



## SCHOOL TEACHERS' PAY

### NUT GUIDANCE ON THRESHOLD ASSESSMENT FOR 2013-14

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**This NUT guidance gives advice on threshold assessment for those applying in the school year 2013-14.**

**The STPCD changes from September 2013 include changes to threshold progression. Teachers on pay point M6 in the academic year 2012-13 can still apply for threshold assessment by 31 October 2013 in accordance with the criteria set out in the 2012 STPCD. After this date, applications will be dealt with under the revised system set out in the 2013 STPCD.**

**The NUT strongly advises all teachers who are eligible for threshold assessment to apply. In recent years, half of eligible teachers have been failing to apply for threshold assessment. Ninety per cent of those who do apply, however, have succeeded in their applications.**

**This document gives guidance on the relationship between standards, performance management and threshold assessment in order to help maintain this success rate now and in the future.**

#### **OUTLINE OF THE PROCESS**

Teachers must apply for assessment in order to gain access to the Upper Pay Scale or Upper Pay Range. Threshold assessment is a voluntary process - teachers must submit a request in writing to their head teacher<sup>3</sup> asking to be assessed.

Assessment is carried out by reference to national standards and specified criteria and (other than in a limited number of specific cases) performance management reviews. Teachers do not, however, have to undertake any additional responsibilities in order to show they meet assessment standards or objectives.

The rules of the threshold assessment process are set out in the School Teachers' Pay and Conditions Document (STPCD). As noted above, the 2013 STPCD allows teachers eligible to apply during the 2012-13 academic year to apply under the provisions of the 2012 STPCD but introduces a revised process to operate after that.

#### **THRESHOLD ASSESSMENT UNDER THE 2012 STPCD**

##### **Eligibility to Apply**

The threshold assessment process under the 2012 and previous STPCDs operates on the basis of annual application "rounds" which determine the dates by which applications must be made and assessed and the dates on which successful teachers progress to the Upper Pay Scale.

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<sup>3</sup> Threshold assessment is open to teachers employed in schools and in other settings where they are statutorily subject to the provisions of the STPCD. If you are employed as a teacher but are not employed in a school, references throughout this document to the head teacher should be read as referring to service managers/line managers as appropriate.

Threshold assessment is open to all qualified teachers who, at the time when they apply, are on point M6 of the Main Pay Scale and are employed as a teacher by a local authority or a governing body of a local authority maintained school.

Round 13, operating from 1 September 2012 to 31 October 2013, will be the final round of those arrangements. The timetable for applications stretches beyond the end of the 2012-13 academic year to allow teachers to apply after the completion of the performance management cycle for the year and use that year in their applications.<sup>4</sup>

Teachers must be on point M6 during the 2012/13 academic year (1 September 2012 to 31 August 2013) in order to apply in Round 13. Teachers moving to point M6 for the first time on 1 September 2013 are not eligible to apply in Round 13. Teachers who want to apply during Round 13 must apply no later than 31 October 2013.

Teachers employed in Wales must have submitted their Round 13 requests by 31 August 2013. Any application submitted from 1 September 2013 onwards will be dealt with under the 2013 STPCD provisions.

In some schools, teachers are expected to submit applications by a specific date. In such cases, while you may see it as sensible to apply by that date, you will have the absolute right to apply at any point up to and including 31 October. Head teachers cannot disregard applications submitted by that date.

You can apply for threshold assessment only once in any school year but, subject to this, there is no limit to the number of times you can apply. If you applied unsuccessfully in previous rounds (or are still awaiting the outcome of an appeal) you may apply again in Round 13.

You must be in-service on the date of application but you can be on maternity or similar leave, study leave, sickness absence, career break or secondment etc.

If you are a teacher in an academy, MoD school, residential special school, non-maintained special school or LA residential establishment (eg secure unit or community home with education), you are also eligible to apply for threshold assessment. Arrangements will depend on how closely your pay arrangements resemble those set out in the STPCD - you should consult Annex C of the DfE guidance.

If you are a supply teacher employed by an agency, you continue to be excluded from threshold assessment as well as other pay provisions of the STPCD.

DfE guidance can be found at

<http://www.education.gov.uk/schools/careers/payandpensions/teacherspayandcondition sdocument/performancethreshold/b00213490/threshold-assessment-2012-13>.

## **Submitting Your Application**

When you make your application, you will need to include the necessary information including your performance management reviews. The head teacher is required to refer to this information, determining whether it is accurate and indicative of your overall performance against the post-threshold standards.

Make a copy of your application and associated information before handing it to your head teacher or line manager. Keep a record of the evidence to which you have referred.

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<sup>4</sup> Teachers employed in England who are not subject to the 2006 or 2012 Performance Management regulations must submit their requests by 31 August.

Although applications should be 'confidential', head teachers are permitted to discuss all or part of your application with leadership group members or your manager. You can therefore ask one of the above for guidance and support on making your application. Some schools have produced internal guidelines for applicants.

### **How Your Application is Assessed**

The decision on threshold assessments under Round 13 is taken by the head teacher.

Head teachers who are undertaking threshold assessments must "have regard to ... the results of the performance management reviews covering the relevant period"; and then "must determine whether the applicant has met the post-threshold standards throughout the relevant period" (2012 STPCD paras 20.11 and 20.12).

For the vast majority of applicants, the relevant period is the two year period immediately prior to the head teacher's decision. For some teachers, the period can be longer or shorter; and for some teachers (including in particular teachers in Wales) the process does not refer to PM reviews in the same way. Advice for such teachers can be found in Appendix 1 of this guidance.

## **THRESHOLD ASSESSMENT UNDER THE 2013 STPCD**

### **Eligibility to Apply**

From September 2013 onwards, any qualified teacher who is employed as a teacher by a local authority or governing body of a local authority maintained school can apply for a threshold assessment to be paid on the Upper Pay Range, not just those on the top of the Main Pay Range. Previously, only teachers on point M6 could apply for assessment.

Teachers who apply successfully to be paid on the Upper Pay Range will be then paid at a rate on the range decided by the school. Teachers applying for new posts who have previously been paid on the UPS/UPR in a previous school may or may not be required to reapply for UPR status depending on the school's pay policy.

Following the abolition by the Government of teachers' pay portability, any successful threshold application only gives the right to be paid on the Upper Pay Range while the teacher continues to be employed in the same school or, in the case of unattached teachers, the same local authority.

Governing bodies can determine what deadline to set for receipt of applications for assessment and they should be set out in the school's pay policy.

### **Submitting Your Application**

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Make a copy of your application and associated information before handing it to your head teacher or line manager. Keep a record of the evidence to which you have referred.

Although applications should be 'confidential', head teachers are permitted to discuss all or part of your application with leadership group members or your manager. You can therefore ask one of the above for guidance and support on making your application. Some schools have produced internal guidelines for applicants.

## How Your Application is Assessed

Unlike the previous threshold system, the formal decision is taken by the governing body on the recommendation of the head teacher, rather than by the head teacher.

Applications from qualified teachers will be successful where the governing body is satisfied that the “teacher is highly competent in all elements of the relevant standards” and that the teacher’s “achievements and contribution ... are substantial and sustained” (2013 STPCD para 18.2(a) and (b)). The criteria to be used in taking the decision should be set out in the school’s pay policy.

## RELATIONSHIP BETWEEN PERFORMANCE MANAGEMENT AND THRESHOLD ASSESSMENT

Threshold assessment works alongside performance management arrangements. The NUT has published comprehensive guidance for members on performance management which is available on the NUT’s website [www.teachers.org.uk](http://www.teachers.org.uk)

The role of the performance management reviewer is an important one, particularly in the two years prior to the teacher submitting a request for assessment. It is at this stage that a teacher’s development needs are agreed and the evidence will exist which will inform the threshold application decision. Due to the link between threshold assessments and performance management reviews, teachers should ensure during performance management planning and review meetings that their performance management reviews will allow a fair and accurate assessment to be made against the post threshold standards.

Teachers will be assessed in part by reference to the Teachers’ Standards set out in the STPCD. The standards for post-threshold teachers set out in Annex 1 of the 2012 STPCD will also continue to be used for Round 13 assessments.

NUT policy on performance management and objective setting remains in place unaltered. The NUT has advised members to agree no more than three objectives with their reviewers, which should cover pupil progress, professional development and one other objective.

The following advice focuses in particular on avoiding situations where head teachers may:

- argue that performance management reviews do not provide evidence that a teacher has met all ten post-threshold standards; or
- argue that the number or content of performance management objectives should be changed in order to ensure that the necessary evidence is provided.

## Evidence Needed for Success

There is no specific requirement in the STPCD that only the evidence provided by PM reviews may be taken into account in determining teachers’ threshold applications.

The intention is that assessments are carried out by reference to the contents and outcomes of the PM review process, rather than requiring time-consuming application forms to be completed by the teacher. As previously, however, if the teacher wishes the head teacher to take into account other available evidence which supports the teacher’s application then that should happen.

Other organisations including the NAHT have advised members that there is no prohibition on taking such evidence into account. The NUT advises that, in any case where a head teacher is doubtful that the PM reviews provide the necessary evidence, the teacher and head teacher should consider any other evidence which may be available before taking a decision.

## **Performance Management Objectives**

The NUT believes strongly that performance management reviews should continue to be used to support teachers' professional development.

It is not necessary for a teacher's PM objectives to cover all of the appropriate Standards, explicitly or implicitly, for a threshold application to be approved. That would lead either to an excessive number of objectives, placing inappropriate burdens on teachers, or to objectives which did not assist effective professional development reviews.

In addition, the decision maker is entitled to refer to other evidence, either implicit from the PM review or available separately, to decide that teachers have met the required standards.

There is certainly no reason to suggest that agreed objectives for the current PM cycle should be amended or increased to seek to cover all the appropriate Standards; or that the PM reviews for previous years which form part of the period for threshold assessment are invalid for threshold assessment purposes because they did not do so.

## **Protecting Your Position**

At the start of any PM review cycle which may count for the purposes of threshold assessment, you should ensure that you discuss the threshold assessment requirements with your reviewer. You should also ensure that the end-of-cycle discussion refers to these requirements. Your performance review statement should include a clear statement by the reviewer that, in her/his opinion, you meet the required Standards. You should say that you are confident that you meet the standards and that you can achieve or have achieved your agreed objectives. At the same time, however, there should be no question of increasing the number of PM objectives or setting objectives which become punitive, inappropriate or burdensome.

## **DECISIONS**

Under the 2012 STPCD arrangements, the head teacher must first decide that applicants meet the core standards. If they decide that they do not, the application must be rejected, with the head teacher providing a written explanation for the decision. The head teacher must then carry out a further assessment and decide whether applicants meet the post-threshold standards, the head teacher must notify you of the decision within 20 working days of informing the governing body of that decision.

Under the 2013 STPCD arrangements, the head teacher must determine that applicants have met the new arrangements (ie that the teacher is highly competent in all elements of the relevant Standards and that the teacher's achievements and contribution have been substantial and sustained) before recommending to the governing body that the application is approved (2013 STPCD, para 18.2 (a)(b)).

The school's pay policy should set out the detailed criteria to be used in deciding whether you have met these conditions. For example, some schools may refer to teachers being "good enough to provide coaching and mentoring, giving advice and demonstrating effecting teaching practice". Other schools may refer to judgments with regard to the standard of teaching during lesson observations or to the achievement of objectives.

The NUT/NASUWT joint model pay policy seeks to ensure that the assessment focuses on evidence available in the performance review process. It advises governing bodies to continue to use the post threshold standards as part of the assessment; and states that reviews should be deemed to be successful unless significant concerns about standards of performance have been raised in writing with the teacher during the annual performance

management/appraisal cycle and have not been sufficiently addressed through support provided by the school by the conclusion of that process.

If you have been unsuccessful under either the 2012 or 2013 arrangements, feedback should be in writing, explaining the outcome of the application in relation to the Standards and criteria including which have/have not been met and why. Head teachers are not permitted simply to state that an application has not been successful or that particular standards have not been met without explaining why.

The DfE advises that feedback should be "sensitive, informative and developmental" and help you and your line manager identify priorities for future professional development.

## **APPEALS**

If you are unsuccessful, you are entitled to appeal against the head teacher's decision. All appeals must be made using the procedures set out in the school's own pay policy.

Teachers are permitted to appeal on any or all of the following grounds:

- failure to take account of relevant evidence within the PM reviews which supported the application;
- failure to take account of other relevant evidence which was not contained within the PM reviews but which nevertheless was available and supported the application (particularly relevant where the decision is based on the argument that the evidence required was not contained within the PM review); or
- failure to provide reasons why the standards have not been met.

The appeal could either ask the appeals committee to determine that the teacher did meet the standards or ask it to direct the head teacher to carry out a further assessment.

**All NUT members considering an appeal against a decision that they have not met the required standards should seek advice and assistance from their NUT division or association in the first instance.**

National Union of Teachers  
September 2013

## **Appendix 1**

### **Advice for Specific Groups in Relation to Applications under the 2012 STPCD**

#### ***Teachers who do not have 2 years' consecutive evidence***

Teachers with less than two years of evidence because of certain types of absence can still apply. The STPCD permits certain periods of absence (eg maternity, sickness and similar recognised absences) to be disregarded and allows teachers to be assessed over the reduced period of time rather than the full two year period. Where performance management reviews were not completed, the teacher can cite evidence drawn from that period. Teachers who have not been teaching children throughout the two year period can give evidence drawn from a period of five years immediately before the date of application.. This should give teachers in these circumstances sufficient flexibility to show they have met the threshold standards even if they have been absent during the two year evidence period.

Teachers who do not have performance management reviews for the necessary period but have taught outside the maintained sector (eg in academies, independent schools, FE or sixth form colleges) or have been absent on some form of leave of absence or secondment should cite evidence from the most recent two year period (or an aggregate period) when they last taught children up to 19 years of age, provided this is not more than five years old.

#### ***Teachers who work in two or more schools simultaneously***

Such teachers (e.g part-time or supply teachers) should submit their applications at the school at which they spend most time. The head teacher's assessment should include appropriate input from the head teachers of the other school(s) Regardless of the number of head teachers involved, only one can decide whether the standards have been met.

#### ***Teachers who have worked in two or more schools during the evidence period***

The current head teacher should consult with the head teachers of the other schools in assessing the application.

#### ***Teachers in Wales***

#### ***Teachers in England not subject to the 2006 or 2012 Performance Management Regulations***

Relevant evidence in support of a post threshold request must be taken – as in previous rounds – from the most recent two year period, as defined in the STPCD, leading up to and ending at the date of their request to be assessed.

There is no requirement to prepare portfolios of supporting evidence but summarised evidence should be in the form of concrete examples from their day-to-day work. Teachers must have access to all evidence cited and any key supporting material such as feedback from classroom observation, pupils work, their own records or schemes of work. Teachers may want to draw upon evidence from their own performance appraisal review.

In Wales the equivalent to the Teachers' Standards' are the Practising Teacher Standards' determined by the Welsh Assembly Government.

In all other respects the arrangements for assessment, feedback, being paid, appeals etc are the same. The deadline submission for threshold applications in Wales remains 31 August each year and not 31 October as in England.