The new PM Regulations will, however, be applicable for the setting of performance objectives for the academic year 2007/2008. These objectives must be set by 31 October 2007 in the case of all teachers other than the head, whose objectives must be set by 31 December 2007. The review of these objectives, and pay decisions resulting from that review, must take place in accordance with the PM Regulations.

In most cases, deputy and assistant heads will be reviewed for performance management purposes by the head teacher. However, assistant head members in particular should note that under the PM Regulations it will be the reviewer, who need not necessarily be the head, who will make a recommendation on pay (effective from 1.9.2008) to the appropriate committee of the governing body.

For further information and advice on the PM Regulations, please see the RIG model policy on performance management and NAHT guidance, which can be found at www.naht.org.uk

Members in Wales

Performance management in Wales remains unchanged. Members in Wales continue to be subject to the School Teacher (Appraisal) Regulations 2002 (the “Appraisal Regulations (W)”).

Performance Review 2006/07

22. The lack of a performance management policy, which is a breach of regulation, does not relieve any relevant body of its duties to review pay under the Document in accordance with agreed performance objectives.

23. Deputy and assistant head pay must be determined by the relevant body in accordance with paragraph 13 of the Document for deputy heads, and paragraph 15 of the Document for assistant heads. There has been a statutory duty on relevant bodies to determine pay for some years. However, this duty has been inconsistently carried out and, in many cases, no pay review at school level has ever occurred.

24. It is NAHT’s view that the provisions of paragraph 7.3 (b) of the Document are clear. There cannot be any movement up the pay spine unless two conditions are satisfied. Firstly, that there has been a review of the performance of the head teacher and secondly that there has been sustained high quality of performance taking account of the performance objectives agreed or set. Therefore, there is no other relevant reason why a pay rise should not be given. Members who satisfy the two conditions above but who are denied a pay rise for other reasons, for instance budgetary considerations should contact the Salaries, Pensions, Conditions Department at NAHT headquarters on 01444 472477, as a matter of urgency.

25. Members are reminded that **relevant bodies are under a statutory duty to provide, in writing, a statement relating to the determination of pay.** (See paragraph 4.4 of the Document). This statement must contain a record of the agreed performance objectives (which, in England, should be set under the new PM Regulations). It might also usefully contain clear success criteria and show how and by whom performance will be assessed. **Members are advised to ensure that the statement also contains an agreement to award pay where objectives are satisfactorily met.**

Performance Objectives 2007/08

Members in England

Objectives will need to be set in accordance with the PM Regulations, which state in (paragraph 13(3)) that the reviewee's objectives shall be such that, if they are achieved, they will contribute to the progress of pupils at the school. In addition, those objectives defined at the beginning of the performance management cycle should be such that, on achievement, the pay criterion will have been met.

Members in Wales

The performance objectives for pay purposes must relate to **school leadership and management and pupil progress** (paragraphs 13.2.1 and 15.2.1 of the Document). The Appraisal Regulations (W) also requires an objective related to pupil progress, but, in addition, requires an objective related to developing and improving professional practice. **Members are therefore advised that, as a matter of practicality, they may prefer to agree a single set of objectives for both pay and appraisal purposes.** It is equally true that the two processes may be kept quite separate. On that basis, it is preferable for members to reach a clear agreement that the relevant body will determine pay in accordance with all objectives agreed.

26. In addition, many LAs have advised that reviews should only occur when the relevant body intends to pay. Members should be clear that this advice is invalid and the requirement to agree performance objectives is strengthened by the further duty that "in default of agreement the relevant body shall set such performance objectives". (See paragraph 13.2.1 of the Document for deputy heads, and 15.2.1 of the Document for assistant heads.)

28. While the NAHT recognises the intention behind this default power, **it is our view that it should only be used in the most extreme of circumstances and should be subject to appeal.** NAHT is concerned that relevant bodies may seek to impose objectives without first having made appropriate efforts to reach agreement. NAHT stresses that it does not expect relevant bodies to impose objectives. Any member who is subject to an attempt to impose objectives should immediately contact the Salaries, Pensions and Conditions Department at NAHT.

29. The duty to agree and review performance criteria for deputy heads should be delegated to the head, in accordance with normal line management and performance management arrangements. This advice should similarly be applied to the agreement of performance criteria for assistant heads. Where a deputy head has line management responsibilities for an assistant head, the duty could equally be delegated by the head to that deputy head.

30. The NAHT model pay policy supports this advice but builds in a right for deputy and assistant heads to agree performance objectives directly with the relevant body where agreement with the head is not achieved or is simply not appropriate. The Document clearly provides that a deputy or assistant head has this right in any event, as set out in paragraphs

13 and 15, and expressed is a statutory duty on the relevant body and the deputy or assistant head concerned.

31. The Appraisal Regulations (E & W) require the head to make available the appraisal statement to governors responsible for making decisions on pay if those governors so request.

32. Members paid on the Soulbury scales are advised to note the Soulbury Committee Agreement on Structured Professional Assessments which can be found at www.lg-employers.gov.uk

Applying for Deputy or Assistant Headship?

33. It is important that all members clarify the salary on offer during the appointments process. If members are offered and wish to accept a post, it should be clearly stated that acceptance is subject to agreement on salary. NAHT regularly receives calls from members who accept a post without discussing salary, only to find out at a later date that they will be paid less than they previously earned!

34. As stated above, deputy and assistant heads have five point leadership pay ranges, the minimum point of which should not overlap with the highest paid classroom teacher's salary in accordance with paragraph 21.3.2 of the Document. It is imperative that members know the salary range on offer and also the point on which they will be placed on that range on appointment. Please note that the relevant body is able to appoint on any of the first three points of the pay range.

35. When negotiating a starting salary, members should bear in mind (particularly if they are taking up a new appointment in September) that if they had stayed in their previous school they would have become eligible to receive up to two performance pay point with effect from 1 September in recognition of their performance during the previous academic year.

36. For further information, members should see NAHT's guidance on Contractual Change for deputy and assistant head teachers revised September 2007 and available from the members only part of the NAHT's website at www.naht.org.uk

37. Members with any queries on pay should contact the Salaries, Pensions, Conditions Department at NAHT headquarters.