

REPORT OF THE JOINT NEGOTIATING COMMITTEE FOR TEACHERS IN RESIDENTIAL ESTABLISHMENTS

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Employers' Side Secretary

Simon Pannell
Local Government House
Smith Square
London
SW1P 3HZ
Tel 020 7664 3188

Teachers' Side Secretary

Andrew Morris
Hamilton House
Mabledon Place
London
WC1H 9BD
Tel 020 7388 6191

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CONSTITUTION OF THE COMMITTEE

Title

1. The Committee shall be known as the Joint Negotiating Committee for Teachers in Residential Establishments (JNC TRE).

Scope

2. The functions of the Committee will relate to the pay and other conditions of teaching staff (a) employed as such in residential children's services¹ establishments maintained by local authorities and, insofar as such matters are not determined by other national bodies or under any statutory provision, the pay and other conditions of teaching staff (b) employed as such in residential special schools maintained by local authorities.

Notes

- (a) This includes teachers in community homes with education on the premises (CHEs), as well as establishments such as observation and assessment centres, secure units, regional resource centres and other similar establishments.
- (b) For the purpose of this paragraph, heads, deputy heads and assistant heads in residential special schools are regarded as teaching staff.

Membership

3. The Committee shall consist of 18 members appointed as follows:

Representatives of the Employers' Side:

Local Government Association	4
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Representatives of the Teachers' Side:

National Union of Teachers	6
NASUWT - The Teachers' Union	6
National Association of Head Teachers	2

4. If any of the organisations referred to in paragraph 3 above fails to appoint the number of representatives provided for by the constitution, such failure shall not affect the decisions of the Committee.
5. In the event of any members of the Committee, or of any sub-committee, being unable to attend any meeting, the organisation may be represented by an alternate appointed by that organisation.

¹ In Wales, local government retains the flexibility to have separate social services departments, or establish integrated children's services. In Wales, therefore, references in this document to 'children's services' should be read as 'social services or children's services', depending on the model adopted by the local authority.

Retirement of Members

6. The members of the Committee shall retire on 30th June in every year and shall be eligible for re-appointment.

Casual Vacancies

7. On the occurrence of a casual vacancy a new member may be appointed by the organisation in whose representation the vacancy occurs.

Functions

8. The Committee shall review from time to time the salaries and general conditions of service of teachers within the scope of the Committee.

Procedure

Sub-Committees

9. The Committee may appoint from their own members such sub-committees as they may consider necessary. The reports of all sub-committees shall be submitted to the Committee for approval, and such approval may be given with or without modification.

Chair and Vice-Chair

10. The Committee shall appoint annually a Chair and Vice-Chair. The Chair, or in his/her absence the Vice-Chair, shall preside at all meetings of the Committee. In the absence of both the Chair and Vice-Chair at any meeting a Chair shall be elected to preside. In no case shall a Chair have a second or casting vote. (See paragraph 13 for voting procedures.) The offices of Chair and Vice-Chair shall alternate annually between the Teachers' Side and the Employers' Side of the JNC.

Officers

11. The Committee shall appoint joint secretaries and such other staff as they deem appropriate.

Meetings

12. Meetings of the Committee shall be held as often as may be necessary and the Chair shall call a special meeting if so requested by seven members of either side of the Committee. Any requisition and the notice summoning any special meeting shall state the nature of the business proposed to be transacted and no other matters shall be discussed. Such a special meeting shall be convened by the Chair within 14 days of the receipt of the requisition.

Voting

13. The voting in the Committee or in any sub-committees shall be by show of hands, unless otherwise determined by the Committee or sub-committee. No resolution shall be regarded as carried unless it has been approved by a majority of members present on each side of the Committee or sub-committee.

Quorum

14. The quorum of the Committee shall be at least two representatives from the Employers' Side and one representative of each organisation from the Teachers Side. In the absence of a quorum, the chair shall be vacated, and the business not considered shall be the first business at the next meeting of the Committee. The meeting shall be held within 21 days after the date fixed for the first meeting. The quorum of any sub-committee shall be determined by the sub-committee, subject to any directions given by the Committee.

Notices of Meetings

15. All notices of the Committee and of any sub-committee shall be sent to the respective members at least 10 calendar days before the date of the meeting.

Finance

16. The joint expenses of the Committee shall be shared equally by the two sides of the Committee, and the half to be borne by the representatives of each side shall be paid by the appointing organisations in proportion to their representation.

Minutes

17. Within 30 days after each meeting of the Committee and of any sub-committee, a copy of the minutes of the proceedings shall be sent to each of the organisations referred to in paragraph 3 in the Constitution.

Settlement of Differences

18. In the event of the Committee failing to reach agreement on any matter in connection with the salaries or conditions of service of teachers within the jurisdiction of the Committee, the dispute shall, at the request of either side of the Committee, be referred to the Advisory, Conciliation and Arbitration Service for resolution. The form of arbitration shall be determined by ACAS.

Residential establishments outside the scope of the JNC

19. Teachers in other residential establishments outside the formal scope of the Joint Negotiating Committee have access to the national joint secretaries where disputes arise locally between a group of teachers and their employing authority on the application of local pay and conditions. The joint secretaries' role in these circumstances would be to advise and conciliate between the parties. Neither the joint secretaries nor the JNC would have any arbitral role.

Amendment of Constitution

20. Amendments to this constitution may be proposed only after notice has been given to the members of the Committee and to each of the organisations referred to in paragraph 3 at least one month before the meeting at which the proposal is to be moved. Any proposal to amend this constitution must be approved by a majority of at least two-thirds of the members of each side present and voting at the meeting at which it is moved.

PART A - PAY AND OTHER CONDITIONS OF TEACHING STAFF EMPLOYED IN RESIDENTIAL SOCIAL SERVICE ESTABLISHMENTS

SECTION 1 SALARIES AND ALLOWANCES

General Provisions

- 1.1 The salaries and allowances for teaching staff employed in residential children's services establishments (as defined in paragraph 2 of the Constitution of the Committee) are as set out in the School Teachers' Pay and Conditions Document (STPCD) except in so far as separate provision is made by the Joint Negotiating Committee for Teachers in Residential Establishments (JNC TRE) as specified in Part A of this Report or in subsequent Joint Circulars as issued by the Joint Secretaries from time to time.

The terms "teaching staff" and "teacher" as used in this Report and the accompanying JNC Guidance encompass both qualified teachers and instructors.

The "relevant body" as set out in the STPCD will be the local authority unless this function is specifically delegated to the management committee or other similar governing body of the establishment.

Qualified teachers

- 1.2 Qualified teacher posts included within scope of the JNC are: classroom teachers; head teachers, deputy heads and assistant head teachers; and leading practitioner teachers.

Instructors

- 1.3 Where a member of the teaching staff does not hold qualified teacher status he/she shall be appointed to either scale in the Appendix as deemed appropriate by the employing authority. The starting salary to be determined by the employing authority shall not be worse than the salary point derived by applying the provisions of the School Teachers' Pay and Conditions Document for unqualified teachers.

Scale A This scale shall be used by employing authorities for those members of teaching staff who are, in their view, sufficiently well qualified to undertake, without direct supervision from a qualified member of staff, instruction of pupils.

Scale B Where, in the opinion of the employing authority an instructor has qualifications which make him/her particularly suitable for giving instruction to particular classes of pupils and/or the duties and responsibilities undertaken by the instructor include those areas which might otherwise be undertaken by a qualified teacher, then the individual shall be paid on this scale.

Extraneous Duty Allowance (EDA)

- 1.4 This allowance is payable for extraneous duties in addition to teaching and other professional duties. The annual rate is based on a performance of a rostered average of 15 hours of duty a week. For a full year the total number of hours is 570. Where the contracted hours for a teacher are less than an average of 15 hours a week, the annual allowance shall be reduced proportionately. This should not prevent the payment of the full allowance at the authority's discretion. Extraneous duty allowance is not normally paid in respect of duties which start after 9.00 a.m. or before 5.00 p.m.
- 1.5 The average to be calculated in respect of each individual shall be based on duties performed during normal working weeks and should not be diminished, therefore, by an inability to undertake duties on account of sickness or annual leave.

Sleeping in Duty Allowance (SIDA)

- 1.6 This allowance is paid to teachers who are rostered to perform sleeping in duty.
- 1.7 Teachers shall receive the allowance for each night's duty and up to 30 minutes call out in any night. When the aggregate of calls out exceeds 30 minutes in any night such additional time shall be paid at the hourly rate set out in the Appendix. The normal rules for calculating overtime for local government staff shall apply so that extra time of less than half an hour on any night shall not rank for compensation. Excess time shall be aggregated for each calendar month and only complete half hours paid for.

Community Homes Addition

- 1.8 The allowance recognises the different duties and responsibilities undertaken by teachers and the particular nature of the clients in social service establishments covered by the JNC as compared to those in primary and secondary schools. Regular part time staff in receipt of the allowance should be paid the allowance on a pro rata basis.

(a) Qualified Staff

The allowance shall be paid to all qualified teachers in establishments under Part A of this report.

(b) Instructors

The allowance in the Appendix may be paid to instructors where in the opinion of the employing authority the duties and responsibilities of an instructor merit an additional payment.

- 1.9 Since the payment of this allowance recognises the client group in residential social services establishments, the special educational needs allowances set out in the School Teachers' Pay and Conditions Document are not applicable.

Secure Unit Allowance

- 1.10 The allowance in the Appendix shall be paid to staff who are employed for the whole of their teaching time in secure units which have been designated by

the Department of Health as providing secure accommodation under the Secure Accommodation Regulations. Regular part time staff who are employed for the whole of their teaching time in secure units should be paid the allowance on a pro rata basis.

Superannuation of Allowances

- 1.11 All allowances provided in Part A of this Report are superannuable.

Pay Safeguarding

- 1.12 All teachers who are adversely affected by closure or reorganisation on or after 1 September 2007 and who are thereafter re-employed in a residential children's services establishment either maintained by the same or a different employer, are entitled to safeguarding in accordance with the provisions set out in the STPCD except as follows.
- 1.13 The safeguarded salary will include any community homes addition and/or secure unit allowance which applied to the old post.
- 1.14 The safeguarded salary may at the authority's discretion include any extraneous duties allowance which applied to the former post. Authorities have discretion either to continue to pay the extraneous duties allowance at the former rate for a period of 3 years in accordance with the provisions set out in the STPCD or to phase out the allowance over a period of not less than 3 years. In exercising this discretion authorities should take account of any hardship which may be caused.
- 1.15 Teachers in receipt of safeguarding under the terms of Paragraphs 1.11-1.16 and Section 2 of previous Editions of this agreement (i.e. safeguarding which was in place prior to 1 September 2007) shall continue to receive such safeguarding while they remain in post.

Travelling Allowances and Disturbance and Subsistence Allowances

- 1.16 Teachers in residential children's services establishments shall be entitled to the allowances which apply to local government staff employed by the authority.

Charges for Meals and Accommodation

- 1.17 Teachers in residential children's services establishments shall be subject to the same arrangements in respect of charges for meals and accommodation as apply to local government staff employed by the authority.

Appendix 1 to Section 1

TEACHING STAFF

EMPLOYED IN RESIDENTIAL SOCIAL SERVICE ESTABLISHMENTS:

ALLOWANCES / INSTRUCTOR PAY SCALES

Increases in allowances and scales are notified annually by the Joint Secretaries.

The Sleeping-In Duty Allowance (SIDA) reflects the NJC for Local Government Services pay agreement. It has been agreed that for 2014-16 there will be a 2.2% increase from 1 January 2015.

1. EXTRANEOUS DUTY ALLOWANCE

	£
1/09/14	8,256

2. COMMUNITY HOME ADDITION

	£
Qualified 1/09/14	5,398
Unqualified 1/09/14	2,125

3. SLEEPING-IN DUTY ALLOWANCE

	£
A night 1/01/15	34
Disturbance element per hour 1/01/15	19

4. SECURE UNIT ALLOWANCE

	£
1/09/14	2,216

5. PAY SCALE FOR INSTRUCTORS - SCALE A

	£
1/09/14	18,431
	18,715
	19,083
	19,248
	19,562
	19,914
	20,252
	20,564
	20,931
	21,265
	21,652
	21,985

6. PAY SCALE FOR INSTRUCTORS - SCALE B

	£
1/09/14	19,802
	20,054
	20,350
	20,898
	21,435
	21,980
	22,551
	23,115
	23,719
	24,255
	24,940
	25,511
	26,125
	26,781
	27,417

Appendix 2 to Section 1

TEACHING STAFF

EMPLOYED IN RESIDENTIAL SOCIAL SERVICE ESTABLISHMENTS:

ADVISORY PAY SCALES

Increases in allowances and scales are notified annually by the Joint Secretaries.

6 Point Main Pay Scale / 3 Point Upper Pay Scale from 1 September 2014

MAIN PAY SCALE

	E&W	Inner London	Outer London	Fringe Area
Minimum	22,023	27,543	25,623	23,082
	23,764	28,980	27,211	24,821
	25,675	30,490	28,896	26,731
	27,650	32,079	30,685	28,713
	29,829	34,547	33,287	30,887
Maximum	32,187	37,119	35,823	33,244

UPPER PAY SCALE

	E&W	Inner London	Outer London	Fringe Area
Minimum	34,869	42,332	38,355	35,927
	36,161	44,412	39,775	37,217
Maximum	37,496	45,905	41,247	38,555

SECTION 2

CONDITIONS OF EMPLOYMENT AND WORKING TIME ARRANGEMENTS

2.1 The conditions of employment and working time arrangements for teaching staff employed in residential children's services establishments (as defined in paragraph 2 of the Constitution of the Committee) are as set out in the School Teachers' Pay and Conditions Document (STPCD) and the conditions of service for school teachers in England and Wales (known as the Burgundy Book), except in so far as separate provision may be made by the Joint Negotiating Committee for Teachers in Residential Establishments (JNC TRE) as specified in Part A of this Report or in subsequent Joint Circulars as issued by the Joint Secretaries from time to time.

PART B - PAY AND OTHER CONDITIONS OF TEACHING STAFF EMPLOYED IN RESIDENTIAL SPECIAL SCHOOLS

1. Teachers in residential special schools are covered by the appropriate statutory provisions of the School Teachers' Pay and Conditions Document and shall receive salaries and allowances accordingly.
2. The additional allowances described in the following paragraphs are paid to teachers in residential special schools. The rates are set out in the Appendix.

Additional Duties (AD) and Additional Duties Allowance (ADA)

3. ADA recognises those duties which are carried out by residential special school (RSS) teachers over and above the regular duties of teachers in day special schools, or in ordinary primary and secondary schools.
4. ADA shall be payable to classroom teachers for additional duties (AD) as set out below. ADA is not payable to head teachers or to deputy or assistant head teachers.
5. In order that RSS teachers shall enjoy a reasonable measure of free time and private life, the AD worked should not normally exceed 12 hours per week, and shall not exceed a weekly average of 15 hours over the school year. The annual rate of ADA (as agreed from time to time by JNC) is based on a full school year at 15 hours per week; where the actual hours of AD are less, the allowance shall be proportionately reduced.
6. Additional duty, which attracts the additional duty allowance, stands apart from directed time and will not normally be undertaken after the commencement of, and before the end of, a school's timetabled teaching day. Normally, teachers should not be required to commence rostered additional duty immediately after the end of timetabled teaching.

Sleeping-In Duties (SID) and Sleeping-In Duty Allowance (SIDA)

7. When a classroom teacher, resident or non-resident, is rostered for SID, he shall be paid SIDA, the rate for which is revised from time to time by the JNC. (For head teachers and deputy and assistant head teachers, please refer to paragraphs 11 and 13 below).
8. The staffing of the school should be determined so that no teacher has to bear an unreasonable burden of SID.
9. The LA shall seek to ensure that appropriately qualified staffs are available to give sufficient cover of care and supervision throughout the week.

Head teachers' Allowance

10. The headteacher of an RSS shall be paid an annual allowance (HTA) to acknowledge the additional responsibilities of running a residential, as distinct from a day, school. The arrangements for the payment of the allowance are set out in the Appendix.

11. Every head teacher will be expected to undertake the duties and responsibilities of the post, including where appropriate AD and SID. He/she shall not, however, be paid separate ADA or SIDA, such payments being deemed to be included within HTA.

Deputy Head teachers' and Assistant Head teachers' Allowance

12. The deputy head teacher and assistant head teacher shall be paid an annual allowance (DHTA or AHTA) to acknowledge the responsibilities of being deputy head teacher or assistant head teacher of a residential, as distinct from a day, school. The arrangements for the payment of the allowances are set out in the Appendix.
13. Every deputy head teacher and assistant head teacher will be expected to undertake the duties and responsibilities of the post, including where appropriate AD and SID. He/she shall not, however, be paid separate ADA or SIDA, such payments being deemed to be included within DHTA/AHTA. But where, exceptionally, the requirements of a school necessitate that a non-resident deputy head teacher or assistant head teacher comes in to do SID, he/she shall be paid SIDA for each such occasion.

Superannuation of Allowances

14. All allowances provided in Part B of this Report are superannuable.

Charges for meals and accommodation

15. Teachers in residential special schools shall be subject to the same arrangements in respect of charges for meals and accommodation as staff covered by the agreement relating to local government staff.

Appendix to Part B

TEACHERS IN RESIDENTIAL SPECIAL SCHOOLS: ALLOWANCES

Increases in allowances and scales are notified annually by the Joint Secretaries.

1. Additional Duty Allowance

£
1/09/14 8,256

3. Head Teachers and Deputy and Assistant Head Teachers Allowances

3.1 Allowances for resident and non-resident head teachers and deputy and assistant head teachers are determined as follows:

- (1) A banding structure for heads/deputies provides for different allowances to be paid depending on whether the number of residential places represents 0-20 percent of the total number of residents and non-resident places, 21-40 percent of the total, 41-65 percent or over 65 percent.

Residential places as % of total places	0-20%	21-40%	41-65%	over 65%
% of full allowances	37½%	55%	80%	100%

- (2) There is flexibility at local level to pay above the band in which the establishment falls. For example, in a group 3 school where residential places represent 40% of the overall number of places, the residential head could be paid the allowance normally applicable to a group 3 school with 41-65% residential places. This flexibility would be exercised on the basis that there were “special local circumstances”.
- (3) In making an assessment of the number of residential places, regard should be had to the resident/non-resident ratio likely to be applicable on a sustained basis, rather than recognising any short term fluctuation, up or down.
- (4) The assessment should be based on pupils being resident 7 days per week, although allowances should not be discounted for pupils resident for 5 days per week. However, the full allowance should relate to pupils being resident for a “significant part” of the week. A pupil who is resident for one or two days only should be assessed on a pro-rata basis.
- (5) These arrangements are without prejudice to local arrangements which are in place outside the terms of the JNC agreement. This is to take into account any other current local arrangements where a percentage of the JNC allowance is already paid to resident/non-resident heads and deputies. **The JNC’s expectation, however, is that these arrangements will be adopted by employers.**
- (6) The arrangements set out above apply to heads/deputies appointed after the receipt of Joint Education Services Circular No. 112 (JNC

Circular No. 11) dated 21 July 1997 and to Assistant Heads appointed from 1 September 2000 onwards. Heads/deputies appointed before the receipt of JESC No. 112 are protected on the basis of the cash amount of the HTA and DHTA payable on 1 April 1997 until such time as the allowances payable under the above structure overtake this cash amount. **Heads/deputies in establishments in which the number of residential places represents over 65 percent of the total residential and non-residential places are, however, entitled to paid allowances under the above structure.**

- (7) In a number of cases, the revised school group structure applicable from 1 September 2000 (based on pupil numbers and the number of teaching and non-teaching staff) will result in heads and deputies moving up a group. In some cases, however, the new structure may result in a head or deputy moving down a group. **In this case, cash protection on the basis of the allowance applicable as at 31 August 2000 will apply (see JESC No. 122 dated 12 July 2000).**

3.2 Protected allowance arrangements applying to heads and deputies in post before the receipt of JNC Circular No. 11 dated 21 July 1997 (see paragraph 3.1.6 above):

(i) Resident Heads

For resident head teachers appointed in or after 1.4.86 and those in post before 1.4.86 who opted to pay locally determined charges.

Group		
1(s)		10,503
2(s)	10,503	11,148
3(s)	11,148	11,790
4(s)	11,790	12,408

(ii) Other Heads

Group		
1(s)		7,416
2(s)	7,416	8,064
3(s)	8,064	8,703
4(s)	8,703	9,312

(iii) Resident Deputies

Group		
1(s)		8,919
2(s)	8,919	9,474
3(s)	9,474	10,011
4(s)	10,011	10,542

(iv) Non-Resident Deputies

Group		
1(s)		6,309
2(s)	6,309	6,858
3(s)	6,858	7,395

4(s)

7,395

7,926

3.3 **Banding and allowance arrangements for heads, deputies and assistant heads appointed after JNC Circular No. 11 (see paragraph 3.1 above).**

The matrix set out below gives allowances based on the number of resident pupil places as a percentage of the total number of resident and non-resident places

Allowances effective from 1/09/14:

Resident Heads

Group	No. of residential places as percentage of total places			
	0-20%	21%-40%	41%-65%	66%-100%
	£	£	£	£
2(s)	5,936	8,718	12,681	16,218
3(s)	6,485	9,250	13,460	16,827
4(s)	6,810	9,979	14,519	18,152
5 and above	7,162	10,502	15,346	19,094

Other Heads

Group	No. of residential places as percentage of total places			
	0-20%	21%-40%	41%-65%	66%-100%
	£	£	£	£
2(s)	4,200	6,159	8,958	11,199
3(s)	4,562	6,695	9,739	12,167
4(s)	5,024	7,369	10,723	13,403
5 and above	5,271	7,738	11,245	14,052

Resident Deputies

Group	No. of residential places as percentage of total places			
	0-20%	21%-40%	41%-65%	66%-100%
	£	£	£	£
2(s)	5,050	7,407	10,772	13,464
3(s)	5,366	7,861	11,441	14,296
4(s)	5,671	8,315	12,091	15,114
5 and above	5,971	8,748	12,732	15,908

Non-Resident Deputies

Group	No. of residential places as percentage of total places			
	0-20%	21%-40%	41%-65%	66%-100%

	£	£	£	£
2(s)	3,571	5,247	7,620	9,528
3(s)	3,886	5,686	8,282	10,092
4(s)	4,184	6,139	8,932	10,970
5 and above	4,490	6,573	9,565	11,964

Resident Assistant Heads

Group	No. of residential places as percentage of total places			
	0-20%	21%-40%	41%-65%	66%-100%
	£	£	£	£
2	4,162	6,104	8,882	11,104
3	4,416	6,474	9,152	11,777
4	4,769	6,994	10,502	12,703
5 and above	5,013	7,216	10,743	13,365

Non-Resident Assistant Heads

Group	No. of residential places as percentage of total places			
	0-20%	21%-40%	41%-65%	66%-100%
	£	£	£	£
2	2,941	4,312	6,267	7,840
3	3,196	4,686	6,816	8,520
4	3,518	5,156	7,502	9,378
5 and above	3,688	5,414	7,871	9,831

JNC GUIDANCE ON THE APPLICATION OF THE NATIONAL AGREEMENT

SCOPE OF THE REPORT

1. The 2014 Revised Edition of the JNC Report represents the national agreement between the three relevant teacher organisations (the NUT, NASUWT and NAHT) and the local authorities. The JNC recommends all employers of school teachers in residential children's services establishments² (formerly described as residential social services establishments) and residential special schools to adopt the conditions of service set out in the national agreement, by incorporating appropriate references in the contracts of employment and written statements of particulars issued for individual teachers.

FORMAT OF THE AGREEMENT

2. The JNC for Teachers in Residential Establishments agreed in September 2007 that the pay and conditions of service for teachers employed in residential children's services establishments should be brought as close as possible to the pay and conditions arrangements which apply in mainstream schools. It also agreed that, where appropriate, similar considerations should apply to those aspects of pay currently determined by the JNC for teachers employed in residential special schools.
3. With effect from 1 September 2007, therefore, both for teachers employed in residential children's services establishments and for teachers employed in residential special schools, the pay and conditions of service provisions for teaching staff have been the same as those set out in the School Teachers' Pay and Conditions Document (STPCD) and the conditions of service for school teachers in England and Wales (known as the Burgundy Book), except as otherwise provided in this JNC agreement which will set out those provisions on pay and conditions of service which are appropriate to these areas of employment.
4. Managers in residential establishments – in consultation with local authorities – should ensure that the provisions set out in the School Teachers Pay and Conditions Document and the conditions of service for school teachers in England and Wales (the Burgundy Book) are applied sensitively to ensure that the particular operating arrangements in these establishments are taken into account. The JNC recommends that consultation should take place locally with the appropriate recognised unions on this matter.
5. The agreement is divided into separate sections for each main subject for ease of reference. Set out below are the joint secretaries' comments on each section of the Agreement and also on the implications of the deletion of certain provisions which appeared in the Agreement prior to 2007.

² In Wales, local government retains the flexibility to have separate social services departments or to establish integrated children's services. In Wales, references in this document to 'children's services' should be read as 'social services or children's services' depending on the model adopted by the local authority.

CONSTITUTION OF THE COMMITTEE

6. Paragraph 2 of the constitution refers to the scope and functions of the committee in relation to pay and conditions. Paragraphs 3 to 17 deal with matters relating to the conduct and procedure of the JNC.
7. Paragraph 18 provides for either side to be able to refer a dispute to arbitration by ACAS. The JNC is of the view that such a reference should only be made where all attempts at negotiation between the two sides have completely broken down.
8. Paragraph 19 allows teachers who are outside the formal scope of the JNC to have access to the joint secretaries where there is a dispute on the application of pay and conditions. This could apply, for example, where teachers working in outdoor pursuits centres or other boarding establishments have local conditions of service based on the JNC agreement. As is made clear in paragraph 19, however, the joint secretaries' role would not extend beyond advice and conciliation. Neither would the JNC have any role.
9. Paragraph 20 sets out the procedure which is to be followed if either side wishes to propose any amendments to the Constitution.

PART A - PAY AND OTHER CONDITIONS OF TEACHING STAFF EMPLOYED IN RESIDENTIAL CHILDREN'S SERVICES ESTABLISHMENTS

Section 1 - Salaries and allowances

10. Paragraph 1.1 provides that all aspects of the pay provisions of the STPCD applying to teachers in mainstream schools, other than SEN allowances³, apply to teachers employed in residential children's services establishments unless the JNC agreement provides otherwise. Teachers, in the context of the JNC agreement, includes: qualified classroom teachers; leading practitioner teachers; assistant head teachers; deputy head teachers; head teachers; and instructors scales A and B.

Pay Scales and Allowances

11. Annual percentage increases to pay ranges and relevant allowances under the STPCD will apply automatically to the allowances and pay scales set out in Appendix 1 to Section 1 of this agreement which sets out the rates of allowances applicable from 1 September 2014.
12. Although this is no longer mandatory, establishments do have the option to retain defined 6 and 3 point Main and Upper Pay Scales on the Main and Upper Pay Ranges. The JNC has agreed to publish updated versions of the former 6 and 3 point scales in Appendix 2 to Section 1. Defined pay scale points give a degree of certainty to existing teaching staff and potential applicants alike.
13. The process for applying the provisions of the STPCD, including carrying out annual salary assessments and providing salary statements for teachers is the same as in mainstream schools.

³ Under the JNC agreement, the Community Homes Addition fulfils the same role as the SEN allowances in recognising the particular challenges involved in teaching in this sector.

Posts of Responsibility

14. Since 2007, the Agreement has no longer formally maintained the designated “teacher leader” post. The JNC has, however, agreed that where the manager of any establishment is not a teacher, it would be appropriate for the establishment concerned to designate clearly a member of the teaching staff as the “head of teaching and learning” to be responsible for the provision of the education function in the establishment. It will be for each establishment to determine how this post will be recognised in pay terms, whether through payment on a leadership pay scale or an appropriate TLR payment.
15. Residential children’s services establishments may employ teachers as leadership group teachers (heads, deputies and assistant heads) or as leading practitioner teachers if they wish. Where an authority determines that it wishes to employ a teacher as a head teacher, the JNCTRE has agreed that the STPCD provisions for unit totals, head teacher groups and head teacher pay ranges do not apply. The authority should determine an appropriate pay range for that teacher by reference to all permanent responsibilities of the post, challenges specific to the role and all other relevant considerations and the pay of other teachers in the establishment. The STPCD’s provisions with regard to pay progression for head teachers apply unaltered, save that references to head teacher ranges should be read as references to that individual pay range. The STPCD’s provisions relating to pay and progression for deputy and assistant head teachers and leading practitioner teachers apply unaltered to teachers employed as such.
16. Other posts of responsibility may also be paid as leadership group teachers, leading practitioner teachers or via TLR payments.

Pay Portability

17. While establishments are not legally obliged to adopt, within their pay policy, provisions which retain the principle of pay portability for teachers they may choose to do so. Policies may therefore provide that newly appointed teachers will be paid at least at the same pay rate as in their previous employment, and/or that the establishment will honour pay entitlements previously awarded to that teacher for teaching and non-teaching experience or on a performance related basis, and/or that teachers previously paid on the upper pay range or upper pay scale in mainstream schools should continue to be paid on the upper pay range.
18. Residential children’s services establishments may wish to continue to pay teachers on the upper pay range who were previously paid on the upper pay range or upper pay scale in mainstream schools . .

Pay Progression

19. Establishments are advised to consider carefully the criteria which they will use to inform decisions under the STPCD provisions which will require all pay awards to be linked to the appraisal process. In particular, establishments should seek to avoid establishing or using criteria which are more appropriate to the circumstances of the mainstream schools sector, and which do not reflect the circumstances of residential establishments and the nature of work in the sector where students’ prior educational attainment is generally below national averages and students are often in transit. The challenging

circumstances of the sector are such that maintaining effective team working among teachers is of particular importance.

20. It is, therefore, particularly important that decisions about pay progression on the pay ranges are informed by the pay recommendations arising from the appraisal process; and that those pay recommendations in turn are informed only by matters which have been considered and fully discussed as part of the professional dialogue between the appraisee and appraiser. Decisions on progression between the main and upper pay range should also be informed by the appraisal process and recommendations in teachers' appraisal reports.

Recruitment and Retention Payments

21. Given the long-standing difficulties of recruiting and retaining teachers in this sector, some establishments have used the flexibilities available to make additional recruitment and retention payments to staff. Establishments are, therefore, reminded that the previous three-year limit on such payments have now been removed. Instead, establishments are required only to conduct a regular review of such payments. Where such payments are made, establishments are advised to ensure that they are made according to appropriate and clearly defined criteria which they have sought to agree with the teacher unions. Although no new awards for head teachers and other leadership teachers can now be made, existing awards can continue, subject to review, and at their existing value until that teacher moves to new pay arrangements.

Instructors

22. The JNC agreement does not incorporate the unqualified teacher provisions of the STPCD. Paragraph 1.3 says that the starting salary for a teacher placed on the Instructors' scales (Scale A or Scale B) should be "no worse than" the salary point derived from the provisions in the School Teachers' Pay and Conditions Document which relate to unqualified teachers. Since these statutory arrangements allow complete discretion on appointment based on qualifications and experience it follows that the placement of instructors on Scale A or Scale B will be based on the exercise of the authority's discretion.
23. Based on the statutory arrangements, an instructor should progress up Scale A or Scale B by the award of an increment on 1st September each year provided he/she has completed 26 weeks employment in the previous twelve months. This assessment of the period of employment includes periods covered by contracts such as holiday periods and absence from work due to sickness, injury or maternity leave. Absences for any other reason may be counted for incremental purposes at the discretion of the authority.
24. The authority can also award additional points to the instructor on 1st September or any other time. This will not interrupt the payment of normal annual increments.
25. An annual increment may be withheld if the authority determines that service in the previous 12 months has been unsatisfactory and the instructor has been so notified in writing. Any increment withheld may be restored at the time of the award of a subsequent annual increment.

26. Paragraph 1.3 sets out guidelines on who should be appointed to Scales A and B. Scale B will cover instructors who are sufficiently well-qualified to undertake some of the duties which might be appropriate to qualified teachers. While not undervaluing the contributions from unqualified instructors, the JNC is keen to emphasise that where qualified teachers are available they should be appointed to fill teaching posts in residential children's services establishments.

Extraneous duty allowance

27. Paragraph 1.4 sets out provisions for the payment of the Extraneous Duties Allowance (EDA). The annual payment is based on the teacher being rostered to undertake an average of 15 hours per week over the year. These allowances are not normally paid in respect of duties which start after 9.00am or before 5.00pm. The relationship between working time and extraneous duties is explained further in paragraph 45 below.
28. The agreement specifies that once these extraneous duties have been built into an individual teacher's weekly working arrangements then the Extraneous Duties Allowance will continue to be paid during any annual leave or sickness periods. Clearly this would also apply to periods of maternity leave and pregnancy related absences. It may, however, be helpful for an assessment of an establishment's needs to be made on a regular basis, perhaps annually, to determine which teachers will be required to undertake extraneous duties so that these duties are covered on an on-going, and cost-effective, basis. Clearly, where arrangements are changed, appropriate notice should be given to the teachers concerned.
29. There is no definition in the national agreement as to what constitutes "extraneous duties". However, the joint secretaries would recommend that payment of the allowance should be related to:
- a) additional development of pupils related to the curriculum and other specific educational needs, for example supervision of homework, gaining expertise in the use of computers, counselling;
 - b) provision of expertise contributing to the development of individual children e.g. pottery, art, chess, the Duke of Edinburgh Award Scheme, visits to a library;
 - c) the promotion of life skills, for example visits to the cinema, eating out and organised sporting events.
30. The JNC expects managers in residential children's services establishments, in consultation with the local authority, to assess whether any required extraneous duties should be more properly undertaken by members of the support staff team. This assessment should be made in the context of the remodelling agenda, based on the 2003 National Agreement on Raising Standards and Tackling Workload relating to school teachers in mainstream schools. Section 2 of the STPCD sets out the relevant statutory provisions and makes clear that a teacher should not be required routinely to participate in administrative, clerical and organisational tasks which do not call for the exercise of a teacher's professional skills and judgment.

Sleeping-in Duty Allowance

31. The JNC does not have “overtime” rates. Paragraph 1.6 outlines provisions for the payment of the Sleeping-in Duty Allowance. This allowance comprises a flat rate nightly payment which is paid to any teacher who has to “sleep in” and an hourly “disturbance element” which is paid if the teacher has to undertake duties for a period in excess of 30 minutes in any one night. These excess times are aggregated for each calendar month and only complete half hours are paid for.
32. The national arrangements do not apply to teachers who reside in their own accommodation, either on the site of a residential children’s services establishment or off-site and are “called out” to undertake particular duties. Any such arrangements would have to be dealt with locally.
33. As with the Extraneous Duties Allowance, the JNC expects managers in residential children’s services establishments, in consultation with the authority, to assess whether it would be more appropriate to allocate sleeping-in-duties to members of the support staff team in accordance with the remodelling agenda.

Community Homes Addition

34. The Community Homes Addition provided for under paragraph 1.7 is payable to all qualified teachers employed in children’s services establishments.
35. Instructors are only entitled to receive the unqualified rate of the Community Homes Addition where the authority is of the opinion that their duties and responsibilities merit the payment. The joint secretaries’ view is that a decision not to make the payment would be the exception rather than the rule.

Secure Unit Allowance

36. The Secure Unit Allowance provided for in paragraph 1.9 is payable to teachers employed for the whole of their teaching time in designated secure units.

Pay Safeguarding

37. The JNC has agreed that the STPCD’s general three year safeguarding arrangements, applying from 1 January 2006 in mainstream schools, apply from 1 September 2007 to teachers in residential children’s services establishments. It has been agreed that these provisions should apply to all those teachers who are adversely affected by closure or reorganisation on or after 1 September 2007 and who are thereafter re-employed in a residential children’s services establishment either maintained by the same employer or a different employer.
38. The safeguarded salary will include any Community Homes Addition and/or Secure Unit Allowance which applied to the old post. The Community Homes Addition is payable to all qualified teachers working in residential children’s services establishments as of right and it is not intended that this will be paid twice as a result of safeguarding. The safeguarded salary will not include Sleeping-in Duty Allowance which applied to the old post. There will continue to be discretion to include in the safeguarded salary any Extraneous Duties

Allowance which applied to the old post; where this discretion is exercised there will be an expectation that the teacher will be required to undertake extraneous duties commensurate with the level of safeguarding as a condition of continuing to receive this.

Safeguarding in place prior to 1 September 2007

39. The August 2001 and previous editions of the JNC agreement included, at Paragraphs 1.11-1.16 and Section 2 of the August 2001 edition, provisions on safeguarding which no longer appear in the JNC agreement.
40. Those provisions provided safeguarding for heads and deputies and other senior staff previously employed in former approved schools and remand homes and who remained in the same post as they occupied on 31 March 1986. Very few if any teachers remain subject to those provisions and in receipt of safeguarded payments. The JNC therefore agreed to delete those provisions from the national agreement but has, however, agreed that any such teachers should continue to be entitled to receive safeguarded payments in accordance with those provisions.
41. Those provisions also provided general safeguarding for teachers affected by closure or reorganisation prior to 1 September 2007. The JNC has agreed that such teachers should continue to be safeguarded on the basis set out in those provisions.
42. The Joint Secretaries are willing to assist with any difficulties over the calculations in individual cases.

Travelling allowances and disturbance and subsistence allowances

43. The provisions applicable to local government staff in the authority in relation to travelling allowances and disturbance and subsistence allowances should also be applied to teachers in residential children's services establishments.

Section 2 - Conditions of employment and working time arrangements

44. Paragraph 2.1 provides that the arrangements specified in the School Teachers' Pay and Conditions Document for, inter alia, working time, cover and duties and responsibilities and in the conditions of service for school teachers in England and Wales (known as the Burgundy Book) apply to teachers employed in residential children's services establishments unless the JNC agreement provides otherwise. There are, however, no such additional provisions in the Revised Edition of the agreement at present.
45. The provisions of the STPCD dealing with working time, which now apply to teachers in residential children's services establishments, are set out in Section 2 of the STPCD and accompanying statutory guidance is given in Section 3 of the STPCD. The STPCD currently specifies that classroom teachers shall be available for work for 195 days (on 190 of which they may be required to teach pupils as well as carrying out other duties), and for up to 1265 hours, in any school year. The STPCD also deals with entitlements to guaranteed time for planning and preparation for all teachers and to time for headship or management as appropriate; cover obligations; work-life balance; and administrative and clerical tasks.

46. As with pay and allowances, the process for applying the provisions of the STPCD and Burgundy Book to teachers is the same as in mainstream schools. Those managers in residential children's services establishments who are unfamiliar with the arrangements for applying these provisions should consult their colleagues in the local authority who deal with mainstream schools.
47. The JNC has agreed that there need not be any significant change to the working arrangements of establishments or of teachers as a result of the adoption of the STPCD working time provisions. As previously, the JNC advises that working time is normally to be allocated between 9.00 am and 5.00 pm and is to exclude arrangements for extraneous duties. These duties should not be rostered to commence immediately following the end of timetabled teaching.
48. Because term times and closure periods of individual establishments will vary, the provisions for working time will need to be applied flexibly to accommodate these variations. Similarly, although the Burgundy Book notice periods for teachers now apply and include a notional end of term date, it may be appropriate for notice periods to be applied flexibly on a mutually agreed basis to suit the circumstances of the establishments concerned or of the teacher.

Cover

49. The JNC recognises the difficulty, in the context of residential children's services establishments, of arranging supply cover since many supply teachers will not be experienced in dealing with the type of children attending such establishments. For this reason, teachers employed in these establishments are, like their colleagues in mainstream schools, under an obligation to provide cover for absent colleagues, at least for a limited period.
50. However, the JNC asks authorities to take what steps they can to maximise the number of appropriately qualified and experienced supply teachers and also to consider the issue of the provision of cover for absences when determining the staffing complement of the establishment. The JNC endorses the expectation in Part 6 of the STPCD that downward pressure on cover should deliver the objective that teachers should only rarely cover for absent colleagues.

PART B - PAY AND OTHER CONDITIONS OF TEACHING STAFF EMPLOYED IN RESIDENTIAL SPECIAL SCHOOLS

Residential Allowances

51. Part B of the JNC report sets out the residential allowances which apply to heads, deputies and other teachers who work in residential special schools.
52. Paragraph 3 defines the criteria for the award of the additional duties allowance. As in the case of the extraneous duties allowances for teachers in residential children's services establishments, the annual payment is based on the teacher being rostered to undertake an average of 15 hours per week over the year. It is made clear, however, that the additional duties should not normally exceed 12 hours per week. A pro-rata percentage of the annual allowance should be paid in cases where the average is less than 15 hours

per week. The additional duty allowance is not payable to heads, deputy heads and assistant head teachers since it is assumed that the heads', deputies' and assistant heads' allowances applicable to such posts cover all the residential duties which might be expected of a head or deputy.

53. Paragraphs 4-6 set out the provisions relating to the payment of the sleeping-in duty allowance. These are not payable to heads, deputies and assistant heads, with the exception relating to a non-resident deputy or assistant head set out in paragraph 52 below.
54. Paragraphs 7-11 deal with the payment of the heads', deputies' and assistant heads' allowances. The allowances are paid to recognise the additional responsibilities of running a residential, as distinct from a day, school. Paragraph 10 says that where, exceptionally, the requirements of a school necessitate that a non-resident deputy head or assistant head teacher has to come in to undertake sleeping-in duties he/she is entitled to be paid the sleeping-in duty allowance.
55. The Appendix to Part B sets out the current rates of the allowances applicable from 1 September 2014. Paragraph 3 describes in more detail the arrangements for the payment of these allowances following the 1997 JNC agreement which sought to ensure that they would better reflect the relationship between the number of residential and non-residential places in individual establishments. Paragraphs 3.1.6 and 3.1.7 describe the arrangements for cash protection of allowances for leadership group teachers who would otherwise have lost out as a result of the 1997 agreement and for cash protection of allowances for leadership group teachers who would otherwise have lost out as a result of the revised group system introduced from April 2000.

Directed time

56. The STPCD provisions on working time now apply. The specific advice on the relationship between directed time and "additional duty" continues to apply and appear in the JNC agreement.