



# THE NATIONAL UNION OF TEACHERS GUIDE TO SOULBURY

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## 1. INTRODUCTION

Local authorities' Soulbury-paid employees are the strategic, non-administrative core of local authorities' education function. They work with schools, local communities and other local authority employees to deliver core Government objectives for school improvement and to co-ordinate education and other children's services.

This briefing gives full guidance on pay, conditions of service and other matters for Soulbury employees and shows why such employees should join, or remain in membership of, the National Union of Teachers.

## 2. WHO IS PAID UNDER SOULBURY?

The Soulbury Report encompasses the following groups of local authority officers:

- educational inspectors and advisors;
- other groups of school improvement professionals such as Key Stage and national strategy consultants;
- educational psychologists; and
- youth and community service officers.

Traditionally, the Soulbury Report covered inspectors and advisers, educational psychologists and youth and community service officers. In 2005, however, the scope of the Soulbury Report was widened to incorporate other and newer groups of school improvement professionals.

The Soulbury structure is also used by various non-local authority bodies which employ staff in related capacities, including educational consultancies, other educational organisations and a range of other voluntary and private sector organisations, including even some leading football clubs.

### **3. WHAT IS THE SOULBURY COMMITTEE?**

The Soulbury Committee - referred to as "Soulbury" throughout this document - is the national negotiating body which determines the national framework of pay and conditions of service for local authority Soulbury-paid officers in England and Wales. Established in 1946, it comprises representatives of the local authority employers' organisations and representatives of trade unions for Soulbury-paid officers.

The pay and conditions framework determined by the Soulbury Committee are set out in the Soulbury Report. In turn, its provisions should be incorporated into the contracts of employment of individual employees.

Until 1987, Soulbury pay scales were directly related and linked to those for school teachers, particularly those for head teachers. That link was, however, severed in 1987 and since then the annual pay increases for Soulbury officers have been determined by collective bargaining in the Soulbury Committee.

### **4. THE NUT AND SOULBURY**

The NUT is the largest teachers' organisation in Europe and has been represented on the Soulbury Committee since it was first established. The NUT is affiliated to the TUC but is not affiliated to any political party, so it can speak freely and independently to the Government on its members' behalf.

The NUT provides the Leader, Secretary and Secretariat to the Officers' Side of the Soulbury Committee responsible for leading negotiations on behalf of Soulbury officers.

The NUT also provides the following specific support for its growing number of Soulbury-paid members:

- a network of experienced and qualified staff, including a practising solicitor, in each of its offices throughout the English regions and in Wales, giving immediate professional and legal advice and support to members in trouble;
- advice and guidance on matters of specific interest to its Soulbury-paid members including a regular Soulbury Digest magazine;
- the NUT Soulbury Advisory Committee, which meets twice a year and advises the Union's national Executive on matters of relevance for Soulbury officers;
- other opportunities for its Soulbury-paid members to meet and discuss matters of concern;
- a highly regarded programme of professional development courses including many relevant to Soulbury officers;
- a range of insurance policies and other benefits; and
- perhaps most importantly, the best means of exerting influence on a wide range of issues of importance to members such as pay, pensions and professional and educational policy matters.

Any fully qualified teacher who takes up Soulbury-paid employment is entitled to remain or join the NUT. Youth and community service officers should join the National Association of Youth and Community Education Officers – NAYCEO – a central affiliated association of the NUT represented directly on the Soulbury Officers' Side.

The National Union of Teachers is proud to be the only trade union and professional representing members in all of the Soulbury- paid groups (including youth service officers via its partnership with NAYCEO).

## 5. WHAT DO SOULBURY OFFICERS DO?

Soulbury-paid officers have a diverse range of responsibilities. Collectively, they make a crucial contribution to the range and quality of local authorities' educational provision. They address key issues for all local authorities including supporting school improvement, providing services to children and young people, promoting good relationships between parents, children and schools, and working with excluded children and those with challenging behaviour.

**Educational Inspectors and Advisers** are recruited from senior and experienced members of the teaching profession. They are key professionals in education. They provide advice and support directly to schools and help schools to reflect upon and improve their performance. Drawing upon the evidence thus acquired, they advise local authorities and other institutions and agencies on a wide range of issues related to school improvement and teaching and learning. They can also help identify problems at an early stage and help to support and initiate change.

**Other School Improvement Professionals** include a wide range of postholders concerned with school improvement issues for whom Soulbury scales are increasingly used. They include literacy, numeracy and other national strategy consultants, key stage consultants and various subject and activity related advisers, and employees engaged in a variety of support services for schools. In those cases where school teachers' pay and conditions are not appropriate or mandatory for such posts, the NUT supports the Soulbury structure as the appropriate structure to be used.

**Educational Psychologists** are an essential element of authorities' assistance to individual children and young people. They work in close liaison with teachers, parents and colleagues from other agencies including in the health and social services fields to provide individual help to children and young people with special educational needs, including statutory assessments for individuals. They also help manage authorities' SEN provision and resources, working with schools and teachers to advise on pupil exclusions, tribunal hearings and other issues.

**Youth and Community Service Officers** manage and organise local authorities' youth and community provision to meet the personal development needs of young people through formal and informal education, and may be concerned with meeting the social, educational and cultural needs of people of all ages. Their professionalism and expertise has in particular enabled authorities to respond to many of the challenges set by the government in relation to young people over the last decade.

## 6. THE SOULBURY WORKFORCE

This information is taken from the most recent Soulbury workforce survey in 2004.

### Size of Workforce

An estimated 7,277 Soulbury staff were employed in local authorities as of 1 April 2004. The total Soulbury staff establishment stood at 7,534 posts. This included:

- 3,961 educational inspectors/advisors;
- 2,647 educational psychologists;
- 669 youth and community service officers; and
- 3,660 other staff paid on Soulbury scales.

### Average full-time salaries (£pa)

Inspectors/Advisers	main £43,015; senior £46,851; principal £52,144
Educational Psychologists	main £36,999; senior £42,930; principal £47,190
Youth Service Officers	main £34,388; senior £36,468; principal £39,920
Literacy Consultants/Advisers	£38,853
Numeracy Consultants/Advisers	£38,794
General/Unspecified Consultants	£38,809
ICT Consultants/Advisers	£37,986

### Gender and Ethnicity

Around 57% of inspectors/advisers, 75% of educational psychologists and 47% of youth and community service officers were female (up from 53%, 69% and 43% respectively in 2002). Overall, around 2% of inspectors/advisers, 6% of educational psychologists and 10% of youth officers were of minority ethnic background.

### Vacancies

Some 74% of authorities responding reported difficulties in recruitment over the previous 12 months; up from 72% in 2002, 46% in 1998 and 43% in 1990. Difficulties were most common in London, the East and West Midlands and Eastern regions, and least common in the North East and Wales. The vacancy levels within local authority Soulbury services were:

- Inspector/Advisers Main Scale 2.7%; Senior 3.3%; Principal 4.7%
- Ed. Psychologists Main Scale 4.4%; Senior 1.5%; Principal 4.3%
- Youth Service Officers Main Scale 1.7%; Senior 2.4%; Principal 0.0%

## 7. WHAT ARE SOULBURY PAY AND CONDITIONS?

### Pay

The Soulbury Report provides three separate sets of pay spines.

- The first is the pay spine for educational inspectors and advisors and other school improvement professionals. The Report specifies normal minimum entry points for main, senior and principal inspectors/advisers on that pay spine. The Report also provides that the pay of other professionals on that spine should reflect the comparable levels of responsibility of those postholders and of other postholders, including advisors, paid on Soulbury scale.

- The second set of spines, for educational psychologists, comprises a single scale (Scale A) for main grade psychologists; a pay spine for senior and principal education psychologists; and a scale for unqualified assistant educational psychologists.
- The third spine applies to youth & community services officers.

Soulbury-paid officers are placed on salary scales of not more than four consecutive points on the relevant pay spine (with the exception of Scale A educational psychologists who have a ten-point incremental scale).

Two additional discretionary points are also available for most Soulbury-paid officers on the basis of performance, additional duties or recruitment/retention.

Finally, a maximum additional three spine points are also available under the Structured Professional Assessment (SPA) system. Progression under the SPA system is subject to local assessment against nationally prescribed criteria. Detailed NUT advice on the SPA system is available separately.

In theory, therefore, a Soulbury officer's pay package could consist of: a four-point scale, plus one or two discretionary points, plus up to three SPA points.

### **Annual Pay Increase Date**

The implementation date for the nationally negotiated annual pay increase for Soulbury officers is 1 September each year.

### **Incremental Dates**

Educational advisers and inspectors, and educational psychologists receive their annual increment on 1 September each year. Youth and community service officers receive their annual increment on 1 April each year.

### **Conditions of Service**

The Soulbury Committee does not set its own specific conditions of service for Soulbury paid officers. Instead, para 10.1 of the Soulbury Report provides that:

*The conditions of service of officers dealt with under this report shall be not less favourable than those prescribed for the local government services staff of the authority.*

The conditions of service of local government workers are set out in the NJC for Local Government Services National Agreement on Pay and Conditions of Service handbook ('the Green Book') and in any local agreements applying to staff of a particular authority.

The key phrase is "shall be not less favourable". In practice, what that means is:

- **Annual Leave** - Local government services staff are entitled to a minimum paid annual leave entitlement of twenty days with a further five days after five years of continuous service. The entitlement as expressed applies to five day working

patterns. The annual leave entitlement of employees leaving or joint an authority is proportionate to their completed service during that leave year. Employees under the local government scheme are also entitled to two extra statutory days holiday; paid leave of absence will also be granted for those undertaking jury service or serving on public bodies or undertaking public duties; and maternity support leave of 5 days with pay shall also be granted to the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. The Union is aware that many Soulbury members have difficulty in taking annual leave during term time and persuaded the local authority employers to advise local authorities not to restrict unreasonably requests for leave from Soulbury officers during term time.

- **Working Time** - The standard local government working week for full-time employees is 37 hours (36 in London). The Union is, of course, aware that Soulbury-paid officers work far longer than the 36/37 hours, with many working into the evenings and, at times, at weekends.

The above provisions might be subject to some local variations.

In terms of other Soulbury conditions of service issues, such as sick pay, maternity pay, leave of absence etc., the local authority provisions as set out in the Green Book apply.

As indicated below, Soulbury-paid officers are entitled to use the appropriate local government service machinery to pursue appeals relating to conditions of service.

### **Pensions**

When taking up employment under Soulbury scales and conditions, Soulbury officers would no longer be entitled to membership of the Teachers' Pension Scheme (TPS). Instead they would automatically begin to contribute to the Local Government Pension Scheme (LGPS) unless they decided to opt out in favour of a personal pension.

**The NUT is not registered with the Financial Services Authority to provide expert or individual financial advice. Members considering the transfer of pension benefits from the TPS to the LGPS will need to seek individual and independent financial advice.**

The NUT's longstanding advice to Soulbury-paid members regarding pensions is that it is likely that Soulbury officers would be better off making pension provision through an occupational pension scheme than through a personal pension. Generally speaking, therefore, members moving to Soulbury employment should consider transferring their benefits to the LGPS, in particular where their salaries will be greater, immediately or at a later date, in real terms than their salaries when leaving teaching.

The LGPS is very similar, although not identical, to the TPS. The key difference between the two schemes has been the "normal pension age". Members of the TPS have been able to claim an unreduced pension at age 60 and current members at 31.12.06 will be able to continue to do so. Under the LGPS, however, the normal pension age for members to claim an unreduced pension is 65. The provisions allowing LGPS members to retire on an unreduced pension, known as the Rule of 85, are currently under review.

The local authority employers are seeking to revoke the Rule of 85 from October 2006 with protection only for to existing LGPS members. LGPS members joining after that date would only be able to retire on an unreduced pension at the age of 65.

Negotiations concerning other proposed changes to the TPS and LGPS are also ongoing. Further information will be posted on the NUT website.

### **Dispute Resolution**

Soulbury-paid officers have recourse to both local and national grading appeals machinery for grading disputes and to other local machinery for other disputes.

Officers can appeal locally in respect of salary grading, using the authority's Soulbury grading appeals machinery (paragraph 14 of the Soulbury Report); in respect of conditions of service, using the appropriate Local Government Services appeals machinery (paragraph 10 of the Soulbury Report); and in respect of an unsuccessful Structured Professional Assessment (SPA), using an authority's local Soulbury SPA appeal machinery (paragraph 7 and Appendix G of the Soulbury Report). Officers can appeal nationally in respect of salary grading, if a local appeal was not successful.

The Soulbury Report also provides the following for Soulbury paid officers:

- a local consultation and facilities agreement (paragraph 11 of the Soulbury Report).
- a model grievance procedure (paragraph 12 of the Soulbury Report).
- a model collective disputes procedure (paragraph 13 of the Soulbury Report).

### **Job Descriptions and Outlines**

The national Soulbury Report includes generic national job outlines and descriptions for Soulbury officers. These are shortly to be revised to reflect changing circumstances and roles. Officers should expect their employing authority to provide them with a job description that broadly matches those found in the Soulbury Report.

The NJC for Local Government Services "Green Book" national agreement includes a national job evaluation scheme. The Soulbury Committee has chosen not to adopt either the local government job evaluation scheme or its own scheme. Formal job evaluation schemes, accordingly, do not apply to an authority's Soulbury-paid staff. The NUT is opposed to the use of such schemes by any local authority.

### **Motor Car Allowances**

Soulbury has adopted the same motor car allowances arrangements for local government service staff as determined by the NJC for Local Government Services.

### **Local Discretions and Flexibilities**

The Soulbury Committee continues to determine national pay and conditions of service for Soulbury-paid staff in England and Wales but has placed increased emphasis in recent agreements upon flexibility and local discretion. Although this is useful to a degree, the NUT believes that the scope and use of local flexibilities and/or discretions should not be unduly extended - local approaches cannot address some rather deep-seated and longstanding problems relating to recruitment, retention and pay.

### **Local Soulbury Joint Consultative Committees**

Local Soulbury Joint Consultative Committees (JCCs) provide an important channel where issues which affect the Soulbury services can be properly discussed and dealt with at local level. Local Soulbury JCCs are commended in paragraph 11 of the Soulbury Report which states:

*The Soulbury Committee recommends to local education authorities' full recognition of those unions and associations represented on the national body. Such recognitions includes the provision of facilities for representatives as accorded to other teaching and non-teaching staff unions and regular consultation with representatives on all questions affecting their conditions of service. The Committee wishes to encourage local agreements on the appropriate form such consultation should take, whether this is by a formal joint committee or by some other explicit and effective means of consultation.*

JCCs provide a mechanism for local discussions and consultations between representatives of the local authority and representatives of Soulbury staff about issues and problems affecting an individual local authority. These complement national negotiations and national agreements.

There may already be a local Soulbury JCC in your authority. In order to help members establish a JCC, the Union has produced a draft model constitution which is available upon request to head office.

### **Continuity of Service**

The following deals with continuing conditions of service entitlements when NUT members enter or leave Soulbury employment.

Where NUT members already in Soulbury-paid employment move into other such posts with other authorities, the provisions of the Soulbury agreement and the Green Book agreement for local government employees generally mean that they do not lose any entitlement to sick pay, maternity pay or annual leave, as their employment with the previous local authority(s) will be counted. Statutory provisions (the 'Modification Order') provides that their employment will be deemed to be continuous for the purposes of redundancy payments, so those payments will be calculated on the basis of all continuous Soulbury-paid service and, indeed, previous continuous service in teaching and other types of local and central government employment as well. To exercise the statutory right to complain of unfair dismissal, however, then it will be necessary to have one year's employment with the new employer.

The same position applies where NUT members are joining Soulbury-paid employment, usually from teaching, for the first time. The Soulbury agreement and Green Book agreements provide that previous continuous local government service, including teaching service, will be counted for sick pay, maternity pay and annual leave purposes, as well as for redundancy payments as noted above. Again, however, it will be necessary to build up one year's employment with the new employer to exercise a statutory right to complain of unfair dismissal.

## 8. CONTINUING PROFESSIONAL DEVELOPMENT

Continuing professional development (CPD) needs to be embedded fully into modern Soulbury services. The NUT is accordingly pleased to report that the Soulbury Committee agreed a national CPD framework for Soulbury officers in 2005.

The national framework is intended to help develop local CPD arrangements that will in turn develop, on a continual basis, the skills of Soulbury officers. The framework recognises that CPD must be related closely to local authorities' development plans and related strategies and to the changing demands on the services provided by Soulbury officers. It takes account of development frameworks including performance management processes and statutory registration requirements set by appropriate professional bodies.

The national framework identifies steps that local employers should take and is accompanied by a "good practice guide" on existing provision in various authorities. The framework now forms part of the Soulbury Report national agreement.

The Soulbury Committee strongly believes that it is in the interests both of Soulbury officers and their employers that an appropriate ongoing programme of continuing professional development exists for all officers. All local authorities should have in place, or implement, a programme which accords fully with the principles set out in the national framework.

## 9. WORK LIFE BALANCE AND WORK-RELATED STRESS

Also in 2005, the Soulbury Committee agreed a statement giving guidance on work life balance and work-related stress. This highlights the need for local authorities to address work-related stress issues and promote a better work life balance. It makes references to a number of documents endorsed by Soulbury as offering appropriate advice and guidance to local employers and includes a set of action points for employers. The guidance is also incorporated into the Soulbury Report as an appendix. Implementation of the guidance will require local authorities to take appropriate action in the form of risk assessments or stress audits among their Soulbury workforce.

## 10. FEEDBACK

If you are a Soulbury-paid member of the NUT, we would welcome feedback on the content of this section of the NUT website. Please contact, by email, either Andrew Morris ([a.morris@nut.org.uk](mailto:a.morris@nut.org.uk)) or Steve Barrett ([s.barrett@nut.org.uk](mailto:s.barrett@nut.org.uk)).