



HM Government  
of Gibraltar

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**GIBRALTAR  
NASUWT**  
The Teachers' Union



**AGREEMENT ON THE  
TEACHER PAY ADJUSTMENT CLAIM**

Dated the 25<sup>th</sup> day of July 2019

BETWEEN

1) HER MAJESTY'S GOVERNMENT OF GIBRALTAR

2) GIBRALTAR NASUWT

## SECTION 1: THE AGREEMENT

1. The Hon Chief Minister, representing Her Majesty's Government of Gibraltar (HMGOG)

And

The Negotiating Team, representing Gibraltar NASUWT hereinafter referred to as ("the Participants"), recognising the good relationship that exists between the parties, have reached the following Agreement for the settlement of Gibraltar NASUWT's "Teacher Pay Adjustment Claim".

2. The principles that have been agreed are as follows:

- a) Permanent Qualified Teacher Salary Scale Schedule 1

An accountability-driven salary scale that recognises the demands placed on the profession by way of unremunerated hours of work (as highlighted in the Pay Adjustment Claim submitted by Gibraltar NASUWT in June 2018) in addition to the provisions detailed throughout this document.

- b) Non-Permanent Qualified Teacher Rate Schedule 2

The provision of a new Non-Permanent Qualified Teacher Rate for teachers in the supply pool or on fixed-term engagements.

- c) Continuing Professional Development Schedule 3

The incentivisation and recognition of teachers that engage in Continuing Professional Development (CPD). Post-holders will be assessed internally via the Department of Education in relation to meeting CPD criteria that would afford an additional and pensionable 3% payment of base pay.

- d) Accountability Measures and Capabilities Policy Schedule 4

Accountability and capability in the role exercised by Teachers and Senior Leadership Teams underpin these negotiations. With the implementation of the new salary scales and the dissolution of the threshold mechanism and performance management exercise, a new mechanism will be implemented that flags issues of underperformance as well as highlights instances of working to a high standard.

e) 08:30 Entry Model for Schools

Schedule 5

Both parties recognise that is of significant community value for schools to open at 08:30. Furthermore, it is also recognised that adequate supervision of pupils is undertaken as from 08:30 onward.

f) Provision of an additional Midterm Week

Schedule 6

In place of the two Holy Days of Obligation in the school calendar (the Immaculate Conception and Ascension Thursday), it is agreed that schools will have a new midterm break in the Spring Term.

g) Joint Commitment to Tackle Separate Items  
Outside of the Remit of the Pay Adjustment Claim

Schedule 7

HMGOG and Gibraltar NASUWT are committed in tackling issues of importance in relation to Education that go beyond the scope of the Pay Adjustment Claim.



3. Each Participant will take all lawful steps available to it to keep information received or generated in confidence under this Agreement, free from disclosure under any legislative provision, unless the other Participant consents to such disclosure. If it becomes probable that information may have to be disclosed under such provision, immediate notification will be given to the other Participant, prior to information release. The information detailed in this Agreement shall remain strictly confidential.
4. The Participants will not discuss, disclose or communicate in any way with any third parties or in particular representatives of the press, television, radio or other media on any matter concerning this Agreement, unless every Participant to this agreement consents to such communication.

**SECTION 2: SIGNATURES**

5. The foregoing represents the understandings reached between the Participants.

(1) The Hon Chief Minister Fabian Picardo

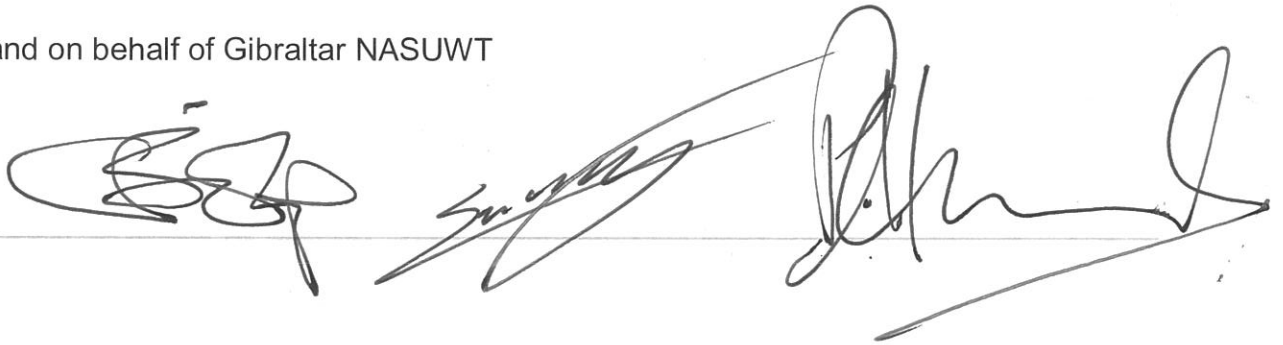
For and on behalf of Her Majesty's Government of Gibraltar



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(2) Negotiating Team representing the interests of Gibraltar NASUWT

For and on behalf of Gibraltar NASUWT



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# SCHEDULE 1.

## QUALIFIED TEACHER SALARY SCALES ON INDEFINITE CONTRACTS

### New salary scales for teachers on indefinite contracts

| New Proposed Grade | Proposed Salary Scales<br>(September 2019) |
|--------------------|--|
| SP1                | £30,771                                    |
| SP2                | £32,309                                    |
| SP3                | £33,925                                    |
| SP4                | £35,621                                    |
| SP5                | £37,402                                    |
| SP6                | £39,272                                    |
| SP7                | £41,236                                    |
| SP8                | £43,298                                    |
| SP9                | £45,463                                    |
| SP10               | £47,736                                    |
| SP11               | £50,123                                    |

The negotiated salary scale for permanent qualified teachers describes a new and accountability-driven salary scale. This new salary scale recognises the demands placed on the profession by way of unremunerated hours of work (as highlighted in the Pay Adjustment Claim submitted by Gibraltar NASUWT in June 2018) in addition to the provisions agreed and detailed throughout the Agreement entered into by Gibraltar NASUWT and HMGOG on the 25<sup>th</sup> day of July 2019.

The model consists of:

- An 11-point Salary Scale commencing at £30,771 (equivalent to the M3 point on the existing qualified teacher salary scale projected for September 2019) and culminating at £50,123 base pay. Each point following the first equates to a 5% increase over the previous point.
- Teachers would progress through the Salary Scale points on an annual basis unless a red flag in relation to their performance was raised following the Accountability procedure detailed in Schedule 4.
- With the introduction of the Accountability mechanism, the previous salary threshold model of scales U1, U2 and U3 and the annual Performance Management exercise would no longer apply.

## Transition from existing salary scale points to new salary scale

| Current Spine Points | Pay Scale as at 01/09/18 | Current Pay Progression | Pay Scale as at 01/09/19 | Proposed Transition | Proposed New Spine Point as from September 01/09/19 | Proposed New Spine Point as from September 01/09/19 |
|----------------------|--------------------------|-------------------------|--------------------------|---------------------|---|---|
| M1                   | £25,852                  |                         | £26,395                  |                     | SP1   | £30,771   |
| M2                   | £27,895                  |                         | £28,481                  |                     | SP2   | £32,309   |
| M3                   | £30,138                  |                         | £30,771                  |                     | SP3   | £33,925   |
| M4                   | £32,459                  | →                       | £33,141                  | →                   | SP4   | £35,621   |
| M5                   | £35,015                  | →                       | £35,750                  | →                   | SP5   | £37,402   |
| M6                   | £37,783                  | →                       | £38,576                  | →                   | SP6   | £39,272   |
| U1                   | £40,932                  | →                       | £41,792                  | →                   | SP7   | £41,236   |
| U2                   | £42,932                  | →                       | £43,340                  | →                   | SP8   | £43,298   |
| U3                   | £44,015                  | →                       | £44,939                  | →                   | SP9   | £45,463   |
|                      |                          |                         |                          | →                   | SP10  | £47,736   |
|                      |                          |                         |                          | →                   | SP11  | £50,123   |

The methodology behind the transition from the existing salary scale points to the new salary scale points are inclusive of a net rise in salary.

Post holders on U3 with at least 20 years' of service discharging a teaching role on the date of the signing of the Agreement will be able to transition onto SP10 (dotted line).

Furthermore, HMGOG commits to respecting existing differentials with other Education roles on the understanding that any particulars relevant to this document, in as much as those particulars that are required to meet the objectives herein, even if not explicitly stated, are also incumbent on them. The effective date of implementation would mirror that of this Agreement.

## **SCHEDULE 2.**

### **NON-PERMANENT QUALIFIED TEACHER RATE**

A non-permanent teacher rate fixed at £28,481 (equivalent to the M2 point on the existing qualified teacher salary scale projected for September 2019), linked to subsequent Public Sector pay rises, considered as non-permanent point 1 (NPP1), will be introduced for all newly qualified teachers entering the fixed-term appointment and supply pool of teachers as from September 2019.

- This rate will apply as a pro-rata throughout the period a non-permanent teacher discharges the role of supply teacher, irrespective of anniversary dates.
- Should a non-permanent teacher secure indefinite employment, they would commence on Point 1 of the new Salary Scale.
- Teachers currently in fixed-term appointments or in the supply pool will not participate in the new conditions of engagement. They will be placed on the nearest point of the new salary scale that offers a progression in salary, where their mechanism of progression up the scale will remain unchanged as per current Department of Education procedure.

## SCHEDULE 3.

### CONTINUING PROFESSIONAL DEVELOPMENT

Continuing Professional Development (CPD) will become a pivotal function for teachers and members of the SLT. Participation in structured CPD activities and meeting CPD targets via criteria established by the Department of Education will attract an additional and pensionable 3% payment of base pay.

#### Salary scales for eligible teachers meeting all CPD targets

| New Proposed Grade | Proposed Salary Scales (Including 2.1% Public Sector Pay Rise) | Conditioned CPD 3% | Salary inclusive of 3% CPD |
|--------------------|--|--------------------|----------------------------|
| SP1                | £30,771  | £923               | £31,694                    |
| SP2                | £32,309  | £969               | £33,279                    |
| SP3                | £33,925  | £1,018             | £34,943                    |
| SP4                | £35,621  | £1,069             | £36,690                    |
| SP5                | £37,402  | £1,122             | £38,524                    |
| SP6                | £39,272  | £1,178             | £40,450                    |
| SP7                | £41,236  | £1,237             | £42,473                    |
| SP8                | £43,298  | £1,299             | £44,597                    |
| SP9                | £45,463  | £1,364             | £46,827                    |
| SP10               | £47,736  | £1,432             | £49,168                    |
| SP11               | £50,123  | £1,504             | £51,626                    |

All teachers on a fixed-term contract will be able to access a non-consolidated payment of 3% Conditioned CPD at the end of the academic year, should they meet CPD targets. This will be paid as a one-off payment.

For teachers in the supply pool engaged following this agreement who have met CPD targets, a one off payment will amount to 3% of the supply rate. As an illustration, in the academic year 2019-2020 the one off payment will be 3% of £28,481 = £854.



Furthermore, in order to improve the prospect of promotion to SLT positions, CPD specific to these roles will be considered as a highly desirable criteria going forward in the first instance, and will be a necessary provision at a time deemed as appropriate by HMGOG and Gibraltar NASUWT. The particulars of these are to be discussed further and defined by HMGOG and Gibraltar NASUWT as part of a wider review of Education recruitment and selection procedures in the near future.

The following considerations on CPD will be observed:

- Budget allocations for CPD funding will be addressed by a 'demand-led' CPD pot in order to facilitate ongoing, robust but relevant CPD opportunities.
- A CPD Policy for teachers will be devised by HMGOG, the Department of Education and Gibraltar NASUWT with the aim to implement by the start of the 2019-2020 academic year, but certainly no later than the autumn midterm break. The policy will be reviewed annually.
- The CPD cycle will commence as from the 1<sup>st</sup> October with the initial 3% payment materialising on the 31<sup>st</sup> October.

In summary, said Policy will include:

- A meaningful series of CPD programmes designed by the Department of Education.
- The availability of different forms of CPD
- CPD to take place during INSET and Working hours where relevant and feasible.
- The coordination of at least two INSET days for sector wide CPD.
- Access to UK based CPD.
- The ability to meet CPD requirements and indeed the fostering of relevant optional tertiary qualifications such as Degrees, Masters, etc.

## SCHEDULE 4.

### ACCOUNTABILITY MEASURES AND CAPABILITIES POLICY

Accountability and capability in the role exercised by teachers and the SLT underpins these negotiations. With the implementation of the new salary scales and the dissolution of the threshold mechanism and performance management exercise, a new mechanism must be on offer that flags issues of underperformance as well as highlight instances of working to a high standard.

Principally, compliance with this accountability mechanism would apply to all teachers irrespective of contractual status and across all levels, inclusive of SLT.

A model that meets this need and is subject to approval by HMGOG and Gibraltar NASUWT will be devised that is fair, transparent, but above all else, robust and uncompromising in pinpointing bad practice and identifying the need to put in place measures that address and resolve these shortcomings.

It will be assumed from the outset that issues of underperformance only affect a minority of teachers and within that minority; the issue can be subdivided into two categories:

- *Teachers underperforming because of personal or professional issues, which prevent them fulfilling their duties competently and reaching their full potential.*

These teachers require support, understanding and a structured programme to help them reach self-efficacy as devised and facilitated by the Department of Education and SLT.

- *Teachers who are underperforming because of poor attitude or work ethic.*

This small minority within a minority must be identified, where poor practices must be addressed effectively for the benefit of teachers, students and parents.

It must be noted that in this group of teachers/SLT, and only when it is determined via a thorough and evidence-based process of accountability measures, progression to the next point in the salary scale and/or access to the 3% CPD may be withheld. This will continue until a period of review is conducted and positive results are obtained by the SLT/Department of Education from an improvement plan in line with the content of the capabilities policy to be devised.

In both the primary and secondary sectors, accountability can be ensured via mechanisms already present in schools and under the remit of SLT, Heads of Department and the Department of Education. Their aim must be to ensure that teachers are completing their records of work and registers by the specified deadlines, are marking work within reasonable timescales, and are adhering to school policies governing homework, reporting and assessment, etc.

Trigger points are necessary to ensure that poor performance is highlighted and addressed swiftly and in an objective and standardised way across the education system. This will ensure that everyone is treated fairly and given the same opportunities to improve their performance regardless of the school they are working in.

Like the present performance management exercise, the new accountability measures should not be linked to individual student assessment results as these can fluctuate from year to year and are largely beyond the control of even the best teacher.

An effective and dynamic capability policy will be devised jointly by the Department of Education and Gibraltar NASUWT. The capability policy will serve to highlight teachers who intentionally or unintentionally are not meeting the desired level of competency in education.

The primary aims of such a policy should be to:

- Provide a clear framework setting out required performance standards;
- Encourage improvement where necessary and address any root causes of poor performance;
- Establish a mechanism for dealing with any initial performance concerns on an informal basis;
- Have in place a formal procedure for dealing with any significant performance concerns or where previous informal discussions have not led to the required improvement.

The content of such a policy will be the subject of further discussion between HMGOG and Gibraltar NASUWT in order to produce a fair and balanced policy that is not aimed at 'policing' the general teaching profession, which is hardworking and dedicated, but to identify development needs and address them in a reasonable way.

A capability policy should not be perceived by teachers/SLT, or subjectively used by the HMGOG as a mechanism for dismissal as is currently the case in many schools in the UK. No external agency is therefore required to ensure the accountability of the teaching profession in Gibraltar.

The capability policy developed by HMGOG and Gibraltar NASUWT will be circulated in draft form among teachers and SLT during a period of consultation to ensure maximum transparency and participation from the teaching profession as a self-regulating body. Proposed amendments and modifications will be invited before the final draft is developed and agreed upon by HMGOG and Gibraltar NASUWT. In addition, the capability policy will be a dynamic document that will undergo annual review to ensure its viability.

## **SCHEDULE 5.**

### **08:30 ENTRY MODEL FOR SCHOOLS**

It is recognised that is of significant community value for schools to open at 08:30. Furthermore, it is also recognised that adequate supervision of pupils is undertaken as from 08:30 onward, based on the needs of the two sectors, namely the primary and secondary sectors.

Subject to an impact study and relevant risk assessments during the summer break, and further to observation of health and safety regulations in order to ensure the safeguarding of children, HMGOG and Gibraltar NASUWT jointly commit to implementing a model that meets this need and has proposed the following:

- Opening schools at 08:30 instead of 08:45.

It is understood that HMGOG will need to undertake the necessary assessments in relation to the opening of the school gates earlier, with the corresponding supervision. On competing said assessments, HMGOG and the Department of Education will work with Gibraltar NASUWT to make the desired and agreed outcome a reality.

## **SCHEDULE 6.**

### **PROVISION OF AN ADDITIONAL MIDTERM WEEK**

It is agreed that in place of the two Holy Days of Obligation in the school calendar (the Immaculate Conception and Ascension Thursday), schools will have a new midterm break in the Spring Term.

Understanding that the Immaculate Conception and Ascension Thursday are Holy Days of Obligation for those of Roman Catholic faith, provision could be made by the schools and Department of Education to organise an optional mass for teachers and students following consultation with the pertinent parties.

## **SCHEDULE 7.**

### **JOINT COMMITMENT TO TACKLE SEPARATE ITEMS OUTSIDE OF THE REMIT OF THE PAY ADJUSTMENT CLAIM**

HMGOG and Gibraltar NASUWT are committed in tackling issues of importance in relation to Education that go beyond the scope of Pay Adjustment Claim.

Items that have been identified include:

#### Bursaries

The introduction of bursaries for specialists in areas where there is a demand is an excellent opportunity to recruit valuable individuals into the teaching profession and will be discussed at the Social Partnership Forum on how best to identify areas where bursaries may boost specialists in a given field. Vocational subjects and specialist subjects in the secondary sector are likely to feature prominently in such an exercise in order to maintain our high level of student attainment. A root and branch exercise may also highlight areas of the primary sector in need of teachers with specialist skills. At this point, Government's solid commitment to explore this exciting possibility alongside the Department of Education and Gibraltar NASUWT is a great step forward in raising standards in education.

#### Periodic Review and Increase in the Complement of Teachers

A periodic review of teacher-student ratios in our schools leading to a managed and sustainable policy for increasing the complement of teachers will bring class sizes down and will undoubtedly improve the level of teaching and learning in our schools as the student population grows. The recent increase in the permanent teacher complement can improve standards if deployed effectively. It can also ensure that non-permanent teachers do not stagnate in the supply pool for years if there are few permanent teachers retiring.

Increasing the complement will not necessarily alleviate teachers of the burden of having to complete tasks outside of working hours (i.e. deep marking of assessment material in the secondary sector) but it will allow teachers to focus their efforts on a lower number of students and thus find it easier to support those finding work challenging, whilst having time to stretch others to improve attainment. The creation of extra classes through engagement of teachers will enhance the learning experience and level of preparation, but will not necessarily reduce teacher workload. Additional guaranteed PPA time in teachers' timetables could be an option to explore on the issue of reduction of workload and work-life balance of teachers between HMGOG and Gibraltar NASUWT. The Social Partnership Forum is the necessary vehicle to progress in these discussions.