

FREQUENTLY ASKED QUESTIONS - MOVEMENT TO UPS3.

Q. Who is eligible to be considered for progression to UPS3?

A. Teachers who moved to UPS1 from 1 September 2000 or 1 September 2001 and UPS2 from 1 September 2003 are eligible to be considered for movement to UPS3 from 1 September 2005.

Q. Who decides if a teacher should progress to UPS3?

A. The principal makes the decision based on his/her professional judgement of the teacher's performance over the relevant period.

Q. What is the relevant period over which a teacher has to sustain the post-threshold standards?

A. The relevant period is two years service on UPS2 i.e. the 2003-04 and 2004-05 school years. However, teachers who progressed to UPS2 from 1 September 2003 will have had the 2003/04 year taken into account for their UPS2 progression. Two years service means that a teacher must have worked at least 26 weeks in aggregate each year over the relevant period.

Q. What is the effective date from which the UPS3 salary will be paid?

A. The effective date of progression to UPS3 is 1 September 2005 and those teachers considered eligible for progression will be paid at the appropriate rate from this date.

Q. Which teachers are entitled to backpayment from 1 April 2005?

A. Only those teachers who moved to UPS1 in September 2000 and UPS2 in September 2003 and are still in service on or after 1 September 2005 and are considered eligible to progress from this date will be entitled to receive backpayment for the period employed between 1 April 2005 and 31 August 2005.

Q. If a teacher retired from teaching during the 2004-05 school year is s/he eligible to be considered for movement to UPS3?

A. To be eligible for consideration for movement to UPS3 a teacher must be in service on or after 1 September 2005. However, a teacher who retired during 2004/05 school year, who returns to teaching during the 2005/06 school year, may be considered for movement to UPS3.

Q. Are teachers who were absent from school on maternity or sick leave during the relevant period eligible?

A. Yes – both categories are eligible for consideration. The period of absence on maternity leave should be counted for the purpose of the relevant period. In the case of teachers absent from school due to sickness the issue is more complex. Underpinning all progression is the requirement on principals to form a professional judgement on performance **over** the relevant period (two years). Some principals have been asking how many days of sickness they should count as sufficient for this purpose. It is not possible to provide such tabulation. Essentially, a principal needs to satisfy her/himself that his/her ability to form a professional judgement on the performance of the teacher has not been impeded as a result of the teacher's absence due to ill-health over

the previous two years. Principals should apply the same process to teachers in this position as they did to all other teachers.

Q. How should teachers on secondment be dealt with?

A. Most secondments will be from a school to an ELB. If the secondment over the previous two years is split between the Board and the parent school the line manager will need to discuss the teacher's performance with the parent school. If the secondment has been for the whole of the previous two years (the relevant period) the decision rests with the Board. In the case of teachers seconded to other bodies the circumstances in each case will need to be given detailed consideration, including, for example, the nature of the secondment. The underlying principle in such cases will continue to be a professional judgement based on the same fundamental criterion that applies to all teachers.

Q. How should teachers on a career break be dealt with?

A. A career break is a 'voluntary' absence from work and cannot form part of the relevant period. Thus if a teacher who moved to UPS2 in September 2003 went on a career break during 2003-04 and returned to service in September 2004 then the earliest date of movement to UPS3 would be September 2006. If a teacher took a career break during 2004-05 school year the relevant period for the purposes of determining movement would be 2003-04 and 2005-06 thus earliest date of movement to UPS3 would be September 2006.

Q. If a teacher meets the eligibility criteria for UPS3 progression from 1 September 2005 but begins a career break from this date how should they be dealt with?

A. Such a teacher is eligible to progress to UPS3 from 1 September 2005, as they are still employed by the school. Provided they meet the specified criteria for backdating they are also entitled to the backdating to 1 April 2005 for the period they worked between 1 April 2005 and 31 August 2005.

Q. How should a principal deal with a teacher who joined his/her staff from another school in September 2005?

A. The principal will need to consult with the principal(s) of the previous school(s) in which the teacher served.

Q. How should a principal who has taken up post in September 2005 proceed?

A. The principal will still need to make a professional judgement on the performance of teachers in light of whatever information is available, including the original threshold application form. This may include discussion with a vice-principal or another member of staff with management or curricular responsibility for the teacher concerned.

- Q. A teacher is part-time/shared between two schools. Which school should deal with his/her progression?**
- A. The school through which s/he is paid or spends most of his/her time. Decisions on movement, however, should be made following discussion between the two principals concerned.
- Q. I took up post as an acting-principal on 1 September 2004. I went on to UPS2 in September 2003 and would be eligible for UPS3 if I had remained in my substantive post. I am concerned that when I return to my post as classroom teacher I will not be paid at UPS3. What will my position be?**
- A. A teacher in this position is eligible to progress to UPS3 on returning to his/her substantive post. In the case of schools with fully delegated budgets the decision on progression should be made by the Board of Governors. In schools with partially delegated budgets the Board of Governors in consultation with the employing authority should make the decision. Teachers who are in acting-vice- principal posts should be similarly treated.
- Q. I have a temporary/substitute teacher who did 15 days work with me in 2003-04 and 21 days in 2004-05 and s/he has asked me to move her/him to UPS3. S/he moved to UPS2 in September 2003. S/he has not worked in any other school. What do I do?**
- A. This teacher would not appear to have completed the equivalent of two years service i.e. at least 26 weeks aggregated satisfactory service in each year to be counted for the 'relevant period' and could not, therefore, be considered eligible for progression. It is important to check the service record of such teachers to ensure that they are not being treated unfairly.