

# **ST BARNABAS CATHOLIC ACADEMY TRUST**

## **September 2016 Pay Policy for Schools (Teachers)**

**This policy has been negotiated and agreed with the National Association of Head Teachers (NAHT), the National Union of Teachers (NUT), the Association of Teachers and Lecturers (ATL), the National Association of Schoolmasters and Union of Women Teachers (NASUWT) and the Association of School and College Lecturers (ASCL)**

<b>St Barnabas Catholic Academy Trust Schools</b>
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<b>Date adopted by Executive Trust: 18 October 2016</b>
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### **Participating Schools:**

**The Trinity Catholic School  
St Mary's Catholic Primary School  
St Teresa's Catholic Primary School  
Our Lady of Perpetual Succour**

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## **1. STATEMENT OF INTENT**

- 1.1 The prime statutory duty of governing bodies in England, as set out in paragraph 21(2) of the Education Act 2002 is to “...conduct the school with a view to promoting high standards of educational achievement at the school.” The pay policy is intended to support that statutory duty.
- 1.2 The St Barnabas Catholic Academy Trust (‘the Trust’) will act with integrity, confidentiality, objectivity and honesty in the best interests of the schools; will be open about decisions made and actions taken; and will be prepared to explain decisions and actions to interested persons. Its procedures for determining pay will be consistent with the principles of public life: objectivity, openness and accountability.
- 1.3 The Trust will apply this policy to all teachers: in applying the policy, the Trust must ensure that it is administered fairly and without bias in relation to pay decisions, whether or not there are budget constraints.
- 1.4 The School’s in The Trust will be governed in accordance with the ethos, teachings and practice of the Roman Catholic Church.

## **2. EQUALITIES LEGISLATION**

- 2.1 The Trust will comply with relevant equalities legislation:
  - Employment Relations Act 1999
  - Equality Act 2010
  - Employment Rights Act 1996
  - The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000
  - The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002
  - The Agency Workers Regulations 2010
- 2.2 The Trust will promote equality in all aspects of school life, particularly as regards all decisions on advertising of posts, appointing, promoting and paying teachers, training and development.

## **3. EQUALITIES AND PERFORMANCE RELATED PAY**

- 3.1 The Trust will ensure that its processes are open, transparent and fair. All decisions will be objectively justified. Adjustments will be made to take account of special circumstances, e.g. an absence on maternity or long-term sick leave. The exact adjustments will be made on a case-by-case basis, depending on the individual teacher’s circumstances and the school’s circumstances.

## 4. JOB DESCRIPTIONS

- 4.1 The head teacher will ensure that each teacher is provided with a job description in accordance with the staffing structure agreed by the local governing bodies. Job descriptions may be reviewed from time to time, in consultation with the individual teacher, in order to make reasonable changes in the light of the changing needs of the school. Job descriptions will identify key areas of responsibility. All job descriptions will be reviewed annually as part of the appraisal process.

## 5. ACCESS TO RECORDS

- 5.1 The head teacher will ensure reasonable access for individual teachers to their own employment records.

## 6. APPRAISAL

- 6.1 The Trust will comply with the current “The Education (School Teachers’ Appraisal) (England) Regulations” concerning the appraisal of teachers. Assessment will be based on evidence from a range of sources (see the school’s appraisal policy). Although the school will establish a firm evidence base in relation to the performance of all teachers, there is a responsibility on individual teachers and appraisers to work together. Teachers may also gather any evidence that they deem is appropriate in relation to meeting their objectives, the Teachers’ Standards and any other criteria (i.e. application to be paid on Upper Pay Range) so that such evidence can be taken into account at the review.
- 6.2 The School Improvement Partner will moderate objectives to ensure consistency and fairness; the School Improvement Partner will also moderate performance assessment and initial pay recommendations to ensure consistency and fairness.

## 7. INDIVIDUAL LOCAL GOVERNING BODY OBLIGATIONS

- 7.1 The local governing body will fulfil its obligations to:
- **Teachers:** as set out in the School Teachers’ Pay and Conditions Document (STPCD) and the Conditions of Service for School Teachers in England and Wales (the ‘Burgundy Book’).
  - **Support employees:** the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service (Green Book) or any LA pay/grading system. A separate Pay Policy is provided for support employees.
- 7.2 The local governing body will need to consider any updates necessary to the pay policy and assure themselves that appropriate arrangements for linking appraisal to pay are in place, can be applied consistently and that their pay decisions can be objectively justified.
- 7.3 The local governing body will ensure that it makes funds available to support pay decisions, in accordance with this pay policy (see ‘Procedures’ section 13) and the school’s spending plan.

7.4 The local governing body will monitor the outcomes of pay decisions, including the extent to which different groups of teachers may progress at different rates, ensuring the school's continued compliance with equalities legislation.

## **8. HEAD TEACHER OBLIGATIONS**

8.1 The head teacher will:

- develop clear arrangements for linking appraisal to pay progression and consult with teachers and school union representatives on the appraisal and pay policies;
- submit any updated appraisal and pay policies to the local governing body for approval;
- ensure that effective appraisal arrangements are in place and that any appraisers have the knowledge and skills to apply procedures fairly;
- submit pay recommendations to the local governing body and ensure the governing body has sufficient information upon which to make pay decisions;
- ensure that teachers are informed about decisions reached, and that records are kept of recommendations and decisions made.

## **9. TEACHER OBLIGATIONS**

9.1 A teacher will:

- engage with appraisal – this includes working with their appraiser to ensure that there is a secure evidence base in order for an annual pay determination to be made;
- keep records of their objectives and review them throughout the appraisal process;
- share any evidence they consider relevant with their appraiser;
- ensure they have an annual review of their performance.

## **10. DIFFERENTIALS**

10.1 Appropriate differentials will be created and maintained between posts within the school, recognising accountability and job weight, and the local governing body's need to recruit, retain and motivate sufficient teachers of the required quality at all levels.

## **11. DISCRETIONARY PAY AWARDS**

11.1 Criteria for the use of pay discretions are set out in this policy and discretionary awards of additional pay will only be made in accordance with these criteria.

## **12. SAFEGUARDING OF PAY**

12.1 Where a pay determination leads or may lead to the start of a period of safeguarding, the Trust will comply with the relevant provisions of the current STPCD and will give the required notification as soon as possible and no later than one month after the determination.

## **13. PROCEDURES**

13.1 The local governing bodies will determine the annual pay budget on the recommendation of the pay committee, taking into account the current, relevant paragraph of the STPCD.

13.2 The Trust has delegated its pay powers to the relevant pay committee in each school. Any person employed to work at the school, other than the head teacher, must withdraw from a meeting at which the pay or appraisal of any other employee of the school, is under consideration. The head teacher must withdraw from that part of the meeting where the subject of consideration is his or her own pay. A relevant person must withdraw where there is a conflict of interest or any doubt about his/her ability to act impartially.

13.3 No member of the local governing body who is employed to work in the school shall be eligible for membership of this committee.

13.4 The pay committee will be attended by the head teacher in an advisory capacity. Where the pay committee has invited an external adviser to attend and offer advice on the determination of the head teacher's pay, that person will withdraw at the same time as the head teacher while the committee reaches its decision. Any member of the committee required to withdraw will do so.

13.5 Information on the structure, terms of reference and responsibilities of the pay committee is contained in Appendix 1.

13.6 Reports of the pay committee will be placed in the confidential section of the local governing body's agenda and will either be received or referred back. Reference back may occur only if the pay committee has exceeded its powers under the policy.

## **14. ANNUAL DETERMINATION OF PAY**

14.1 All teachers' salaries, including those of the head, deputy head and assistant head teachers, will be reviewed annually to take effect from 1 September. The local governing body will endeavour to complete teachers' annual pay reviews by 31 October and the head teacher's annual pay review by 31 December. They will, however, complete the process without undue delay.

## **15. NOTIFICATION OF PAY DETERMINATION**

15.1 Decisions will be communicated to each teacher by the head teacher in writing, in accordance with paragraph 3.4 of the current STPCD, and will set out the reasons why decisions have been taken. Decisions on the pay of the head teacher will be

communicated by the pay committee, in writing, in accordance with paragraph 3.4 of the current STPCD. An instruction to amend pay from the relevant date will be issued immediately after the time limit for the lodging of an appeal has passed, or immediately after an appeal has been concluded.

## **16. APPEALS PROCEDURE**

16.1 The local governing body has an appeals procedure in relation to pay in accordance with the provisions of the current STPCD. It is set out as part of Appendix 2 to this pay policy.

## **17. HEAD TEACHER PAY**

17.1 Pay on appointment - for appointments on or after 1 September 2013, the local governing body will determine the pay range to be advertised and agree pay on appointment, taking account of the full role of the head teacher and in accordance with the current STPCD, particularly the relevant paragraphs of the DfE guidance in the current STPCD:

- the pay committee will review the school's head teacher group and the head teacher's Individual School Range (ISR) in accordance with the relevant paragraphs.
- if the head teacher takes on permanent accountability for one or more additional schools, the pay committee will set an ISR in accordance with the relevant paragraphs of the current STPCD.
- the pay committee will exercise its discretion and pay on any of the bottom four points on the ISR, in order to secure the appointment of its preferred candidate.
- the pay committee will consider exercising its discretion to award a discretionary payment, where the local governing body consider the school would have difficulty recruiting to the vacant head teacher post;
- the pay committee will consider the need to award any further discretionary payments to a head teacher in line with the current regulations;
- the pay committee will consider using its discretion, in wholly exceptional circumstances, to exceed the 25% limit on discretionary payments. However, before agreeing to do so, it will seek the agreement of the local governing body which in turn will seek the agreement of the Directors of the Trust and external independent advice before providing such agreement.

17.2 Serving head teachers - The local governing body will determine the salary of a serving head teacher in accordance with the current STPCD.

- the pay committee will review the head teacher's pay in accordance with the regulations in the current STPCD and award up to two performance points where there has been a sustained high quality of performance having regard to the results of the most recent appraisal carried out in accordance with the

current, relevant Appraisal Regulations and any recommendation on pay progression in the head teacher's most recent appraisal report.

- the pay committee may determine the head teacher's pay range within the ISR for the school and, in turn, may review the ISR within the minimum and maximum of the group range for the school, as at 1 September or at any time if they consider it is necessary (see relevant DFE guidance in the current STPCD);
- if the pay committee makes a determination to change the ISR, it will determine the head teacher's ISR within the group range for the school, in accordance with current, relevant DFE guidance in the STPCD;
- if the head teacher takes on temporary accountability for one or more additional schools, the pay committee will consider awarding a discretionary payment under the current, relevant guidance in the STPCD.
- the pay committee will consider the use of discretionary payments, under the current, relevant guidance in the STPCD.
- The pay committee will consider using its discretion, in wholly exceptional circumstances, to exceed the 25% limit on discretionary payments, as set out in the current STPCD. However, before agreeing to do so, it will seek the agreement of the local governing body which in turn will seek external independent advice before providing such agreement.

## **18. DEPUTY/ASSISTANT HEAD TEACHERS**

18.1 Pay on appointment - The local governing body will, when a new appointment needs to be made, determine the pay range to be advertised and agree pay on appointment as follows:

- the pay committee will determine a pay range in accordance under the current, relevant guidance in the STPCD, taking account of the role of the deputy/assistant head teacher set out in the same document.
- the pay committee will record its reasons for the determination of the deputy/assistant head teacher pay range, in accordance with the guidance in the current, relevant STPCD.
- the pay committee will exercise its discretion according to the current edition of the STPCD, and pay any of the bottom three points on deputy head teacher pay range, in order to secure the appointment of its preferred candidate.
- the pay committee will exercise its discretion under the relevant paragraph of the current STPCD where there are recruitment issues.



## 18.2 Serving deputy/assistant head teachers – the pay committee:

- will review pay in accordance with the relevant paragraphs of the current STPCD and award up to two points where there has been sustained high quality of performance having regard to the results of the recent appraisal, and to any recommendation on pay progression recorded in the deputy/assistant head teacher's most recent appraisal report;
- will review and, if necessary, re-determine the deputy/assistant head teacher pay range where there has been a significant change in the responsibilities of the serving deputy/assistant head teacher (with reference to the DfE guidance in the current STPCD);
- may determine the deputy head teacher pay range at any time in accordance with the current DfE guidance in the current STPCD pursuant with the discretionary provisions of that paragraph and to maintain differentials.

## 19. ACTING ALLOWANCES

19.1 Acting allowances are payable to teachers who are assigned and carry out the duties of head, deputy head or assistant head teacher in accordance with the current STPCD. The pay committee will, within a four week period of the commencement of acting duties, determine the level of the allowance, commensurate with the duties covered. In the event of a planned and prolonged absence, an acting allowance will be agreed in advance and paid from the first day of absence.

19.2 Any teacher who carries out the duties of head, deputy head, or assistant head teacher, for a period of four weeks or more, will be paid at an appropriate point of the head teacher's ISR, deputy head teacher range or assistant head teacher range, as determined by the pay committee. Payment will be backdated to the commencement of the duties.

## 20. CLASSROOM TEACHERS

### Pay on appointment

20.1 The local governing body will determine the starting salary of a vacant classroom teacher post on the main pay range or upper pay range, such as the governing body determines, having regard to:

- the requirements of the post;
- any specialist knowledge required for the post;
- the experience required to undertake the specific duties of the post;
- the wider school context.

20.2 The local governing body will, if necessary, use its discretion to award a recruitment incentive benefit to secure the candidate of its choice.

20.3 The Trust undertakes that it will not restrict the pay range advertised, or starting salary and pay progression prospects available, for classroom teacher posts, other than the minimum of the Main Pay Range and the maximum of the Upper Pay Range.

20.4 The Trust will apply the principle of pay portability in making pay determinations for all new appointees as follows:

- (a) When determining the starting pay for a classroom teacher taking up their first appointment as a qualified classroom teacher, the local governing body will pay the teacher on the Main Pay Range and will allocate pay scale points, as a minimum, on the following basis:
- one point for each one year of service as a qualified teacher in a maintained school, Academy, City Technology College or independent school;
  - one point for each one year of service as a qualified teacher in higher education or further education including sixth form colleges, or in countries outside England and Wales in a school in the maintained sector of the country concerned;
  - one point for each three years of non-teaching experience spent working in a relevant area, including industrial or commercial training, time spent working in an occupation relevant to the teacher's work at the school, and experience with children/young people;
  - one point for each three years of other remunerated or unremunerated experience including caring for children during a career break.

The local governing body will also consider the allocation of additional scale points on the above basis to other teachers appointed to the Main or Upper Pay Ranges.

- (b) When determining the starting pay for a classroom teacher who has previously worked in an LA maintained school or academy in England and Wales, the local governing body will pay the teacher on the Main Pay Range or Upper Pay Range at a scale point which at least maintains the teacher's previous pay entitlement plus any pay progression which they would have received had they remained in their previous post.
- (c) The local governing body will also pay classroom teachers who are "post threshold teachers" as defined by the STPCD 2012 on the Upper Pay Range.

**Pay determinations for existing mainscale teachers, effective from 1 September 2013**

20.5 The local governing body will follow the provisions of the relevant STPCD and award a point on the mainscale pay range, unless the teacher has been notified that their service has been unsatisfactory for the previous academic year. The pay committee will normally exercise this discretion only in the context of a formal capability procedure. The pay committee will restore the withheld point at the conclusion of the capability procedure where satisfactory performance has been achieved.

20.6 Where the teacher is subject to the Appraisal Regulations 2012, the pay committee will award one additional point if appropriate to the teacher's performance in the previous 12 months, with regard to the results of the most recent appraisal.

20.7 Where the teacher is not subject to the Appraisal Regulations 2012, the pay committee will award one additional point if appropriate to the teacher's performance in the previous 12 months with regard to all aspects of his/her professional duties and the Teachers' Standards, but in particular classroom teaching.

**Pay determinations for existing main pay range teachers, effective from 1 September 2014**

20.8 The pay committee will use reference points. Appendix 3 contains the full current pay scale for classroom teachers at this school.

20.9 Appraisal objectives will become more challenging as the teacher progresses up the main pay range.

20.10 To move up the main pay range, one annual point at a time, teachers will need to have made good progress towards their objectives and have shown that they are competent in all elements of the Teachers' Standards. The Ofsted framework should also be taken into consideration as part of this process. Good performance should result in pay progression. Reviews will be deemed to be successful unless sufficiently significant concern(s) about standards of performance have been raised in writing with the teacher during the annual performance management/appraisal cycle.

20.11 If the evidence shows that a teacher has exceptional performance, the local governing body will consider the use of its flexibilities to award enhanced pay progression, up to the maximum of £1000. Teaching should be 'outstanding', as defined by Ofsted.

20.12 Judgments will be properly rooted in evidence. As a teacher moves up the main pay range, this evidence should show:

- an increasing positive impact on pupil progress
- an increasing impact on wider outcomes for pupils
- improvements in specific elements of practice identified to the teacher, e.g. behaviour management or lesson planning
- an increasing contribution to the work of the school
- an increasing impact on the effectiveness of colleagues

20.13 Further information, including sources of evidence is contained in the school's appraisal policy.

20.14 The pay committee will be advised by the head teacher in making all such decisions. Any increase (i.e. no movement, one point, more than one point) will

be clearly attributable to the performance of the teacher in question. The pay committee will be able to justify its decisions.

## **21. ROUND 13 APPLICATIONS FOR THRESHOLD**

21.1 If a teacher reached M6 on 1 September 2012 and applies before the 31 October 2013, under Round 13, their applications will be assessed using the STPCD 2012 (paragraph 20), i.e. against the Teachers' Standards and the post-threshold standards, having regard to the most recent appraisal reviews.

## **22. APPLICATIONS TO BE PAID ON THE UPPER PAY RANGE**

22.1 From 1 September 2013, any qualified teacher can apply to be paid on the Upper Pay Range. If a teacher is simultaneously employed at another school(s), they may submit separate applications if they wish to apply to be paid on the UPR in that school(s). This school will not be bound by any pay decision made by another school.

22.2 All applications should include the results of the two most recent appraisals, under the Appraisal Regulations 2012, in this school, including any recommendation on pay. Where such information is not applicable or available, e.g. those returning from maternity or sickness absence, a written statement and summary of evidence designed to demonstrate that the applicant has met the assessment criteria must be submitted by the applicant.

22.3 In order for the assessment to be robust and transparent, it will be an evidence-based process only. Teachers may, therefore, wish to provide additional evidence to support their application. Those teachers who are not subject to the Appraisal Regulations 2012, or who have been absent through sickness, disability or maternity, may cite written evidence from a 3-year period before the date of application in support of their application.

### **Process:**

22.4 One application may be submitted annually. The closing date for applications is normally 31 October each year; however, exceptions will be made in particular circumstances, e.g. those teachers who are on maternity leave or who are currently on sick leave. The process for applications is:

- Complete the school's application form;
- Submit the application form and supporting evidence (where provided) to the head teacher by the cut-off date of 31 October.
- You will receive notification of the name of the assessor of your application within 5 working days;
- The assessor will assess the application, which will include a recommendation to the pay committee of the relevant body - reviews will be deemed to be successful unless sufficiently significant concern(s) about standards of performance have been raised in writing with the teacher during the previous 2 years' annual performance management/appraisal cycles;

- The application, evidence and recommendation will be passed to the head teacher for moderation purposes, if the head teacher is not the assessor;
- The pay committee will make the final decision, advised by the head teacher;
- Teachers will receive written notification of the outcome of their application by *31 December*. Where the application is unsuccessful, the written notification will include the areas where it was felt that the teacher's performance did not satisfy the relevant criteria set out in this policy (see 'Assessment' below).
- If requested, oral feedback which will be provided by the assessor. Oral feedback will be given within 10 school working days of the date of notification of the outcome of the application. Feedback will be given in a positive and encouraging environment and will include advice and support on areas for improvement in order to meet the relevant criteria.
- Successful applicants will move to the minimum of the UPR on 1 September of the following year.
- Unsuccessful applicants can appeal the decision. The appeals process is set out in Appendix 2.

### **Assessment:**

22.5 The teacher will be required to meet the criteria set out in paragraph 17 of the STPCD 2013, namely that:

- the teacher is highly competent in all elements of the relevant standards; and
- the teacher's achievements and contribution to the school are substantial and sustained.

22.6 In this school, this means:

- "highly competent": the teacher's performance is assessed as having excellent depth and breadth of knowledge, skill and understanding of the Teachers' Standards in the particular role they are fulfilling and the context in which they are working.
- "substantial": the teacher's achievements and contribution to the school are significant, not just in raising standards of teaching and learning in their own classroom, or with their own groups of children, but also in making a significant wider contribution to school improvement, which impacts on pupil progress and the effectiveness of colleagues.
- "sustained": the teacher must have had two consecutive successful appraisal reports in this school and have made good progress towards their objectives during this period (see exceptions, e.g. maternity/sick leave, in the introduction to this section). They will have been expected to have shown that their teaching expertise has grown over the relevant period and is consistently good to outstanding, wherever assessed.

22.7 Further information, including information on sources of evidence is contained within the school's appraisal policy.

## **23. UPPER PAY RANGE (UPR)**

### **Pay determinations effective from 1 September 2013**

- 23.1 In accordance with the relevant sections of the STPCD the pay committee will determine that one point be awarded to a teacher on the upper pay spine whose achievements and contribution to the school, throughout the relevant period have been substantial and sustained.
- 23.2 In reaching its decision, the pay committee shall have regard to the results of the teacher's two most recent appraisal reports, including any pay recommendation, when exercising its discretion in accordance with the STPCD.

### **Pay determinations effective from 1 September 2014**

23.3 The pay committee will determine whether there should be any movement on the Upper Pay Range. In making such a determination, it will take into account:

- section 21 of this policy and the criteria set out in the current STPCD;
- the evidence base, which should show that the teacher has had a successful appraisal and has made good progress towards objectives;
- evidence that the teacher has maintained the criteria set out in the relevant paragraph, namely that:
  - the teacher is highly competent in all elements of the relevant standards; and,
  - the teacher's achievements and contribution to the school are substantial and sustained.

The meaning of these criteria is set out in section 22 of this policy entitled, "Applications to be paid on the Upper Pay Range".

23.4 Pay progression on the UPR will be clearly attributable to the performance of the individual teacher. The pay committee will be able to objectively justify its decisions.

23.5 Where it is clear that the evidence shows the teacher has made good progress, i.e. they continue to maintain the criteria set out above (see section 22 'Applications to be Paid on the Upper Pay Range'), and have made good progress towards their objectives, the teacher will move to the appropriate point on the Upper Pay Range; or if already on the mid-point, will move to the top of the Upper Pay Range.

23.6 Where it is clear from the evidence that the teacher's performance is exceptional, in relation to the criteria set out above (see 'Applications to be Paid on the Upper Pay Range'), and where the teacher has met or exceeded their objectives, the pay committee will use its flexibility to decide on enhanced progression from the

minimum to the maximum of UPR. Teaching should be 'outstanding' as defined by Ofsted.

23.7 Further information, including sources of evidence is contained within the school's appraisal policy.

23.8 The pay committee will be advised by the head teacher in making all such decisions.

## **24. LEAD PRACTITIONER ROLES**

24.1 St Barnabas Trust does not intend to offer the role of Lead Practitioner.

### **Pay determinations with effect from 1 September 2014**

## **25. UNQUALIFIED TEACHERS**

### **Pay on appointment**

25.1 The pay committee will pay any unqualified teacher in accordance with relevant paragraph in the current STPCD. The pay committee will determine where a newly appointed unqualified teacher will enter the scale, having regard to any qualifications or experience s/he may have, which they consider to be of value. The pay committee will consider whether it wishes to pay an additional allowance, in accordance with the STPCD.

### **Pay determinations effective from 1 September 2013**

25.2 The local governing body will follow the provisions of the STPCD and award a point on the unqualified teacher scale, unless the teacher has been notified that their service has been unsatisfactory for the previous academic year. The pay committee will normally exercise this discretion only in the context of a formal capability procedure. The pay committee will restore the withheld point at the conclusion of the capability procedure where satisfactory performance has been achieved.

25.3 Where the teacher is subject to the Appraisal Regulations 2012, the pay committee will award one additional point where the teacher's performance in the previous 12 months was excellent having regard to the results of the most recent appraisal.

25.4 Where the teacher is not subject to the Appraisal Regulations 2012, the pay committee will award one additional point where the teacher's performance in the previous school year was excellent, having regard to all aspects of the teacher's professional duties, in particular, classroom teaching.

## **Pay determinations effective from 1 September 2014**

25.5 In order to progress up the unqualified teacher range, unqualified teachers will need to show that they have made good progress towards their objectives.

25.6 If the evidence shows that a teacher has exceptional performance, the local governing body will award enhanced pay progression at their discretion.

25.7 Judgments will be properly rooted in evidence. As unqualified teachers move up the scale, this evidence should show:

- an improvement in teaching skills
- an increasing positive impact on pupil progress
- an increasing impact on wider outcomes for pupils
- improvements in specific elements of practice identified to the teacher
- an increasing contribution to the work of the school
- an increasing impact on the effectiveness of colleagues

25.8 Information on sources of evidence is contained within the school's appraisal policy.

25.9 The pay committee will be advised by the head teacher in making all such decisions. Pay progression on the unqualified teacher range will be clearly attributable to the performance of the individual teacher. The pay committee will be able to objectively justify its decisions.

## **26. TEACHING AND LEARNING RESPONSIBILITY (TLR) PAYMENTS**

26.1 The pay committee may award a TLR to a classroom teacher in accordance with the current STPCD. TLR 1 or 2 will be for clearly defined and sustained additional responsibility in the context of the schools staffing structure for the purpose of ensuring the continued delivery of high quality teaching and learning. All job descriptions will be regularly reviewed and will make clear, if applicable, the responsibility or package of responsibilities for which a TLR is awarded.

26.2 The pay committee may award a TLR3 of between £500 to £2500 for clearly time-limited school improvement projects, or one-off externally driven responsibilities as set out current STPCD. The local governing body will set out in writing to the teacher the duration of the fixed term, and the amount of the award will be paid in monthly instalments. No safeguarding will apply in relation to an award of a TLR3.

## **27. SPECIAL NEEDS ALLOWANCE**

27.1 The pay committee will award an SEN spot value allowance on the relevant range to any classroom teacher who meets the criteria as set out in the current STPCD.



27.2 When deciding on the amount of the allowance to be paid, the local governing body will take into account the structure of the school's SEN provision, whether any mandatory qualifications are required for the post, the qualifications or expertise of the teacher relevant to the post; and the relative demands of the post. The governing body will also establish differential values in relation to SEN roles in the school in order to reflect significant differences in the nature and challenge of the work entailed so that the different payment levels can be objectively justified. The governing body will take account of any relevant paragraphs of the DfE guidance in the STPCD.

## **28. SUPPORT EMPLOYEES**

28.1 The pay committee notes its powers to determine the pay of support employees in accordance with paragraph 17 and 29 of the School Staffing (England) Regulations 2009 and Chapter 7 of the associated guidance. The pay committee will review the pay and grade of support employees on appointment in accordance with the NJC pay scales. The appeals process is set out in Appendix 2 of this policy.

## **29. PART-TIME TEACHERS**

29.1 The local governing body will apply the provisions of the Document in relation to part-time teachers' pay and working time, in accordance with the current STPCD and the relevant paragraphs of the DfE guidance of the STPCD..

29.2 It is the head teacher and governing body's intention that part-time employees will be treated no less favourably than a full-time comparator.

## **30. TEACHERS EMPLOYED ON A SHORT NOTICE BASIS**

30.1 Such teachers will be paid in accordance with the relevant paragraph of the STPCD.

## **31. RESIDENTIAL DUTIES**

31.1 The pay committee will take account of agreements reached in the National Joint Council for Teachers in Residential Establishments in determining payments for residential duties.

## **32. ADDITIONAL PAYMENTS**

32.1 In accordance with the current STPCD, the relevant body may make payments as they see fit to a teacher, including a head teacher in respect of:

- continuing professional development undertaken outside the school day;
- activities relating to the provision of initial teacher training as part of the ordinary conduct of the school;
- participation in out-of-school hours learning activity agreed between the teacher and the head teacher or, in the case of the head teacher, between the head teacher and the relevant body;

- additional responsibilities and activities due to, or in respect of, the provisions of services by the head teacher relating to the raising of educational standards to one or more additional schools.

32.2 The pay committee will make additional payments to teachers in accordance with the provisions of the relevant paragraph the current STPCD where advised by the head teacher.

32.3 Payment will be calculated on a daily basis at 1/195<sup>th</sup> of the teacher's actual salary.

### **33. RECRUITMENT AND RETENTION INCENTIVE BENEFITS**

33.1 The local governing body can award lump sum payments, periodic payments, or provide other financial assistance, support or benefits for a recruitment or retention incentive with reference to the relevant paragraph and the DfE guidance in the current STPCD.

33.2 The pay committee will consider exercising its powers where they consider it is appropriate to do so in order to recruit or retain relevant employees. It will make clear at the outset, in writing, the expected duration of any such incentive or benefit, and the review date after which they may be withdrawn.

33.3 The Trust will, nevertheless, conduct an annual formal review of all such awards.

33.4 In relation to a head teacher, any 'additional payments' under this section will form part of the 25% limit on the use of all discretions, unless the local governing body choose to use the 'wholly exceptional circumstances' discretion. The local governing body will not award a recruitment or retention payment if they have already made an award under any other arrangements.

### **34. SALARY SACRIFICE ARRANGEMENTS**

34.1 Where the employer operates a salary sacrifice arrangement, a teacher may participate in any arrangement and his gross salary shall be reduced accordingly, in accordance with the reference to the current relevant paragraph of the STPCD.

# Appendix 1

## THE PAY COMMITTEE

### 1. Establishing the Pay Committee

- 1.1 The local governing body shall establish a Pay Committee every year as part of its sub-committee structure.
- 1.2 The Pay Committee shall have fully delegated powers to consider and decide all matters relating to employees' pay in accordance with the relevant legislation and guidance, and in accordance with relevant School policies and in accordance with The School Governance (Procedures) (England) Regulations 2003 SI No. 2003/1377 as amended.
- 1.3 The Pay Committee shall consist of governors elected annually by a quorate meeting of the full local governing body, together with the head teacher, or their representative, in an advisory capacity.
- 1.4 A quorum for the Pay Committee shall be a minimum of 3 governors.
- 1.5 If the Pay Committee loses a member or finds itself in difficulty over maintaining a quorum, the Full Body may appoint, at a quorate meeting, appropriate new members to the Pay Committee at any time of the year.
- 1.6 No person employed to work at the School, or anyone closely related to such a person, shall be eligible to serve on the Pay Committee other than the head teacher in the capacity described above.
- 1.7 No governor may serve on the Pay Committee and the Appeals Committee.
- 1.8 No governor may serve on the Appeals Committee and be responsible for performance management.
- 1.9 The Pay Committee may invite other persons to serve in an advisory capacity should they deem it necessary to support the discharge of their responsibility in respect of certain tasks.
- 1.10 The Pay Committee shall be advised by the governors responsible for performance management when considering the head teacher's pay and any prospective movement along the pay spine.
- 1.11 The Pay Committee shall communicate details of all processes relating to specific pay issues to all employees, in writing, in an appropriate manner, and communicate in writing all decisions relating to the pay of individual employees to those individuals privately and personally

## **2. Terms of Reference**

2.1 The terms of reference for the pay committee will be determined from time to time by the local governing body. The current terms of reference are:

- to achieve the aims of the whole school pay policy in a fair and equal manner;
- to apply the criteria set by the whole school pay policy in determining the pay of each employee at the annual review;
- to observe all statutory and contractual obligations;
- to minute clearly the reasons for all decisions and report the fact of these decisions to the next meeting of the full local governing body;
- to recommend to the local governing body the annual budget needed for pay, bearing in mind the need to ensure the availability of monies to support any exercise of pay discretion;
- to keep abreast of relevant developments and to advise the local governing body when the school's pay policy needs to be revised;
- to work with the head teacher in ensuring that the local governing body complies with the Appraisal Regulations 2012 (teachers).

## **3. The Role of the Pay Committee**

3.1 The Pay Committee shall:

(i) Apply the School Pay Policy on behalf of the local governing body and ensure compliance with statutory obligations in respect of pay and conditions of service related to pay;

(ii) Review the pay of all teachers annually;

(iii) Ensure that job descriptions are provided for all teachers;

(iv) Ensure that every teachers' salary is reviewed with effect from 1 September and no later than 31 October (except in the case of the head teacher) each year;

(v) Provide an Annual Pay Statement for all teachers based upon their situation on September 1<sup>st</sup> and issued before October 31<sup>st</sup>. Model pay statements can be found on the following link:

<http://www.education.gov.uk/schools/careers/payandpensions/a0064179/school-teachers-pay-and-conditions-document-2012>;

(vi) Provide an interim Pay Statement for any teachers whose situation changes during the year;

(vii) Where a pay determination leads or may lead to the start of a period of safeguarding, give the required notification as soon as possible and no longer than one month after the date of determination;

(viii) Consider and make decisions relating to the levels of pay associated with specific posts, including both existing posts through the process of annual review and any new posts proposed by the head teacher;

(ix) Receive recommendations from the governors responsible for performance management in respect of the head teacher's performance pay review;

(x) Receive recommendations from the head teacher in respect of all other's performance pay reviews including Threshold Assessment;

(xii) Hear and consider any representations from teachers regarding pay related decisions prior to a formal appeal

#### **4. The Pay Committee and the Annual Pay Review**

4.1 In conducting the Annual Pay Review the Pay Committee shall:

(i) Publish the date of the Annual Pay Review meeting to all teachers at least 10 working days before the meeting;

(ii) Inform all teachers of the process to be followed by any employee wishing to make representations to the Annual Pay Review to view the ISR and the pay ranges for other members of the Leadership Team;

(iii) Communicate in writing decisions in respect of any representations considered in the Annual Pay Review to the teacher making the representation;

(iv) Inform the Finance Committee of any budgetary implications of the outcomes of the Annual Pay Review

#### **5. Appeals**

5.1 The arrangements for considering appeals shall be as follows:

(i) The Trust shall establish annually, at a quorate meeting of the Board of Directors, an Appeals Committee consisting of governors who are not on either the Pay Committee or responsible for performance management. The quorum for the Appeals Committee shall be 3. The Appeals Committee has fully delegated powers to adjudicate appeals related to pay and conditions of service relating to pay;

(ii) An employee may seek a review of any determination in relation to their pay or any other decision taken by the local governing body, or a committee or individual acting with delegated authority, that affects their pay.

The following list includes the usual reasons for seeking a review of a pay determination:

- incorrect application of any provision of any relevant policy or regulation, including statutory policies, regulations and guidance and any policies of the Trust
  - failure to take account of relevant evidence
  - taking account of irrelevant or inaccurate evidence
  - bias
  - discrimination
- (This list neither exclusive nor exhaustive)

5.2 The order of proceedings shall be as follows:

(i) the employee receives written confirmation of the pay determination and where applicable the basis on which the decision was made;

(ii) if not satisfied, the employee seeks to resolve the matter informally with the decision-maker within 10 working days of the decision. If this is impractical the employee may move directly to step (iii);

(iii) the employee should set down in writing the grounds for questioning the pay decision and send it to the person or committee who made the determination, within 10 working days of the notification of the decision being appealed against, or of the outcome of the discussion referred to in (ii);

(iv) the committee or person who made the determination should provide a hearing within 10 working days of receipt of the written grounds for questioning the pay decision, to consider this submission, and to provide the employee with an opportunity to make representations in person. Following the hearing the employee should be informed in writing of the decision and the right to appeal;

(v) an appeal against the original determination will normally be heard within 28 working days of the written appeal notification. The employee will be told of their right to be accompanied by a Trade Union representative or a work colleague.

5.3 The appeal shall follow the agreed appeals procedure outlined in Appendix 2.

## Appendix 2

### MODEL APPEALS PROCEDURE

- 1.1 The School Teachers' Pay and Conditions Document ("the Document") requires schools and local authorities to have a pay policy in place that sets out the basis on which teachers' pay is determined and the procedures for handling appeals.
- 1.2 As part of the overall appraisal process, a pay recommendation is made by the appraiser/reviewer (normally the line manager) and discussed with the teacher at the Review Meeting prior to being submitted to the school's Pay Committee or relevant decision-making body. Written details of and the reasons for the pay recommendation will be given to the teacher.
- 1.3 At this particular stage of the pay determination process, if the teacher wishes to better understand the rationale for the pay recommendation or bring any further evidence to the attention of the appraiser/reviewer, they should be given the opportunity to do so before the final pay recommendation is drafted in the appraisal report. The nature of any subsequent appraisal and pay discussion will be informal and therefore representation (on either side) is not necessary nor would it be appropriate. At the conclusion of any further discussion, the pay recommendation may be adjusted or it may remain the same; the appraisal report will be updated to reflect the discussion.
- 1.4 If a teacher believes that the final pay recommendation falls short of their expectations and they wish to seek a further review of the information that affects their pay, they may wish to formally appeal against the decision, utilising the formal Appeal Hearing Procedure. The school's HR advisor can provide further advice on managing appeals.

## **2. APPEAL HEARING PROCEDURE**

- 2.1 It is the intention that the Appeals Procedure will be dealt with promptly, thoroughly and impartially.

### **2.2 Guidance**

- 2.2.1 When a teacher feels that a pay decision is incorrect or unjust, they may appeal against that decision, especially when there is new evidence to consider.
- 2.2.2 Teachers/head teachers should put their appeal in writing to either the head teacher or the local governing body; their appeal should include sufficient details of its basis.
- 2.2.3 Appeals should be heard without unreasonable delay and at an agreed date, time and place.

2.2.4 Employees have a statutory right to be accompanied at any stage of an appeal hearing by a companion who may be either a work colleague or a trade union representative.

### **2.3 Appeal Procedure Steps: Informal Stage**

2.3.1 As part of the pay determination process, the line manager (“the recommendation provider”) will make a recommendation to the “the decision maker” (the person/s or committee responsible for approving the pay recommendation) supported by relevant assessment evidence. On determining a teacher’s pay, “the decision maker” will write to the teacher advising them of the pay decision, the reasons for it and will, at the same time, confirm their right to appeal the decision to “the decision maker”.

2.3.2 If the teacher wishes to appeal the decision, they must do so in writing to “the decision maker”, normally with 10 school working days or within a mutually agreed alternative timescale. The appeal must include a statement, in sufficient detail, of the grounds of the appeal. In the event that an initial appeal is raised, “the decision maker” must then arrange to meet the teacher to discuss the appeal. “The recommendation provider” should also be invited to the meeting to clarify the basis for the original recommendation.

2.3.3 “The decision maker” will reconsider the decision in private and write to the teacher to notify them of the outcome of the review and of the teacher’s right of appeal to the local governing body. If the teacher wishes to exercise their right of appeal, they must write to the Clerk of the local governing body at the earliest opportunity and normally within 10 school working days, including a statement of the grounds of the appeal and sufficient details of the facts on which they will rely.

2.3.4 This will invoke the Formal Stage of the Appeal Procedure.

### **2.4 Appeal Procedure Steps: Formal Stage**

2.4.1 On receipt of the written appeal, the Clerk to the local governing body will establish an Appeal Committee that should consist of three governors, none of whom are employees in the school or have been previously involved in the relevant pay determination process, and convene a meeting of the Appeal Committee at the earliest opportunity and no later than 20 school working days of the date on which the written appeal was received. Both “the recommendation provider” and “the decision maker” will be required to attend the meeting.

2.4.2 The Chair of the Appeal Committee will invite the employee to set out their case. Both “the recommendation maker” and “the decision maker” will also be asked to take the committee through the procedures that were observed in their part of the pay determination process.

2.4.3 Following the conclusion of representations by all relevant parties, the Appeal Committee will then consider all the evidence in private and reach a decision. The Appeal Committee will write to the teacher notifying them of their decision and the reasons for it. Other attendees at the meeting will also be notified of the decision. The decision of the Appeal Committee is final.



## **2.5 The Modified Procedure**

2.5.1 There will be no entitlement to invoke the appeal procedure in relation to a pay decision if the teacher has left the employment of the school.

2.5.2 Where a teacher has, whilst employed at the school, lodged an appeal against a pay decision but has then subsequently left the school's employment before any appeal hearing is held, the following steps will be observed:

- i) The teacher must have set out details of their appeal in writing;
- ii) The teacher must have sent a copy of their appeal to the Chair of the local governing body;
- iii) The Chair of the local governing body will consult with relevant school personnel and provide the teacher with an appropriate written response on behalf of the school.