

Teaching and Learning Responsibility Payments and Teachers' Duties

Teaching and Learning Responsibility (TLR) payments are a crucial element of the teachers' pay system, without which teaching and learning in many schools would collapse. If schools require additional responsibilities to be undertaken by classroom teachers, then teachers must be paid additionally, and TLR payments are one of the means by which schools can reward teachers for carrying out additional responsibilities – the other is payment in the leadership group. The purpose of the TLR system, however, is to enable teachers to be rewarded for teaching and learning management responsibilities as an alternative to movement to the leadership pay range.

When should teachers be paid a TLR payment?

The criterion for TLR payments is set out clearly in the School Teachers' Pay and Conditions Document (STPCD).¹ This is that a school 'may award a TLR payment to a classroom teacher for undertaking a sustained additional responsibility, for the purpose of ensuring the continued delivery of high-quality teaching and learning and for which the teacher is made accountable.'

The STPCD clarifies the criteria further:

'Before awarding any TLR, the relevant body must be satisfied that the teacher's duties include a significant responsibility that is not required of all classroom teachers and that:

- a) is focused on teaching and learning;*
- b) requires the exercise of a teacher's professional skills and judgement;*
- c) requires the teacher to lead, manage and develop a subject or curriculum area; or to lead and manage pupil development across the curriculum;*
- d) has an impact on the educational progress of pupils other than the teacher's assigned classes or groups of pupils; and*
- e) involves leading, developing and enhancing the teaching practice of other staff.*

The STPCD also sets out the criteria for the award of a TLR1 payment:

'In addition, before awarding a TLR1, the relevant body must be satisfied that the sustained, additional responsibility referred to in paragraph 20.1 includes line management responsibility for a significant number of people.'

Can teachers be required to carry out significant responsibilities without a TLR1 payment or payment in the leadership group?

The STPCD makes it very clear that teachers cannot be required to carry out significant responsibilities without additional payments. This is made clear in paragraph 48 of the statutory Section 3 Guidance in the STPCD:

'Teachers are expected to contribute, both orally and in writing as appropriate, to curriculum development by sharing their professional expertise with colleagues and advising on effective practice. This does not mean that they can be expected to take on the responsibility of, and accountability for, a subject area or to manage other teachers without appropriate additional payment. Responsibilities of this nature should be part of a post that is in the leadership group or linked to a post which attracts a TLR1 or TLR2 on the basis set out in paragraph 20.'

¹ School Teachers' Pay and Conditions Document 2020 and guidance on school teachers' pay and conditions, paragraph 20.

The NASUWT is aware that some employers claim that when a teacher moves to the upper pay range, they can be required to undertake additional duties because of this. This is not correct. The criteria for movement to the upper pay range are set out in the STPCD:

'An application from a qualified teacher will be successful where the relevant body is satisfied:

- a) that the teacher is highly competent in all elements of the relevant standards; and*
- b) that the teacher's achievements and contribution to an educational setting or settings are substantial and sustained.'*²

The position of upper pay range teachers was considered by the School Teachers' Review Body (STRB) in its 26th Report. The STRB concluded:

*'We have considered the current provisions in the STPCD in respect of teachers on the main and upper pay ranges. We noted in particular the inclusion of criteria for progression to the upper pay range but the lack of any similar basis for continuing expectations once teachers have progressed. We also noted that the statement of teachers' professional responsibilities in the STPCD does not make any distinction between the responsibilities of teachers on the main and upper pay ranges. Neither is there any explicit reference in the teachers' standards in England...nor the relevant appraisal regulations.'*³

As the STRB noted, there is no distinction between the responsibilities of teachers on the main and upper pay ranges. The teachers' standards and the appraisal regulations also draw no distinction between the responsibilities of teachers on the main and upper pay ranges.

The STRB drew attention to the practice in some schools of teachers being asked to take on additional duties when they move onto the upper pay range, or as a precondition of moving to the upper pay range:

*'Consultees have made clear their view that any additional responsibilities for classroom teachers should be rewarded through TLR payments, with some suggesting that in smaller schools, particularly primary schools, upper pay range teachers were sometimes asked to take on additional responsibilities without the award of a TLR payment. The Department's advice says that: **Schools should try to avoid confusing or conflating the criteria and factors for the award of TLR payments with the criteria for movement to the upper pay range both within the context of objective-setting and when making pay decisions.***⁴

However, the STRB drew attention to the clear guidance from the Department for Education (DfE) that schools should avoid confusing or conflating the criteria and factors for the award of TLR payments and the criteria for movement to the upper pay range.

The NASUWT is therefore very clear that schools which are requiring teachers to take on additional responsibilities as a precondition of movement to the upper pay range are in breach of teachers' national terms and conditions and guidance from the DfE.



advice@mail.nasuwt.org.uk
www.nasuwt.org.uk

² Ibid, paragraph 15.2, page 22.

³ School Teachers' Review Body Twenty-Sixth Report, July 2016, paragraph 5.23.

⁴ Ibid, paragraph 5.24.