

## **PAY WALES AGREEMENT YEAR 3 (2005- 06)**

1. This agreement is concluded between fforwm, representing the 23 colleges and 2 FE institutions in Wales, and the Trade Union side representing the staff employed in the sector. It represents the final stage of a three year process which gives effect to the Welsh Assembly Government's FE pay initiative. It builds on the principles and practices established in the negotiations which generated the agreements in Years 1 and 2 and which are recorded in those agreements.
2. This agreement is made in the context of the overall responsibility of FE corporations/governing bodies for setting the framework for pay and conditions of staff in their institutions which therefore will have to agree to the proposals in this agreement to access funding. Both fforwm and the joint trade unions will be recommending this agreement to all FE corporations/governing bodies.
3. This agreement provides for a general cost of living award for all staff for 2005 - 06 as well as concluding a number of matters which were deferred from the Year 2 negotiations: restructuring the pay for business support staff and management grades, distinguishing between the roles of Instructor/Demonstrator and Lecturer in Wales, introducing a new arrangement for the pay of hourly paid lecturers. In addition it implements arrangements for accessing the Upper Pay Spine for lecturers and a system of Performance Management and Review for all teaching staff.
4. fforwm and the trade unions recognise that the introduction and subsequent continuation of progression from Upper Pay Spine 1 (UP1) to UP2 and UP3 depends on the funding made available now and in the longer term by the Welsh Assembly Government . Neither side wants an agreement that leads to pay increases at the expense of jobs.
5. Both sides recognise the significant additional long-term costs of this settlement as a result of incremental drift and of the increasing costs of employers' contributions to pensions and national insurance. Both sides agree that any agreement is subject to funding by the Welsh Assembly Government. Neither side want an agreement that will threaten the financial stability of colleges or lead to job losses.

### **The Cost of Living Award**

6. It is agreed that, following the pattern set for schoolteachers in England and Wales, all staff will receive a cost of living increase of 3.25% for 2005 – 06 in two stages. As for schoolteachers, this two stage increase is not compounded so that rates of pay at 31 March 2005 are increased by a combined total of 3.25%.

7. The first stage of 2.5% takes effect on 1 April 2005 with the balance being paid from 1 August 2005. The next review will be implemented on 1 August 2006.
8. The cost of living award will add **£6.999m** to the FE sector's pay bill.
9. The recommended salary scales for teaching staff are attached as Appendix 1.

### **Business Support Staff**

10. In addition to the cost of living award it has been agreed to set aside a further 1.75% of the business support pay bill to increase the minimum hourly rate and to address anomalies in the business support pay structure prior to undertaking a comprehensive job evaluation exercise for this group of staff.
11. The minimum hourly rate for business support staff will increase to £6.00 per hour with effect from 1 April 2005.
12. The balance of the 1.75% will then be used to resolve anomalies in the business support pay structure with staff being awarded a further increase with effect from 1 August 2005. These measures will add **£1.203m** to the sector's pay bill.
13. It is recognised that additional funding will be required to pay for the cost of undertaking the job evaluation exercise as well as the cost of implementing its results once it has been completed. Subject to funding being made available by the Welsh Assembly Government to pay for its implementation, it is proposed that the new job evaluated grading structure will be introduced on 1 August 2006. It will be the responsibility of each individual college to reach agreement with local trade unions on a grading structure for business support staff which is appropriate to its own circumstances.
14. In order to expedite the completion of the job evaluation exercise it is agreed to use **£234,000** remaining in the overall Year 3 budget to make a contribution towards the cost of acquiring the necessary AoC software, training permanent staff and trade union representatives and employing (and training) sufficient experienced staff on temporary contracts to undertake the job evaluation exercise. It is estimated that these costs could be in the order of **£575,000** in total which includes the £234,000 contribution above.

### **Management Pay Spine**

15. The introduction of a recommended new common pay spine for all FE colleges and institutions in Wales has been agreed as part of the Year 3 settlement. It is attached as Appendix 2.

16. Each college will decide on to which points of the new scale its managers will be transferred having regard to the principles agreed as part of the Year 2 settlement that the objective is to restore differentials and that no manager should be paid less than the staff s/he manage. The cost of transferring managers on to the new scale will not exceed 5% of the management pay bill.
17. As a minimum all managers should be transferred on to the new scale at the point on it which is at least immediately above the value of the annual salary they were paid on 31 March 2005 – see Column a in Appendix 2 - before transferring horizontally across onto the same point on the scale in Columns b and c to receive the cost of living increase. The cost of implementing the new management pay spine will be **£1.631m**.
18. Subject to reaching agreement on the details of a proposal which the Joint Trade Union side will table as soon as possible, fforwm agreed it would recommend to colleges that they adopt a best practice guide to management training. It was also agreed to undertake research in the areas of workload, working time and stress provided funding for this is made available by the Welsh Assembly Government and agreement can be reached on terms of reference.

#### **Instructor/Demonstrator**

19. As part of the Year 2 agreement it was agreed the roles and responsibilities of Instructor/Demonstrators and lecturers needed to be defined more exactly.
20. In the Year 3 negotiations that exercise has been completed and the terms of the agreement are attached as Appendix 3.

#### **Part Time Hourly Paid Lecturers**

21. An agreement covering the pay arrangements for part time lecturers was concluded as part of the Year 2 settlement and recommended to colleges. It is attached as Appendix 4. Owing to lack of funds the implementation of the new arrangement for hourly paid lecturers outlined in Para 3 of that agreement which fforwm recommended colleges should adopt was deferred until 1 August 2005.
22. It is agreed that those colleges which have agreed to implement the new arrangements for hourly paid lecturers will be entitled to draw down funds for part time lecturers as part of the Year 3 settlement. The cost to the sector of implementing these new arrangements will be about **£1.33m**.

## Upper Pay Spine for Lecturers

23. There is no intention on the part of colleges to restrict the number of lecturers who move on to UP2 and UP3. In fact colleges want all eligible lecturers who meet the nationally recognised criteria to be able to progress. Progression will be effective from the agreed implementation date, with appropriate back pay. Where the number of staff eligible to move on to UP2 and UP3 results in a cost which is greater than the funding made available to the college by the Welsh Assembly Government, the trade unions and the college will jointly approach the Welsh Assembly Government for further funding to enable such progression to take place. If such an occasion were to arise, all threshold progression in that college would be subject to further funding being made available.
24. As part of the Year 2 agreement an Upper Pay Spine was established. Lecturers were entitled to be placed on an incremental scale from MG1 – UP1. Agreement on the criteria determining incremental access to UP2 and UP3 was left to the Year 3 negotiations.
25. Both sides also recognise the strong policy steer from the Welsh Assembly Government that colleges should continue to raise standards. The decision of ELWa only to fund provision graded at Estyn grade 3 or above from 2008 (and provision graded at Estyn grade 2 and above by 2010) underlines the importance of a pay system which encourages all staff including lecturers to continue to improve the quality of their performance.
26. Those negotiations have now been concluded, the outcome of which is recommended to colleges. It is proposed there are two ways for lecturers to access incremental points UP2 and UP3: Academic Leadership and Teaching Excellence as evidenced by the nationally agreed Performance Management and Review System.
27. The cost of implementing these arrangements from the 1 April 2006 to 31 July 2006 will be in the order of **£752,282 (full year costs £2.257m)**.

## Academic Leadership

28. Those lecturers appointed to take up academic leadership responsibilities will be able to access UP2 and UP3. Such lecturers, having attained scale point UP2, will be required to serve a further two years on UP2 before having the opportunity of progressing to UP3.

29. Examples of academic leadership responsibilities which are over and above those duties normally carried out by lecturers include the following:
- a) Internal verification leadership
  - b) Mentoring new lecturing staff
  - c) Quality leadership roles
  - d) Significant course leadership roles
  - e) Development of key skills
  - f) Dissemination of good lecturing practice
- 30 The decision on the number of staff who are appointed onto the upper pay spine through Academic Leadership will be made by college managements in consultation with relevant unions. The college will appoint individuals to roles with such responsibilities on the basis of a job description and a person specification for the particular role.

### **Teaching Excellence as evidenced by the Performance Management and Review System**

31. Where applicable, lecturers must have completed 2 years' service at UP1 before having the opportunity to progress to UP2 and a further 2 years' service on UP2 before having the opportunity to progress to UP3. Thus progression on to UP2 and UP3 will not commence before 1 April 2006. Thereafter threshold progression will take effect from 1 August each year. Lecturers will be entitled to make one application in each academic year.

### **Threshold Progression Arrangements for Staff at or above UP1 on 1 April 2006**

32. From 1 April 2006 every college will introduce PMAR, as outlined below, to effect progression of those individuals currently at UP1 or paid above UP1. Threshold progression for this group of staff will be dealt with on an exceptional basis in accordance with Para 33. The criteria against which applications for progression are judged to be successful or not for this group will be robust and in the spirit of the PMAR.
33. At an interview between the reviewer and the lecturer the following will be used as the basis for a decision about whether the lecturer should progress above UP1:
- 33.1 Have been on UP1 or UP2 for at least two years at the time s/he would transfer to UP2 or UP3.
  - 33.2 Any evidence, both written and oral, which will include CPD records, the outcomes of appraisals where they exist and any other evidence relevant to the lecturer's application which demonstrate his/her contribution to the criteria outlined in Para. 35.

33.3 Two assessed teaching observations, using the following Estyn standards:

- Evidence of consistent and effective session planning to meet students' learning needs.
- Evidence of consistent and effective use of a range of appropriate strategies for teaching and learning environment management.
- Evidence of consistent and effective monitoring of student progress and provision of clear and constructive feedback

34. Operational factors may delay the implementation of the PMAR system and therefore delay the assessment of lecturers for progression on to UP2. In such circumstances those lecturers who are eligible to apply for progression on 1 April 2006 will have their applications considered as soon as practicable and not later than 6th November 2006 unless agreed otherwise locally between the Trade Unions and the college management and, if successful, will be paid at the UP2 scale point rate from 1 April 2006.

**Threshold Progression above UP1 for Lecturers demonstrating Teaching Excellence from August 2006**

35. Lecturers able to demonstrate through evidence that they have made a relevant contribution to their college's quality standards through Excellence in Teaching will be eligible for progression. Threshold progression will be determined using the following national criteria:

35.1 Have been on UP1 (or UP2) for at least 2 years at the time s/he would transfer to UP2 (or UP3).

35.2 Two assessed teaching observations, using the following Estyn standards:

- Evidence of consistent and effective session planning to meet students' learning needs.
- Evidence of consistent and effective use of a range of appropriate strategies for teaching and learning environment management.
- Evidence of consistent and effective monitoring of student progress and provision of clear and constructive feedback.

35.3 Successfully achieve targets set through PMAR which can be used to measure the following national criteria

- Lecturer participation in relevant CPD
- The lecturer is able to demonstrate up to date subject knowledge
- The lecturer's professional contribution to student learning and the overall work of his/her department and/or college.

## **36 Appeals Procedure**

### **36.1 Informal Stage**

If, at any stage during planning, managing or reviewing performance, a lecturer wishes to express a concern about the way in which the Threshold through Excellence in Teaching process is being operated, s/he must raise the issue with his/her line manager. A record of the discussion must be made and agreed by both parties.

### **36.2 Formal Stage**

If the issue is not resolved at the informal stage then the individual must provide in writing the nature of their concerns and the resolution s/he seeks. On receipt of the written concerns the college will use its grievance procedure to resolve the matter.

## **Performance Management and Review System (PMAR) for Lecturing Staff**

### **Objectives of PMAR**

37. A successful college is dependent on teams and individuals who are clear about what is expected of their role, who regularly receive feedback on how they are performing and are encouraged to develop their capabilities. As the purpose of the PMAR system is to support and assist teaching staff in their professional development, it will not be used for disciplinary and capability purposes.
38. This PMAR System will be used for all staff employed on the ASL, MG and UP scales but will not be used to determine incremental progression for ASL and MG posts or for incremental progression from MG6 to UP1. It will only be used for the purpose of determining incremental progression from UP1 to UP2 or UP2 to UP3, as part of the Upper Pay Spine Teaching Excellence through Threshold Progression agreement for Further Education Colleges and Institutions in Wales. Appraisal schemes in colleges will be amended appropriately to incorporate the terms of this agreement and the amended schemes will be implemented from 1 August 2006.

39. PMAR must operate within the College Equal Opportunities Policy and consequently be seen to operate fairly and equitably for all those involved. It must be seen as an entitlement for all staff. In particular line managers must be aware of the dangers of stereotyped expectations which result in a biased approach. PMAR should be used positively to promote equal opportunities by encouraging all those involved to fulfil the potential for development. Training will be provided for staff and managers involved in PMAR to ensure they are fully aware of the legislation and College policy that covers equal opportunities and to make certain that direct or indirect discrimination does not occur. The college's Professional Development Committee (or equivalent) should consider fully the Equal Opportunities implications of the allocation of training and development and other resources, resulting from operations of the PMAR system and monitor its developmental outcomes.
40. There are 3 parts to the process: planning, managing and reviewing performance. In the first year of PMAR there will be a requirement for 2 meetings in the course of the annual performance cycle at which the lecturer and reviewer will meet to set targets and a formal review at the end of the year in order to measure performance against the targets set at the start of the year. In subsequent years one meeting will normally be sufficient though further meetings may be agreed to be necessary in individual cases. The reviewer will normally be the lecturer's line manager.

### **Planning Performance**

41. Stage One of the process will involve planning performance. Action plans and targets will be developed around the requirements of team, department and college priorities which are relevant to the lecturer's role. The reviewer and the lecturer will agree the details of the targets, to include learning outcomes where appropriate, set for the next year. There will be a maximum of six targets. The planning performance pro forma will be completed by the reviewer and signed by both parties.
42. If a lecturer has reason to believe that the reviewer allocated to him/her for the purposes of PMAR is unsuitable, s/he will be required to evidence that unsuitability through the college's PMAR appeals procedure. If the grievance is upheld then the college will appoint another reviewer.
43. In order to enhance the performance of lecturers it is expected that PMAR will identify CPD requirements. These will be agreed by both the reviewer and the lecturer and will be funded by the college. If sufficient funding is not available then the lecturer and the reviewer will agree alternative CPD activity and, if necessary, amend the targets.



## **Managing Performance**

44. During the course of the year performance against the agreed targets will be monitored. Subject to agreement between the lecturer and the reviewer this may involve a meeting or more informal arrangements as appropriate. Actions agreed at such meetings will be recorded in the form of notes or in modified action plans by the reviewer.
45. Assessed teaching observation will form part of PMAR and will be undertaken by the reviewer or, where otherwise agreed, an alternative trained peer assessor. These will be carried out during the lecturer's normal timetabled teaching sessions, up to a maximum of three hours in one year. These will also be used to provide evidence for Self Assessment Reports and such other purposes including Inspection Reports, in order to minimise the need to undertake additional observations.
46. In addition to observations, it is anticipated that a minimum of three hours in total per annum within the non-teaching element of contracted hours will be needed to satisfy the other requirements of the PMAR.
47. The reviewer will inform the lecturer in writing, with at least 10 working days' notice, that s/he intends to undertake an assessed teaching observation. A date will be agreed with the lecturer for a pre-meeting to discuss which session will be observed and to ensure that there is sufficient time at the end of the observation session to discuss the feedback.
48. If the lecturer believes that the feedback is unfair or inaccurate, or if the session is not an accurate representation of his/her usual standard of teaching, then it must be recorded on the feedback form. If agreement on that session cannot be reached for such reasons then the lecturer can request a further observation be conducted. Such a request will not be unreasonably refused.
49. Completed teaching observation forms for each lecturer will be held by the reviewer and will remain confidential to the lecturer, reviewer and HR Department, and any others e.g. the Quality Manager, agreed with recognised trade unions as part of the local arrangements covering teaching observations.

## **Reviewing Performance**

50. There will be an annual review meeting between the lecturer and the line manager, or other agreed reviewer, which will use the recorded objectives as a focus to discuss achievements and to identify any development needs. This will include the proposed action, resources available within the college budget, development plan and professional development policy, and the support to be provided.

51. A written review statement will be prepared by the reviewer at the review meeting. This will record the main points made and the conclusions reached, including any identified development needs on a separate annex. If it is not possible to complete the statement at the meeting it must be prepared by the reviewer within 10 working days of the meeting. The lecturer will be provided with a copy and may, within 10 working days of first having access to the copy, add comments in writing. Lecturers are required to complete a self-evaluation form at the end of each year. The self-evaluation form will be used along with other evidence to measure progress made against the agreed targets set at the beginning of the performance cycle. The self-evaluation form is intended to focus the review process but will not form part of the record of the review.
52. Copies of the review statement will be held by
- The lecturer
  - The manager, or specified reviewer
  - The College in a central file which may be used to inform Quality procedures.
53. :All review statements will be kept on the central file for at least three years.
- The training and development needs from the review statement will be copied to the person responsible for continuous professional development

### **Using PMAR to measure Teaching Excellence for Threshold Progression from UP1 to UP2 and UP2 to UP3**

54. Where PMAR is being used to determine Teaching Excellence through Threshold Progression, the lecturer will be required to produce evidence in portfolio form to illustrate s/he has met the nationally agreed criteria and agreed performance targets. In these cases the process for incremental progression from UP1 to UP2 and from UP2 to UP3 will be as outlined in paras 52 – 55.3.
55. At the beginning of the academic year in which a lecturer achieves UP1 on the pay scales, s/he will be informed by letter that s/he will be eligible to apply for Teaching Excellence through Threshold Progression. The letter will include the details of the reviewer allocated to them for the three stages of the process: Planning, Managing and Reviewing Performance. The PMAR process will be used to determine Teaching Excellence through Threshold Progression.

56. All appropriate evidence collected over the relevant period will form the basis of the formal review, which will take place at the end of the two year service period referred to in the Teaching Excellence through Threshold Agreement. At the formal review the lecturer will also be required to produce a portfolio of evidence in support of his/her application that s/he has met the nationally agreed criteria and performance targets.

57. For incremental progression purposes above UP1 learning outcome targets will not be considered.

58. Lecturers able to demonstrate through evidence that they have made a relevant contribution to their college's quality standards through Excellence in Teaching will be eligible for progression. Threshold progression will be determined using the following national criteria:

58.1 Have been on UP1 (or UP2) for at least 2 years at the time s/he would transfer to UP2 (or UP3)

58.2 Two assessed teaching observations, using the following Estyn standards:

- Evidence of consistent and effective session planning to meet students' learning needs
- Evidence of consistent and effective use of a range of appropriate strategies for teaching and learning environment management
- Evidence of consistent and effective monitoring of student progress and provision of clear and constructive feedback

58.3 Successfully achieve targets set through PMAR which can be used to measure the following national criteria:

- Lecturer participation in relevant CPD
- The lecturer is able to demonstrate up to date subject knowledge
- The lecturer's professional contribution to student learning and the overall work of his/her department and/or college.

## Appeals

59.1 Informal Stage

If, at any stage during the planning, managing or reviewing performance, a lecturer wishes to express a concern about the way in which the PMAR is being operated, then s/he must raise that issue with his/her line manager. A record of the discussion must be recorded and agreed by both parties.

59.2 Formal Stage

If the informal stage fails to resolve the concerns, then the individual must provide in writing the nature of their concerns and the resolution they seek. On receipt of the written concerns the college will use the college's grievance procedure to resolve the matter.

**PMAR Developments**

60. This document supersedes all previous documents.

61. This PMAR takes account of, and draws on, guidelines for managing performance set out in the Joint Agreement on Performance Management in Further Education Colleges signed by the Association of Colleges and Trade Unions in July 2004. Those guidelines are attached as Appendix 5 for information.

Signed

On behalf of fforwm

On behalf of the Trade Union side

Dr John Graystone

Margaret Phelan

[NB This document replaces the signed agreement in respect of para 59. This paragraph referred to a working party considering the implementation of Teaching Excellence through Threshold Progression, which would continue to discuss the detail of the PMAR for all staff (ASL1 to UP3) and reach agreement by 31 March 2006. The replacement of this paragraph does not affect the substance of the agreement in any way and is agreed by fforwm and trade unions}

**Jane Davidson AM**

Minister for Education and Lifelong Learning  
Gweinidog dros Addysg a Dysgu Gydol-Oes

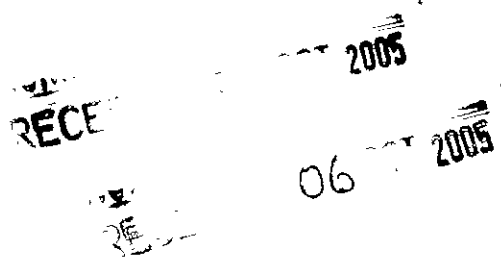


Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

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Our Ref: JD/01013/05  
Your Ref:

Margaret Phelan  
NATFHE Wales Office  
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1 October 2005

*Dear Margaret*

Thank you for your letter of 14 September; I too found our meeting earlier in the month most useful.

The efforts made by fforwm and the trade unions in achieving agreement on the FE Pay Initiative have been very welcome. Excellent progress has been made and I look upon it as a considerable achievement.

I am aware that pay cost pressures make up a significant part of FEIs' expenditure. I note your concerns and also welcome your support for the NPFS which will do much to put providers on the same footing. The Assembly Government has a strong record of investment in education and the recently published budget for 2006 - 07 is no exception. I have paid particular attention to post-16 learning and, in line with the hopes of the ELL Committee, I have prioritised expenditure in this part of my portfolio.


As yet decisions have not been made about the levels of funding which will be made available to FE, LEAs for 6<sup>th</sup> forms, WBL, or adult learning. These will be made as detailed planning proceeds for 2006 - 07 for the new department. Nevertheless with respect to the mechanics, efficiency savings will be applied to high level budgets across the board.



BUDDSODDWR MEWN POBL  
INVESTOR IN PEOPLE

Finally, with regard to the implementation of the FE Pay Agreement, I would reiterate my firm view that, whilst pay and conditions are set by individual FEI Boards of Governors, funding for FE pay will be conditional on them deciding to fully implement the agreement reached.

Yours,

A handwritten signature in black ink, appearing to read 'Jane', with a large, sweeping flourish underneath.

**Jane Davidson AM**  
Minister for Education and Lifelong Learning

**Jane Davidson AM**

Minister for Education and Lifelong Learning  
Gweinidog dros Addysg a Dysgu Gydol Oes



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Margaret Phelan  
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20 June 2003

Dear Margaret

I am writing further to our conversation on 11 June at the Fforwm Annual conference. You asked for my thoughts on the issue of establishment of a threshold and upper pay scale for lecturers in Further Education institutions and criteria for progression on to such a scale, should it be established. My initial feelings are that I would wish to see similar or common arrangements and criteria operating in Further Education institutions to those that apply in the maintained schools sector.

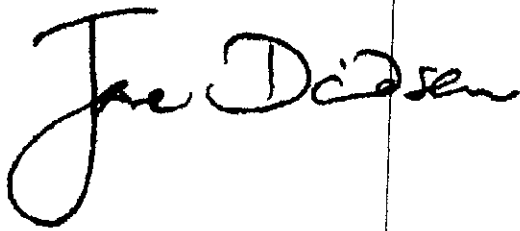
As you will realise, this will impact upon the arrangements that governing bodies make in relation to the pay and progression of the staff that they employ; as such any proposals would have to be made in full consultation with them and relevant representative bodies, as well as with yourselves and other unions.

I would look to college governing bodies and unions coming to a Wales wide voluntary agreement as to progression arrangements.



BUDDSODDWR Mewn Pobl  
INVESTOR IN PEOPLE

I trust that these thoughts are of use to you. My officials will be pleased to enlarge upon them for you, should you wish to pursue this matter further.

A handwritten signature in black ink, reading "Jane Davidson". The signature is written in a cursive style with a large, looping initial "J".

**Jane Davidson AM**  
Minister for Education and Lifelong Learning



RECEIVED 15 JUN 2005



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

**Jane Davidson AM**

Minister for Education and Lifelong Learning  
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Our Ref: MB/JD0633/05

Margaret Phelan  
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12 June 2005

*Deu Margaret,*

It was excellent news that agreement had been reached on Phase II of the FE pay policy, as set out in your letter of 31 January. I am conscious of the underlying detailed work and was pleased to hear that matters had been concluded, paving the way to implementation across Wales. As you know, I attach much importance to the secure delivery of this flagship policy on which Wales is blazing the trail.

I was concerned, however, to note some recent disagreement reported in the press over the implementation of arrangements for hourly paid part-time lecturers' pay. As I understand the position, a relatively small number of colleges have yet to commit to full implementation of the negotiated agreement and this has resulted in frustration and uncertainty as to the eventual outcome.

The hiatus is regrettable because progressive implementation of the pay policy relies upon developing and maintaining a wholly coherent approach across the sector and it is only by bringing current issues to a successful close that it will be possible to clear the way for negotiations to continue towards securing the third and final phase.

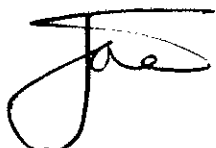
I very much hope that the current difficulty can be resolved speedily and satisfactorily given the overwhelming consensus in favour of the policy and the relatively small sums of money that appear to be associated with the sticking points. I understand that some progress is already being made through careful and patient discussion and I am grateful for the work that is going on behind the scenes.



I should be grateful for a perspective from NATFHE on the latest position.

For information, I have also written to John Graystone of fforwm on this matter, and I have copied this letter to Sheila Drury, Chair of ELWa for information.

Yours,

A handwritten signature in black ink, appearing to read 'Jane', with a large, sweeping flourish at the end.

**Jane Davidson AM**  
Minister for Education and Lifelong Learning