

Model School Pay Policy 2010 – 2011

Providing a clear framework to assist Governing Bodies in establishing a Pay Policy at their school

It is a statutory requirement for schools to have in place a School Pay Policy, which sets out the basis on which pay decisions are made for teachers, and an Appeals Procedure to deal with pay disputes

Key points:

- This draft Model Pay Policy for Schools policy provides updates reflecting the September 2010 changes to teachers' pay and conditions.
- It recommends a structure for schools to follow and covers all key areas of pay discretion that schools need to consider.
- Its purpose is to allow Governing Bodies to understand the statutory and discretionary process for financially rewarding the teachers at their school, and to establish committees to make fair and equitable decisions on pay

The statutory wording in this policy reflects the School Teachers' Pay & Conditions Document (STPCD) 2010, which was on consulted on widely with the main teaching unions and employers' organisations.

The guidance in this policy reflects STPCD and Local Authority wording.

CONTENTS:

	Page no.
Section 1: <u>Introduction</u>	5
Section 2: <u>Basic Principles</u>	6
Section 3: <u>Timing of salary determination and notification</u>	7
Section 4: <u>Pay committee</u>	8
Section 5: <u>Appeals</u>	8
Section 6: <u>Schools Group / Individual School Range (ISR) / Pay of the highest paid teacher</u> - School Group - Individual Schools Range (ISR) - Establishing the pay of the highest paid teacher	10
Section 7: <u>Leadership group pay</u> - Pay Range for Headteachers - New Headteacher - Headteacher accountable for more than one school - Extended services - Pay Range for Deputy Headteachers and Assistant Headteachers - New Deputy and Assistant Headteacher	10
Section 8: <u>Pay Range for Excellent Teachers and Advanced Skills Teachers (AST)</u> - Pay range for ASTs - Pay Range for Excellent Teachers	15
Section 9: <u>Pay of Upper Pay Scale and Main Scale Teachers</u> - Upper Pay Scale (post-threshold) teachers - Main scale teachers	16
Section 10: <u>Mandatory and Discretionary Points on Appointment – Classroom Teachers</u> Mandatory points Discretionary points	16
Section 11: <u>Pay of part-time teachers</u>	16
Section 12: <u>Short notice/supply teacher</u>	17
Section 13: <u>Unqualified Teachers</u>	19

- Unqualified teachers' pay
- Unqualified teachers' allowance
- Unqualified teacher who becomes qualified

Section 14: Leadership group staff stepping down to Upper Pay Spine (also applies to VI Form College professional standards, teachers in Academy or non-maintained schools)	20
Section 15: <u>Pay Progression</u>	20
<ul style="list-style-type: none"> -Headteachers -Deputy Headteachers and Assistant Headteachers -Advanced Skills Teachers (ASTs) -Excellent Teachers -Upper Pay Scale (Post Threshold) Teachers -Threshold Assessment -Classroom Teachers (Main Scale) -Unqualified Teachers 	
Section 16: <u>Discretionary allowances and payments</u>	26
<ul style="list-style-type: none"> -Teaching and Learning Responsibility Payments (TLRs) -Special educational needs allowance (SEN) 	
Section 17: <u>Other Payments</u>	29
<ul style="list-style-type: none"> - One-to-One Tuition -Continuing Professional Development -Initial teacher training activities -Out-of-school learning activities - Provision of services by the Headteacher - Performance payments to seconded teachers -Recruitment and Retention Incentives and Benefits - Retention Payments to Headteachers -Residential duties -Honoraria - Safeguarded pay/allowances 	
Section 18: <u>Framework for support staff pay policy</u>	33
<ul style="list-style-type: none"> -General -Grading of Support Staff Posts -Salary on Appointment -Incremental Progression -Withholding Incremental Progression 	
Appendix 1: Guidance Notes – Award of Retention Payment to Headteacher	36

Appendix 2: <u>Model for school pay committee</u>	40
Appendix 3: <u>Procedure for hearing grading appeals</u>	43
Appendix 4: <u>Procedure for hearing teacher pay appeals</u>	47
Appendix 5: <u>Procedure for hearing Headteacher pay appeal</u>	51

SCHOOL PAY POLICY FOR SCHOOL TEACHERS' PAY

1 SEPTEMBER 2010 TO 31 AUGUST 2011

Note: 'Recommended Text' in standard type and 'guidance/notes' in italics

1. INTRODUCTION

The statutory pay arrangements for teachers gives discretion to governing bodies to make pay decisions. The School Teachers' Pay and Conditions Document (STPCD) has since September 2004 placed a statutory duty on schools and LAs to have a pay policy in place which sets out the basis on which they determine teachers pay, and to establish procedures for determining appeals. This should ensure fair and equitable treatment for all teachers and minimise the prospect of disputes and legal challenge of pay decisions.

Decisions on the use of pay discretions are the responsibility of the governing body, advised by the Headteacher. **This should ensure that pay decisions reflect the view of both Headteacher and governors.**

The Local Authority, rather than a governing body, has the remit for pay decisions where a Management Intervention Board is in place.

When making pay decisions, governing bodies must have regard both to their pay policy and to the teacher's particular post within the staffing structure. A copy of the school staffing structure should be attached to this pay policy.

The policy recommends a structure for schools to follow and covers all key areas of pay discretion that schools need to consider. All procedures for determining pay should be consistent with the principles of public life – objectivity, openness and accountability. The pay and policy should make clear the school's compliance with The Race Relations Act 1976, The Sex Discrimination Act 1975, and 1986 The Equal Pay Act 1970, The Disability Discrimination Act 1995, The Employment Rights Act 1996, The Employment Relations Act 1999, The Employment Act 2002, The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000, The Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002, The Employment Equality (Age) Regulations 2006, The Employment Equality (Sexual Orientation) Regulations 2003, The Employment Equality (Religion and Belief) Regulations 2003, The Employment Act 2008, **the Staffing Regulations 2009 and the Employment Act 2010**

Heads and governing bodies should consult staff and unions on their pay policy and review it each year, or when other changes occur to the STPCD, to ensure that it reflects the latest legal position. The pay policy should comply with the current STPCD and the accompanying statutory guidance. It should be used in conjunction with them but, in the event of any inadvertent contradictions, the STPCD and guidance take precedence.

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This policy covers teachers (including members of the leadership group) whose statutory pay and conditions of service fall under the terms of the STPCD. It does not cover support staff, who have their own pay determination mechanism. However, governing bodies are encouraged to develop pay policies for support staff and the model provides for this. Section 11 of this model pay policy contains a framework for a support staff pay policy.

In determining teacher pay levels in accordance with statutory pay and conditions of service under the terms of the STPCD, governors should also ensure these are set in accordance with the school's staffing structure.

2. BASIC PRINCIPLES

All teachers employed at Ratton School are paid in accordance with the statutory provisions of the School Teachers' Pay and Conditions Document (STPCD) as updated from time to time. A copy of the latest version may be found in the school office and is also on-line at <http://www.education.gov.uk> All pay-related decisions are made taking full account of the school improvement plan.

All pay related decisions are taken in compliance with The Equal Pay Act 1970, The Race Relations Act 1976 & amendment Act 2000, The Sex Discrimination Act 1975 and 1986, The Disability Discrimination Act 1995, The Employment Rights Act 1996, The Employment Relations Act 1999 and The Employment Act 2002, The Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000, The Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002, The Employment Equality (Age) Regulations 2006, The Employment Equality (Sexual Orientation) Regulations 2003, The Employment Equality (Religion and Belief) Regulations 2003, **The Employment Act 2008, the School Staffing (England) Regs 2009, the School Teachers' Pay & Conditions Document 2010 and the Employment Act 2010.**

The process for making decisions on the pay of teachers at the school is as follows:

The governing body aims to maximise the achievement of every pupil at the school, and recognises the value of a well-motivated and capable body of teaching and support staff in the achievement of this. The model school pay policy seeks to ensure that all staff are properly rewarded for their contribution towards this shared goal.

In adopting the pay policy, the aim is to:

- Maximise the quality of teaching and learning at the school, by ensuring that implementation of the policy takes full account of the school improvement and school development plans, as well as school self-evaluation and other key documents at the school
- Take full account of the remodelling agenda, and have proper regard for work/life balance of staff at the school
- Recruit, retain, motivate and develop staff

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- Be able to demonstrate that the policy and decisions on pay are managed in a fair, responsible way, recognising the principle of equal pay for like work and for work of equal value
- Determine the annual pay budget, including that for performance pay progression
- Be consistent with the school's performance management policy

The Staffing (Pay) committee of the governing body will ensure that the policy is implemented to required time-scales and, in order that the appeals procedures may function, that committee has full delegated powers. The membership and terms of reference of the committee are at Appendix 3.

Governors must be aware of the DfE statement that pay discretion must not be exercised with the objective of increasing final salary for pension purposes. Teachers' Pension Regs. allow the Secretary of State to intervene where there is evidence of an unreasonable increase in salary and may disregard for pension purposes any such award – see extract from Teachers' Pensions: 'Where the method of calculating benefits is based on the pensionable salary received in the last 12 months of employment before the date of retirement, and there has been a salary increase of more than 10% or £.5000* whichever is the greater, in any year in the last 3 years prior to leaving service, the salary will be restricted. *This is the figure for 2010-11 and will be increase with inflation each year.'

3. TIMING OF SALARY DETERMINATION AND NOTIFICATION

The governing body will ensure that every teacher's salary is reviewed with effect from 1 September and no later than 31 October (except in the case of the headteacher) each year and give them a written statement setting out their salary and any other financial benefits to which they are entitled.

31 October is the latest date set in the statutory pay guidance, except in the case of headteachers, for whom the deadline is 31 December. The relevant committee must ensure they meet sufficiently early in Term 1 to ensure the 31st October teacher pay deadline is met. A copy of the teacher pay statements should be appended to the confidential section of the minutes of the relevant meeting.

Teacher pay statements for this purpose are available on czone.

Reviews may take place at other times of the year to reflect any change in circumstance or job description that lead to a change in the basis for calculating an individual's pay. A written statement will be given after any review, and where applicable will give information about the basis on which it was made.

A revised pay statement must also be given where there are any other changes in pay arrangements in the year.

Where a pay determination leads, or may lead, to the start of a period of safeguarding, the governing body will give the required notification as soon as possible, and no later than one month after the date of the determination.

Where it is determined to reduce a teacher's remuneration, that determination must take effect no earlier than the date when it was actually made.

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The Staffing (Pay) committee is responsible for undertaking an annual pay review for each member of staff.

OPTION: the provision of an annual pay statement will be extended to all staff at the school.

4. PAY COMMITTEE

The terms of reference for the pay/personnel committee are as follows:

- The committee will have full powers to make recommendations/decisions within the pay policy adopted by the governing body. The terms of reference are as follows:
- To achieve the aims and objectives of the school pay policy
- To apply the criteria set by the policy, including linkages with the school performance management policy, in determining the pay of each member of staff
- To observe all statutory and contractual obligations
- To ensure that the policy complies with the most recent School Teachers' Pay & Conditions Document
- To ensure that all pay decisions have regard to the legislation outlined in Basic Principles (section 1) of the School Pay Policy
- To recommend the annual pay budget, including pay progression at all levels. The governing body recognises that funding cannot be used as a criterion to decide performance pay progression
- To minute clearly the reasons for all recommendations / decisions and to report these to the full governing body
- To ensure that each member of staff receives, by 31st October each year, a written statement of the breakdown of pay as at 1 September
- To ensure that staff know the procedure for making an appeal against pay decisions
- To ensure that there are clear job descriptions for each post at the school, so that additional allowances can be awarded in a fair, equitable and consistent manner
- To keep abreast of developments influencing pay considerations

5. APPEALS

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The arrangements for considering appeals are as follows:

A teacher may seek a review of any determination in relation to his pay or any other decision taken by the governing body (or a committee or individual acting with delegated authority) that affects his pay.

The following list, which is not exhaustive, includes the usual reasons for seeking a review of a pay determination;

That the person or committee by whom the decision was made –

- a) incorrectly applied any provision of the Document;
- b) failed to have proper regard for statutory guidance;
- c) failed to take proper account of relevant evidence;
- d) took account of irrelevant or inaccurate evidence;
- e) was biased; or
- f) otherwise unlawfully discriminated against the teacher.

The order of proceedings is as follows:

1. The teacher receives written confirmation of the pay determination and where applicable the basis on which the decision was made.
 2. If the teacher is not satisfied, he/she should seek to resolve the matter informally by discussing the matter with the decision-maker within ten working days of the decision (Stage 1 - the Informal Meeting).
 3. Where this is not possible, or where the teacher continues to be dissatisfied, he/she may follow the formal appeal process (stage 2 – the Formal Meeting, Stage 3 – the Appeal Hearing).
 4. The teacher 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 ten working days of the notification of the decision being appealed against or of the outcome of the discussion referred to in (2) above.
- For a Formal Meeting or Appeal Hearing the teacher is entitled to be accompanied by a colleague or union representative. Each step and action of this process must be taken without unreasonable delay. The timing and location of the formal meeting and appeal hearing must be reasonable. The formal meeting must allow both parties to explain their cases.
5. The committee or person who made the determination should provide a Formal Meeting within ten working days of receipt of the written appeal, to consider the appeal and give the teacher an opportunity to make representations in person. Following the Formal meeting the employee should be informed in writing of the decision and the right to appeal.
 6. Any Appeal Hearing should be heard by a panel of three governors who were not involved in the original determination, normally within 20 working days of the receipt of the written appeal notification. The teacher will be given

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the opportunity to make representations in person. The decision of the appeal panel will be given in writing, and where the appeal is rejected will include a note of the evidence considered and the reasons for the decision.

The pay hearings and appeals procedure performs the function of the grievance procedure on pay matters and therefore decisions should not be reopened under general grievance procedures.

Appeals against pay decisions must meet the requirements of the dispute resolution provisions of employment law (further information can be found at http://www.berr.gov.uk/whatwedo/employment/Resolving_disputes/index.html)

The process outlined above is consistent with the dispute resolution provisions of employment law and may be adopted by the school as the means by which appeals against pay decisions are considered.

The pay policy procedures are set out in further detail at Appendix 4 (teacher pay appeal) and Appendix 5 (Headteacher pay appeal).

6. SCHOOL GROUP / INDIVIDUAL SCHOOLS RANGE (ISR) / PAY OF HIGHEST PAID TEACHER

(a) School Group

PRIMARY/SECONDARY: Schools are assigned to one of eight groups, according to the numbers of pupils in the school at various stages, with extra weighting given to pupils with statements.

SPECIAL SCHOOLS: Schools are assigned to one of eight groups, according to the number of pupils at each key stage and the ratio of full-time equivalent staff to pupils.

(b) Individual Schools Range (ISR): For each school group there is an allocated pay range, from which governors select seven consecutive points as the Individual School Range (ISR). The ISR will form the pay scale for the headteacher.

The bottom point of the ISR should be at least one spine point above the maximum of the pay scale of the next highest paid member of the teaching staff.

The ISR is not an incremental scale carrying expectation of automatic pay progression. Governors should review the overall performance of the headteacher every year. Taking into account the achievement against previously agreed or set objectives and of the criteria for leadership group progression, they may award up to two performance points in an academic year, effective 1 September.

When **awarding** performance pay for the headteacher, governing bodies must ensure that any proposed increase is contained within the ISR at their school. **For example, in a School Group 1 (min/max range L6-18) school with a current ISR of L9-15, pay higher than L15 would be via a process of:**

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- . governors considering whether they wish to raise the ISR to accommodate pay higher than the current ISR
- . if so, agreeing what the revised ISR will be and requesting the new pay point in the usual way
- . sending with the request for higher pay a letter/email, signed by the Chair, to confirm the revised ISR which now applies at the school.

The ISR/pay point can only be outside of the School Group in specific circumstances (STPCD 12.2.5):

- (a) The school is a school causing concern
- (b) If the maximum of the ISR did not exceed the School Group range within which the school is placed, governors consider the school would have substantial difficulty filling the vacant HT post
- (c) If the maximum of the ISR did not exceed the School Group range within which the school is placed, governors consider the school would have substantial difficulty retaining the existing HT

As employers, ESCC have an obligation to ensure that pay and discretionary payments are awarded in the most appropriate, fair and consistent manner. In support of this, and to ensure that pay equalities are observed, governors who wish consider headteacher pay outside of their normal School Group are asked to set out their reasons for wishing to make such a payment in a letter to Penny Gaunt, Deputy Director of Children's Services. The Deputy Director will let governors know whether she supports such a payment, following full consideration of all the relevant issues in any specific circumstance, taking full account of the bigger picture of leadership pay at East Sussex and being assured that the reasons for award are in line with those outlined in 12.2.5 of the STPCD.

- (c) **Establishing the pay of the Highest Paid Teacher:** The formula for establishing the pay of the 'highest paid member of teaching staff' at the school, for ISR purposes is (assuming the teacher is on the Upper Pay Spine):
 - to the value of UPS1 salary (even where the teacher is on UPS2 or UPS3) add the value of any permanently awarded allowances such as TLR or SEN payments (but not recruitment, retention or other payments which are temporary in nature). The total is used as the 'pay of the highest paid teacher'.

7. LEADERSHIP GROUP PAY

(a) Pay Range for Headteachers

Details of how decisions will be made and what will be taken into account in setting or amending pay ranges

The relevant body should determine the pay range for a headteacher when they propose to make a new appointment or at any time if they consider it necessary to retain a head, or if there has been a significant change in the responsibilities of the head.

When determining the Individual School Range (ISR) within the permitted parameters set out in **paragraphs 12.1 and 12.2**, the governing body should

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March 2011*

take account of any difficulties there may be in recruiting and retaining a headteacher. They should not take account of the salary of the serving headteacher if they re-determine the ISR when recruiting a new headteacher.

(b) New headteacher

When determining the salary of a new head, governing bodies should take account of the responsibilities of the post, the background of the pupils at the school and whether the post is difficult to fill.

A new head may be placed at any of the four bottom points of the ISR.

(c) Headteacher accountable for more than one school

(i) Permanent arrangement

Where the HT is appointed as HT of more than one school the relevant body of the HT's original school or, under the Collaboration Regulations, the collaborating body, must determine the individual school range (ISR) by the application of the total unit score of all of the schools.

This could be an arrangement where the schools are part of a federation with a single governing body. The pupil unit scores of both the schools added together will give a group size for the federation. The head's ISR in that range can then be determined, as well as an appropriate starting point.

(ii) Temporary Arrangement

The pay of a HT who temporarily takes on the running of one or more other schools should be based on either:

- . the calculation of the total number of pupil units across all schools, to determine the temporary headteacher group, or
- . the headteacher group of any of the constituent schools uplifted by up to two groups
- . whichever gives the higher temporary salary.

Where one of the schools is in group 7 or 8 it is not possible to apply the 'up to two groups higher' discretion, so the HT's ISR must be based on either:

- . the new temporary group size (based on the total number of pupil units across all schools),
- . or on the group size of the largest school with the discretion to determine an ISR which exceeds the maximum of the HT group range by between 5 – 20%.

Increases approaching the maximum of 20% (which is broadly equivalent to two groups higher) should only be given in exceptional circumstances, and where this is appropriate and proportionate in relation to the additional responsibility and accountability to be undertaken.

In a school where it is not possible to appoint a deputy or another member of the teaching staff to take on the position of acting head where there is a vacant HT post,

the HT of another school may be appointed to be responsible and accountable in addition to their continuing role as HT of their own school.

This role should be regarded as an acting headship on a temporary basis for as long as arrangements are being made for a permanent HT to be recruited for each school without a HT or to make alternative permanent arrangements, such as amalgamating the schools or creating a hard federation. There is an expectation that these temporary arrangements should be time-limited and subject to regular review and the maximum duration should be no longer than two years.

Any additional responsibilities for other staff as a consequence of this temporary arrangement should be addressed as part of the overall considerations by the relevant body in agreeing to the HT undertaking the temporary additional role.

In order to support a HT who temporarily takes on the responsibility and accountability for more than one school the governing bodies of the schools concerned need to establish clarity around both how these arrangements will work in practice and how the arrangements will be brought to an end.

Under the Collaboration Regulations the governing bodies may arrange for a joint committee made up of governors from all the schools involved to be established to oversee the fixed term arrangements. This joint committee should have delegated power to deal with the pay and performance management of the HT and other relevant staffing issues. This joint committee should also have delegated power regarding the financial arrangements which will apply during the collaboration period. For example, the joint committee should determine any payment on the basis of temporary additional responsibility for teachers other than the HT in each school, and the arrangements for reviewing and ending those payments.

The joint committee should also take account of the circumstances of each school and the workload implications including the extent to which the HT is likely to be absent from the individual schools.

They should consider the appropriate use of acting allowances and other temporary payments. Where there is a deputy headteacher in the school, it may be more appropriate to temporarily increase their pay range to take account of the increased responsibilities in the absence of the HT. Additionally a teacher may be temporarily appointed, in the absence of the substantive post holder, to a post in the staffing structure which attracts a TLR payment. The joint committee should ensure that any payment for additional responsibilities is in line with the provisions of the Document and the school's pay policy.

Where the arrangement for the HT is temporary, any adjustment to their pay and that of other teachers is also temporary, and safeguarding provisions will not apply when the arrangements cease.

(d) Extended Services

If the LA, as part of drawing up a Local Area Plan, secures Headteacher responsibility for a range of on-site extended services for children and young people from the area, with the HT directly accountable to the Local Authority/ Children's Trust, governors have discretion to take this into account when setting the head's ISR. Any salary uplift should be proportionate to the level of responsibility and accountability being undertaken.

This would particularly apply where the LA/Children's Trust delegates a budget for the provision/commissioning of a range of services beyond the Standards Fund or

the Area-Based Grant elements for extended services, and the HT is accountable for the delivery of these services to the target group in the local area.

However, where a head has an 'interest in' the quality of a service that is co-located on the school's site, for example, a speech therapy centre that helps the development of young people within the school or across a number of schools, but is not responsible or accountable for that service, this is part of a head teacher's core responsibilities, and would therefore not attract a salary uplift.

(e) Pay Range for Deputy Headteachers and Assistant Headteachers

Details of how decisions will be made and what will be taken into account in setting or amending pay ranges:

The relevant body should determine the pay range for deputy and assistant headteachers when it proposes to make a new appointment; or where there is a significant change in the responsibilities of serving Deputy or Assistant Heads.

The pay range may be determined as of 1 September **2010** or at any time of the year to reflect any changes in the circumstances or job description that lead to a change in the basis for calculating their pay, or at any time if they consider it necessary to retain a deputy or assistant head.

The pay range for a deputy or assistant headteacher is five consecutive points on the leadership scale, identified in accordance with the STPCD. The pay spine reflects the **strategic** responsibilities and challenge of the job, the circumstances of the school and any recruitment/retention difficulties. If there is more than one deputy the pay spines may be different, **to take account of the challenge/strategic** responsibilities of the post. If there is more than one Assistant Head, the pay spines may be different, **for the same reasons**.

The pay spine of any deputy will start at a higher point than the lowest point on any assistant headteacher's range in the school, and in the absence of an assistant headteacher, at a point above the salary of the highest paid teacher as defined in section 6 of this policy.

The highest point on a deputy headteacher's scale must be at least one point lower than the bottom point of the headteacher's ISR (7-point scale)

(f) New Deputy or Assistant Headteacher

A new deputy or assistant headteacher may be paid on one of the bottom three points of their 5-point pay scale. .

When the head at the school becomes responsible for more than one school (permanent or temporary arrangement) consideration needs to be given to the pay of deputy and assistant heads who as a result of the head's role are taking on additional responsibilities. An increase in pay should only be agreed where the post accrues additional extra responsibilities as a result of the HT's enlarged role, it is not automatic.

Extended Services

Where the head of the school takes on responsibility for extended services the relevant body has discretion to take account of the additional responsibility and accountability associated with the provision of extended services on their site when determining the deputy or assistant head's pay. A pay increase

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should only be agreed where the post accrues extra responsibilities as a result of the HT's enlarged role, it is not automatic.

8. PAY RANGE FOR ADVANCED SKILLS TEACHERS (AST) AND EXCELLENT TEACHERS

(a) Pay range for ASTs

When determining an appropriate five point range for an AST, regard must be given to; the nature of the work to be done, including any work with teachers from other schools; the degree of the challenge; the professional competencies required; and such other criteria as considered appropriate (paragraph 27.3 of the **2010** STPCD).

Newly appointed ASTs must be placed on the lowest point on their pay range.

AST eligibility: The AST grade is open to all teachers who can meet the AST standards regardless of their length of service.

A teacher may only be assessed for an AST post after having been selected for interview for that post.

AST pay progression is based on sustained high-quality performance against the agreed performance criteria, which are reviewed annually.

When the head becomes responsible for more than one school (permanent or temporary arrangement), consideration needs to be given to the remuneration of other teachers who as a result of the HT's role are taking on additional responsibilities. An increase in pay should only be agreed where the post accrues additional extra responsibilities as a result of the head teacher's enlarged role, it is not automatic.

ASTs are not eligible for SEN or TLRs; the 5 point scale on which they are placed should already reflect the responsibilities and demands of the post, and incorporate any factors which would otherwise give rise to the payment of any additional allowance. An AST may be awarded a recruitment or retention allowance, if appropriate.

(b) Pay Range for Excellent Teachers

The governing body has determined that three Excellent Teacher posts are to be included in the school staffing structure (set out in the staffing structure attached)

Excellent Teacher Eligibility

A teacher may be appointed to an ET post if s/he has previously held such a post, or has been on UPS3 for at least two years and:

- (i) in accordance with the 2004 or previous STPCD has been assessed as meeting the standards for ASTs applicable at the relevant time; or
- (ii) has been certified by an assessor as meeting the standards set out in Annex 2 of the 2005 Document or the 2006 Document or Annex 1 of the 2007 document; or of the 2008 Document; or
- (ii) meets the appropriate standards in Annex 1 of the 2010 Document

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A teacher may only be assessed for an ET post if the post is available in the school's staffing structure.

The ET is placed on a spot salary within the range £39,697 - 52,090.

When determining the spot salary within the range for an excellent teacher, the relevant body must have regard only to the following:

- a) the nature of the work to be undertaken; and
- b) the degree of challenge of the role.

9. PAY OF UPPER PAY SCALE AND MAIN SCALE TEACHERS

(a) Upper Pay Scale (post-threshold) teachers

UPS teachers have a three point scale containing UPS1, UPS2 and UPS3. Only teachers who have achieved threshold can be paid on the UPS.

Progression on the UPS is performance based, rather than incremental.

(b) Main Scale teachers

Main scale teachers have a six point scale, from M1 – M6. The main scale is incremental, and teachers will automatically progress to the next point on the scale on 1 September, provided their performance has been satisfactory

10. MANDATORY AND DISCRETIONARY POINTS ON APPOINTMENT – CLASSROOM TEACHERS

Mandatory Points

Governors must award a point for each year of employment as a qualified teacher-

- at an MOD school; or
- by an Education Action Forum.
- within state sector schools in the European Economic Area and Switzerland (other than in England and Wales)

where the teacher is qualified to teach school age children

Where a classroom teacher remains in service on 1 September in the school in which the teacher was employed during the previous school year, governors, when considering whether or not the teacher's service has been satisfactory, must seek and take into account advice from the HT. Where governors consider that such service has been unsatisfactory it must notify the teacher in writing before the end of the current school year and before the relevant body makes a determination.

Discretionary Points

On appointment: one or more points for years of experience other than employment as a classroom teacher which the relevant body considers to be of value to the performance of the classroom teacher's duties.

In particular, where the experience directly relates to teaching and learning.

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March 2011*

An extra point where governors feel, having regard to the teacher's most recent performance management appraisal, that performance in the previous school year was excellent

The relevant body may award one point to a classroom teacher who has been notified that a year of employment has been unsatisfactory in respect of that year;

The school's performance management policy provides further information on awarding a point where it has been previously withheld

In making an award the relevant body must not take into account years of employment for which the classroom teacher has previously been awarded points

Points awarded must be permanent, whether the classroom teacher remains in the same post, or takes up a new one.

11. PAY OF PART-TIME TEACHERS

From 1 September 2008 the salary/allowances of a part-time teacher must be determined in accordance with the pro-rata principle.

"pro rata principle" means that proportion of total pay (what the teacher would be paid if employed in the same post on a full time basis) which corresponds to the number of hours that the teacher is employed during the course of the school's timetabled teaching week as a proportion of the total number of hours in the school's timetabled teaching week;

"the school's timetabled teaching week" means the aggregate period of time in the school timetable during which pupils are normally taught).

When a relevant body is required to determine the salary of a part-time teacher in accordance with the pro rata principle it must do so not only in relation to those hours that a part-time teacher normally works under the contract of employment but also in relation to any additional hours the teacher may agree to work from time to time at the request of the head teacher or in the case where the part-time teacher is a head teacher, the relevant body.

The same percentage must be applied to any allowances awarded to a part-time teacher.

A calculator is available on Teachernet to assist with the calculation of a part-time teachers' pay.

<http://www.teachernet.gov.uk/docbank/index.cfm?id=12828>

Governing bodies are responsible for ensuring that part-time teachers have a clear statement of the sessions and hours they will be required to work.

Schools will plan in advance and discuss with their part time staff the expectations of the school in relation to attendance at staff meetings, parent meetings and any other regular meetings outside their contracted hours. Contact your Personnel Officer

***Adopted by Governors
March 2011***

within Personnel & Training for further advice on part-time teacher attendance at school meetings and INSET days.

Part-time teachers are entitled to PPA time.

Further information on the working hours of part-time teachers is contained in the policy 'Teachers Working Time / 1265 hours' on czone.

12. SHORT NOTICE/SUPPLY TEACHERS

Teachers employed on a short notice basis

Teachers employed on a day-to-day or other short notice basis must be paid on a daily basis calculated on the assumption that a full working year consists of 195 days, periods of employment for less than a day being calculated pro rata. A teacher to whom this applies and who is employed by the same authority throughout a period of 12 months beginning in August or September must not be paid more by way of remuneration in respect of that period than would have been paid had the teacher been in regular employment throughout the period.

Teachers should be paid for all the hours they are required to be on the school premises. Consideration should be made for non-contact time.

Further information on the working hours of short notice and supply teachers is contained in the policy Teachers' Working Time/1265 Hours.

13. UNQUALIFIED TEACHERS

Unqualified teachers' pay

There are three types of 'unqualified teacher' (UQ) employed in schools:

- Trainees working towards qualified teacher status (QTS).
- Overseas trained teachers who have not exceeded four years in post without attaining QTS status.
- Unqualified teachers or instructors with a particular skill who are employed on a temporary basis while a fully qualified teacher is sought.

The governing body will, when determining on which point to place unqualified teachers on the unqualified teachers' pay scale when they are appointed, take account of any relevant qualifications and experience. Unqualified teachers will be appointed above the minimum in the following circumstances:

(a) Qualifications:

One point for a recognised overseas teaching qualification

One point for a recognised post-16 teaching qualification

One point for a recognised qualification relevant to their subject area

(b) Experience:

One point on the unqualified teachers' scale for each period of one year of service as an overseas-trained teacher

- One point on the unqualified teachers' scale for each period of one year of service teaching in further education, including sixth form colleges.

- One point on the unqualified teachers' scale for each period of one year of service teaching in higher education.

The governing body will consider awarding on a case by case basis:

- One point on the unqualified teachers' scale for each period of one year spent outside teaching but working in a relevant area. This might include 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.

Unqualified teachers' allowance

Governing bodies may pay an additional allowance to an unqualified teacher, in the context of their staffing structure and pay policy, if they consider that the unqualified teacher has:

(a) a sustained additional responsibility which is focused on teaching and learning, and requires the exercise of a teacher's professional skills and judgement; or

(b) qualifications or experience which bring added value to the role they are undertaking

The pay policy should set out the way in which decisions are taken on allowances for unqualified teachers, so that there is transparency

Unqualified teachers may not hold TLRs or receive SEN payments.

Any scale points awarded to unqualified teachers are permanent, whether the teacher remains in the same post or takes up a new one.

Unqualified teacher who becomes qualified

Where an unqualified teacher becomes qualified the relevant body must redetermine salary and allowances in accordance with the STPCD para 37.

The governing body will pay an unqualified teacher on one of the employment based routes into teaching on the qualified/unqualified teachers' scale

14. Leadership Group stepping down to Upper Pay Spine (also applies to VI Form College Professional standards, teachers in Academy or non-maintained schools)

*Adopted by Governors
March 2011*

Where a teacher is a post-threshold teacher by virtue of paragraphs (b), (c), and (e) – (i) of the definition of post-threshold teachers in Part I of the STPCD, governors may determine which point on the upper pay scale to place them, rather than being required to place them on to UPS1. When doing so, the governing body should consider any pay progression which such teachers made in their previous employment which was based on an assessment of standards and contribution comparable to the requirements for progression on the upper pay scale; and should not unreasonably withhold appointment at the equivalent point on the upper pay scale.

This gives flexibility to schools, who may determine that a teacher who has, for example, stepped down from a leadership post, or been assessed as meeting the sixth form college professional standards or who has been assessed against the threshold standards while working in an academy or non-maintained special school, may be placed on a point other than UPS1, thus enabling post-threshold experience to be taken into account.

15. PAY PROGRESSION

The governing body agrees the school budget and will ensure that appropriate funding is allocated for pay progression at all levels. The governing body recognises that funding cannot be used as a criterion to determine progression.

Pay progression is informed by performance management (PM) outcomes. Although PM is an assessment of overall performance of a teacher, objectives cannot cover the full range of a teacher's roles/responsibilities. Objectives focus on the priorities for an individual for the cycle. At the review stage a Reviewer may assume that those aspects of a teacher's roles/responsibilities not covered by the PM objectives have been carried out satisfactorily, provided the Reviewer is satisfied that the teacher's overall performance in the context of the Professional Standards for Teachers has also met expected standards.

The reviewer must make clear to the reviewee whether success has been achieved at (a) objectives, and (b) overall performance.

Fuller details of assessing a teacher's performance via PM are contained in the policy 'Model Performance Management Policy' on czone (within A-Z of Employment Policies).

Note that for threshold considerations, outcomes from objectives set at PM provide the evidence on which the decision as to whether a teacher has met the threshold standards is made. Therefore reviewers should ensure that the ten post-threshold standards (which have not changed and can be accessed at www.tda.gov.uk/) take account of in objectives set during the main scale 5 and main scale 6 years

(a) Headteachers

The headteacher must demonstrate sustained high quality of performance, with particular regard to leadership, management and pupil progress at the school. Progression will be subject to a review of performance against performance objectives before any points are awarded.

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March 2011*

“Application of Leadership Group Pay Progression Criteria - Clarification” can be found in the box following paragraph 45 in Section 3 of the STPCD and this will be taken fully into account by governors when considering progression.

Annual pay progression within the range for this post is not automatic. The governing body will consider whether to make an award, and if so, whether this will be one or two pay progression points. Note that the maximum award is two points in any academic year, effective 1 September only.

(b) Deputy Headteachers and Assistant Headteachers

Deputy Headteachers and Assistant Headteachers must demonstrate sustained high quality of performance in respect of school leadership and management and pupil progress and will be subject to a review of performance against their performance objectives before any performance points are awarded

“Application of Leadership Group Pay Progression Criteria - Clarification” can be found in the box following paragraph 45 in Section 3 of the STPCD and this will be taken fully into account when considering progression.

Annual pay progression within the range for these posts is **not** automatic. The governing body will consider whether to make a pay award, and if so whether to award one or two pay progression points.

The governing body has discretion to award a deputy or assistant head 0, 1 or 2 points in an academic year from 1 September only.

When considering performance pay for a Deputy or Assistant Headteacher, governing bodies must ensure that any increase is contained within the ISR at their school. For example, where Deputy/Assistant Head pay is within a previously set 5-point scale of L3-7, pay higher than L7 would be via a process of:

- . governors considering whether they wish to raise the 5-point scale to accommodate a higher pay point
- . if so, agreeing what the revised 5-point will be and requesting the new pay point in the usual way
- . sending with that request a letter/email, signed by the Chair, to confirm the revised 5-point scale which now applies at the school.

(c) Advanced Skills Teachers (ASTs)

ASTs must demonstrate sustained high quality of performance in the light of their agreed performance criteria and will be subject to a review of performance before any performance points are awarded. Any work undertaken at other schools, in higher education facilities, at facilities of the LA and elsewhere will be taken into account. “Application of Advanced Skills Teacher Pay Progression Criteria - Clarification” can be found at paragraph 105 in Section 3 of the Document and this will be taken fully into account when considering progression.

*Adopted by Governors
March 2011*

Annual pay progression within the range for these posts is **not** automatic. The governing body will consider whether to make a pay award and if so, whether to award one or two pay progression points.

The governing body has discretion to move an AST by 0, 1 or 2 points from September in an academic year.

(d) Excellent Teachers

A teacher may be appointed to an excellent teacher (ET) post if the teacher:

(a) has held an ET post; or

(b) is a post-threshold teacher who has completed at least two years of employment since first being placed at point U3 and has been assessed as meeting the standards for advanced skills teachers applicable at the relevant time or has been certified by an assessor as meeting the ET standards

Determination of salary

An excellent teacher must be paid a spot salary within the range:

Minimum £39,697 / Maximum £52,090

When determining the salary of an ET, governors must have regard only to-

- (a) the nature of the work to be undertaken; and**
- (b) the degree of challenge of the role.**

Governors may re-determine the salary of an excellent teacher at any time where there are any significant changes in-

- (a) the nature of the work to be undertaken; or**
- (b) the degree of challenge of the role.**

(e) Upper Pay Scale (post-threshold) Teachers

Line Managers of teachers who have been on UPS1 for two years, or UPS2 for two years, must **automatically consider** the teachers for progression to the next point on the UPS. Note that it is consideration that is automatic, not progression.

Schools **must not** require the teacher to (a) apply; (b) provide evidence; (c) otherwise engage in proving that s/he has met the standards.

The school should have sufficiently robust processes (including performance management objectives and outcomes) in place which will inform the decision on whether all the criteria to progress have been met. The criterion includes:

- two successful consecutive performance management reviews (other than under the exceptional circumstances as provided for in paragraph 1.8 of the Document).
- and

*Adopted by Governors
March 2011*

- the published criteria which applies to the teacher's current point on the UPS (which is different, depending on whether the teacher is being considered for progression from UPS1 to UPS2, or for progression from UPS2 – UPS3)

The governing body should set out what 'exceptional circumstances' may apply, their definition of a 'successful performance management review' subject to the wording in section 3, and what 'grown professionally' means in the context of the school.

Although PM is an assessment of overall performance of a teacher, objectives cannot cover the full range of a teacher's roles/responsibilities. Objectives focus on the priorities for an individual for the cycle. At the review stage a Reviewer may assume that those aspects of a teacher's roles/responsibilities not covered by the PM objectives have been carried out satisfactorily, provided the Reviewer is satisfied that the teacher's overall performance in the context of the Professional Standards for Teachers has also met expected standards (see School Performance Management Policy – czone)

The reviewer must make clear to the reviewee whether success has been achieved at PM, including successful achievement of (a) objectives, and (b) overall performance, in the context of the Professional Standards for Teachers.

Further details of assessing a teacher's performance via performance management are contained in the policy 'Model Performance Management Policy' on czone (within A-Z of Employment Policies).

"Application of Upper Pay Scale Progression Criteria - Clarification" will be taken fully into account when considering progression (shown below).

Only in exceptional circumstances will a further point on the UPS be awarded more frequently than at two yearly intervals.

Governors should set out, in advance of award of any such exceptional pay, what the definition of 'exceptional circumstances' is at their school. They should then ensure that all teachers are considered for such an award, noting where a teacher did not meet the criteria if governors did not consider them eligible. This will provide evidence if a teacher wishes to challenge governors' decision on award of such exceptional pay.

Criteria for UPS 1 - 2 progression:

To achieve pay progression, the achievements of post-threshold teachers and their contribution to the school should have been substantial and sustained. To be fair and transparent, judgments will be properly rooted in evidence and there will have been a successful review of overall performance. Progression on the UPS will be based on two consecutive successful performance management reviews, other than under the exceptional circumstances stipulated in the STPCD. The application of the criteria for UPS progression will be taken fully into account. A successful performance review will involve a performance management process of:

- Performance objectives
- Classroom observation
- Other evidence

Governors may include achievement of Professional Standards for Teachers under 'Other Evidence'.

To ensure that the achievement and contribution has been substantial and sustained, the performance reviews will need to assess that the teacher has continued to meet threshold standards and grown professionally by continuing to develop their teaching expertise.

Criteria for UPS2 – UPS3 progression:

Teachers will need to continue to achieve the standards for UPS1-2 above (which also includes two consecutive successful performance management reviews) **and** meet the following criteria:

UPS3 teachers play a critical role in the life of the school. They provide a role model for teaching and learning, make a distinctive contribution to the raising of pupil standards and contribute effectively to the work of the wider team. They take advantage of opportunities for professional development and use the outcomes effectively to improve pupils' learning.

(f) Threshold Assessment Teachers who wish to be assessed for Threshold (against the post-threshold standards):

- (a) Must indicate their wish to be assessed – threshold is voluntary, not mandatory
- (b) Will be normally be assessed over the two year period in which they are paid on Main Scale 5 and Main Scale 6
- (c) must be on point M6 of the main pay scale at the point of application (although they can indicate their wish to be considered during the M4/M5 year(s)) and
- (d) will be assessed during the academic year which is the second of the two years under consideration (normally M6)

A successful assessment will be implemented and paid with effect from 1 September 2011.

A teacher can only apply once during an academic year

A teacher who is employed to teach at more than one school can only apply at one school. Where the teacher is school based, the threshold application must be assessed by the Headteacher. Where the teacher is centrally employed, the assessment is undertaken by teacher's Manager.

Prior to carrying out the assessment against the post-threshold teacher standards, the Headteacher must be satisfied that the applicant meets the core standards.

Where the Headteacher is not satisfied that the applicant meets the core standards, the application must be rejected and the applicant informed, with reasons.

Where the Headteacher is satisfied that the applicant meets the core standards, the assessment must be carried out against the post-threshold teacher standards.

When carrying out the assessment against the post-threshold teacher standards the Headteacher must have regard to the results of the performance management reviews covering the relevant period

Having carried out the assessment, the HT must determine whether the applicant has met the post threshold teacher standards throughout the relevant period and inform the applicant of the decision, giving reasons if the decision is that the applicant has not met the standards.

Although the teacher does not need to indicate their wish to be considered for threshold until the M6 year, the Reviewer may wish to discuss with the teacher at the start of their M5 year whether it is the teacher's intention to apply for threshold. If the teacher has already made that decision, the Reviewer can set objectives for both the M5 and M6 years to take account of the post-threshold standards. If the teacher is unsure in the M5 year as to whether or not they wish to be considered for threshold, they can make that decision in the M6 year without being disadvantaged.

(g) Classroom Teachers (Main Scale)

Main scale classroom teachers will receive one extra point for each year of satisfactory performance.

Those subject to formal capability proceedings are usually deemed unsatisfactory performers, but the governing body still has discretion to determine that such a person receive a point.

The Staffing (Pay) committee does not intend to exercise the discretion of awarding additional points for performance.

(h) Unqualified Teachers

Subject to satisfactory performance, unqualified teachers increment on the UQ scale by one point on 1 September, until they reach the top of the UQ pay spine.

16. DISCRETIONARY ALLOWANCES AND PAYMENTS

(a) Teaching and Learning Responsibility Payments (TLRs)

Criterion and factors for award of TLRs

Criterion: A TLR may be awarded to a classroom teacher for undertaking a sustained additional responsibility in the context of the school's staffing structure for the purpose of ensuring the continued delivery of high-quality teaching and learning for which s/he is made accountable. The award may be while the teacher remains in the same post or occupies another post in the temporary absence of the post-holder.

Factors: Before awarding a TLR, the relevant body must be satisfied that the teacher's duties include a significant responsibility that is not required of all

classroom teachers, and:

- a) is focused on teaching and learning;
- b) requires the exercise of a teacher's professional skills and judgment;
- c) requires the teacher to lead, manage and develop a subject or curriculum area; or to lead and manage pupil development across the curriculum;
- d) has an impact on the educational progress of pupils other than the teacher's assigned classes or groups of pupils; and
- e) involves leading, developing and enhancing the teaching practice of other staff.

Before awarding a TLR 1, governors must be satisfied that the significant responsibility referred to in the previous paragraph includes in addition line management responsibility for a significant number of people.

TLRs are awarded to the holders of the posts indicated in the attached staffing structure.

The values of the TLRs to be awarded are set out below:

TLR2s will be awarded to the following values:

£3943 to the holder of TLR 2.1
£5610 to the holder of TLR 2.2

TLR1s will be awarded to the following value:

£7323 to the holder of TLR 1.1
£9012 to the holder of TLR 1.2

TLRs may only be awarded in the context of the school's staffing structure and pay policy.

Values

The values of TLRs must fall within the following ranges:

- a) the annual value of a TLR1 is **£7,323 - £12,393**
- b) the annual value of a TLR2 is **£2,535 - £6,197**

If governors award TLRs of different values to two or more teachers, the minimum difference in value between each award of a TLR1 is £1,500; and between each award of a TLR2 is £1,500.

A teacher may not hold more than one TLR of any value, but a TLR could be based on a job description that itemises several different areas of significant responsibility.

***Adopted by Governors
March 2011***

A TLR is a payment integral to a post in the school's staffing structure and therefore may only be held by two or more people when job sharing that post.

TLRs awarded to part-time teachers must be paid pro-rata at the same proportion as the teacher's part-time contract.

(b) Special educational needs allowance (SEN)

The previous system of SEN1 and SEN2 allowances was discontinued at 31 August 2010 and replaced by an SEN allowance between £2001 - £3954 per annum.

Circular 338/2010 gives further details of this.

A spot rate SEN allowance between £2001- 3954 is payable to a classroom teacher who meets the following criteria for such an allowance:

Governors must award a SEN allowance to a classroom teacher-

(a) in any SEN post that requires a mandatory SEN qualification

Note that the SENCO qualification does not apply

(b) in a special school;

(c) who teaches pupils in a designated special class(es) or units in a school

(d) in any non-designated setting (including any PRU) that is analogous to a designated special class or unit, where the post -

(i) involves a substantial element of working directly with children with special educational needs;

(ii) requires the exercise of a teacher's professional skills and judgement in the teaching of children with special educational needs; and

(iii) has a greater level of involvement in the teaching of children with special educational needs than is the normal requirement of teachers throughout the school or unit within the school

Where a SEN allowance is to be paid, governors must determine the spot value of the allowance, taking into account the structure of the school's SEN provision and the following factors-

(a) whether any mandatory qualifications are required for the post;

Note that the SENCO qualification does not apply here – an example of a qualification that would apply is a qualification relating to teaching of children with sensory needs

(b) the qualifications or expertise of the teacher relevant to the post; and

(c) the relative demands of the post

Governors must set out below the arrangements for rewarding classroom teachers with SEN responsibilities:

The statutory pay guidance states that SEN allowances may be held at the same time as TLRs. However, relevant bodies should, when reviewing their staffing structures and keeping them under review:

***Adopted by Governors
March 2011***

- ensure that, in the light of remodelling and the move of administrative tasks from teachers to support staff, holders of discretionary SEN allowances are not carrying out tasks that would be more appropriately undertaken by support staff;
- consider whether, if teachers have responsibilities that meet the principles for the award of TLR payments it would not be more appropriate to award a TLR payment instead of a discretionary SEN allowance of a lower value;
- ensure that any responsibilities are clearly specified in individual teachers' job descriptions, and are clear in the school's published staffing structure.

17. OTHER PAYMENTS

(a) One to One Tuition

At Ratton School all payments for 1-2-1 tuition will be paid at the national rate of £25.56 per hour.

(b) Continuing Professional Development

Teachers (including the headteacher) who undertake voluntary continuing professional development (CPD) outside the school day will be entitled to an additional payment of a flat rate payment in line with the teacher's level of responsibility and size of the commitment

CPD should, wherever possible be undertaken within the 1265 hours of directed time. Schools have a number of options, including releasing the teacher from the classroom by providing cover whilst CPD is undertaken and use of inset/training days. Both of these options can be planned and organised in advance, giving the opportunity for CPD to be maximised for all staff.

Governors must be mindful of the Remodelling Agenda's focus on work/life balance when considering whether it is appropriate for CPD to be undertaken outside the 1265 hours of directed time and whether to provide additional payment for this.

(c) Initial teacher training activities

Teachers (including the headteacher) who undertake voluntary school-based initial teacher training activities will be entitled to a mentor payment of £250.

Activities that will attract payment include supervising and observing teaching practice; giving feedback to students on their performance and acting as professional mentors; and formally assessing students' competences; planning an initial teacher training course; preparing course materials; and taking responsibility for the well-being and tuition of initial teacher training students.

Teachers who undertake initial teacher training activities which are not seen as part of the ordinary running of the school will be given separate contracts of

***Adopted by Governors
March 2011***

employment to cover areas of work that are not part of their substantive teaching job or contract of employment.

(d) Out-of-school learning activities

Teachers (including the headteacher) who agree to provide learning activities outside of the normal school hours and whose salary range does not take account of such activity will be entitled to a payment of a flat rate payment in line with the teacher's level of responsibility and size of the commitment.

The basis on which such payments are made should be reviewed regularly. A separate contract will be issued for this work, and salary will be paid via submission of a claim form.

With the advent of remodelling the school workforce and the need to ensure downward pressure on teachers' working hours many schools are using support staff and other adults to undertake these activities.

(e) Provision of Services by the Headteacher

Governors have discretion to make payments to Heads who provide an external service to one or more additional schools, or other professional services. Note that such payments are discretionary, not automatic.

(f) Performance Payments to seconded teachers

Where (i) a teacher is temporarily seconded to a post as Headteacher in a school causing concern which is not the teacher's normal place of work; and (ii) governors of that school consider that the teacher merits an additional point or points to reflect the sustained high quality of performance throughout the secondment, that governing body may pay the HT a lump sum equal to the value of the additional point or points on that school's ISR, **if the HT would otherwise not receive the full value of the point or points as a result of returning to the original school.**

At ESCC all Headteachers who are seconded to another school receive temporary higher point(s) for that work, for the duration of the arrangement. Therefore a HT returning to his/her original school should have received the full value of additional points at that time.

(g) Recruitment and Retention Incentives and Benefits

(excluding retention payments to Headteachers – see note below)

The governing body will pay retention awards to for a maximum of three years. This may be extended in 'exceptional circumstances'.

The committee has discretion as to whether the above allowances will be paid wholly or in part as a lump sum, subject to satisfactory service. The lump sum may be either paid up front or after a stipulated period of time, for example after three years' satisfactory service in the post. The teacher's salary

statement will specify how recruitment and retention benefits will be paid and reviewed.

(g) Retention Payments - Headteachers

As employers, ESCC have an obligation to ensure that pay and discretionary payments are awarded in the most appropriate, fair and consistent manner. In support of this, and to ensure that pay equalities are observed, a framework at Appendix 1 has been developed which governors are asked to complete and return. Penny Gaunt, Deputy Director of Children's Services, will provide advice to Governors on the suitability of such a payment, following full consideration of all the relevant issues in any specific circumstance, and taking full account of the bigger picture of leadership pay at East Sussex.

The issues taken into account will include being assured that, where retention monies are requested, the headteacher demonstrates good or above leadership and management skills, which is evidenced in pupil outcomes at the school

(h) Residential duties

NOT APPLICABLE

(i) Honoraria

The governing body will not pay honoraria to any member of the teaching staff for carrying out their professional duties as a teacher.

There is no provision within the STPCD for the payment of bonuses or honoraria of any kind. Any such award to a teacher for their teaching work would be unlawful

(j) Safeguarded pay/allowances

Safeguarding arrangements apply according to the provisions of the STPCD. Where governors reduce a teacher's pay, that reduction must take effect no earlier than the date the decision was made to reduce it.

Where a TLR is safeguarded and the safeguarded sum exceeds £500 in total, governors must review the teacher's assigned duties and allocate such additional duties to the teacher as they reasonably consider are appropriate and commensurate with the safeguarded sum, for as long as the safeguarding continues.

The teacher must not be paid the safeguarded sum if s/he refuses to carry out those additional duties, provided that the teacher is notified of governors' determination to cease the safeguarded sum at least one month before it is implemented.

Safeguarding is calculated by the Personnel Services Unit, taking account of the provisions of the STPCD, based on the reason for safeguarding.

18. FRAMEWORK FOR SUPPORT STAFF PAY POLICY

(a) General

The governing body recognises and values the contribution made to the school by support staff.

Salaries paid to support staff will comply with all local national and local agreements on employees' conditions of service: national pay scales, National

*Adopted by Governors
March 2011*

Joint Council for Local Government Services and East Sussex CC Job Evaluation Scheme.

(b) Grading of Support Staff Posts

Governors will determine the range and grade of each post in accordance with the recognised job evaluation scheme, taking into account the duties and responsibilities of the post. Job descriptions and agreed pay ranges for posts on the Local Pay Spine (teaching assistants, admin staff, site management staff etc) can be found on czone. JDs for new or unique posts will be sent to Personnel & Training for evaluation (job.evaluation@eastsussex.gov.uk). While it is a statutory requirement for schools to have an adopted pay policy in place, this statutory requirement does not extend to support staff. Although the framework outlined below for a support staff pay policy is entirely optional, schools are encouraged to develop a process for rewarding their support staff, ensuring the principles of fairness and equality are observed.

(c) Salary on Appointment

If a new employee was previously employed under the conditions of service of the NJC for Local Government Services immediately prior to appointment at the school, the starting pay should not be less than the previous salary, provided this is within the overall grade for the post. Otherwise, support staff will normally be placed on the first point of the grade for the post. Previous experience or qualification (including continuous employment within Local Government) can be counted, and may result in the employee being placed on a higher point.

(d) Incremental Progression

Subject to satisfactory performance, a member of support staff will move one point on their scale at 1st April each year. Incremental progression will continue until the top of the scale is reached.

(e) Withholding Incremental Progression

An increment for a member of support staff may exceptionally be withheld where the employee is subject to formal competency procedures. The governing body may still opt to award the incremental point once the employee's performance has returned to satisfactory.

(f) Pay recognition policies

Managers can reward staff with additional pay for outstanding performance or contributions over and above their normal duties. To do this you can use one of the schemes below, depending on individual circumstances.

Requests for pay recognition rewards must be authorised by an Assistant Director in accordance with the Scheme of Delegations.

*Adopted by Governors
March 2011*

Temporary additional responsibility - acting up: Reward for staff who are asked to take on the duties and responsibilities of a higher graded post - in whole or part - temporarily, for a continuous period of at least four weeks.

. Additional Responsibility (Acting up Allowance) - policy (Word, 125KB)

. Form PC7 - arrange an acting up payment (Word, 107KB)

Temporary additional duties - honorarium scheme: Reward for staff who are asked to take on substantial new duties and responsibilities for a temporary period, exceeding normal expectations of the post, where no other form of payment has been made.

. Recognition of Additional Responsibility (Honoraria) - policy (Word, 141KB)

. Form PC9 – arrange an honoraria payment (Word, 115KB)

Special merit scheme: Reward for contributions to one-off projects, beyond that normally expected in the course of duties, or for absorbing a substantially increased workload, where other forms of payment have not been made.

• Special merit scheme - policy (Word, 134KB)

• Form PC6 - arrange a special merit payment (Word, 88KB)

Accelerated increments: There is also an option to reward staff by granting up to two additional increments within a salary scale. You cannot exceed the maximum of the salary scale and the employee's performance must meet one or more of the following performance criteria:

- Consistent performance for at least six months of high quality work over and above that normally expected of the postholder.
- Consistent performance of work of the same quality over and above that normally expected of the postholder.
- Performance of work to such a high standard that little supervision is required in circumstances where there is usually a strong supervisory element.
- A permanent, measurable increase in responsibility which is insufficient to warrant regrading.

Form PC3 - arrange a performance increment (Word, 100KB)

Guidance for schools on performance management for support staff can be found on czone within A-Z of Personnel Policies.

Guidance Notes – award of Retention Payment to Headteacher

As employers, ESCC have an obligation to ensure that pay and discretionary payments are awarded in the most appropriate, fair and consistent manner. In support of this, and to ensure that pay equalities are observed, a framework at Appendix 1 has been developed which governors are asked to complete and return. Penny Gaunt, Deputy Director of Children's Services, will provide advice to Governors on the suitability of such a payment, following full consideration of all the relevant issues in any specific circumstance, and taking full account of the bigger picture of leadership pay at East Sussex.

The issues taken into account will include being assured that, where retention monies are requested, the headteacher demonstrates good or above leadership and management skills, which is evidenced in pupil outcomes at the school

- ESCC's expectation is that governors will pay their Headteacher up to the maximum of their ISR, set within the min/max points available via the Schools Group (SG) range, and not beyond this. The range of pay points within the SG is designed to reflect the number and type of pupils at the school, forms the basis of the 'value of the job', and ensures fair and balanced pay across schools both locally and nationally.
- When a HT has reached the top of their pay scale Governors are not, therefore, obligated to pay further monies to that Headteacher to retain their services.
- Headteachers who have reached the top of their scale and who wish to increase their salary may wish to consider progression to a post in a larger school, where the higher salary will be in line with the increased responsibilities. This ensures the continued development of experienced Headteachers and supports ESCC's succession planning strategy.
- To ensure effective management of the school budget, with a focus on teaching and learning outcomes, Governors will wish to carefully consider whether payment of retention monies is the most appropriate use of school funds.
- For the reasons set out above, governors are asked to:
 - Complete and return Attachment A
 - Consider the subsequent advice provided in a letter to the Chair of Governors by the Deputy Director of Children's Services prior to making a final decision of the suitability of such a payment.
- Consider the suggested table of payments in Attachment C

Governors who wish to award a Retention payment to their Headteacher should **complete Attachment A** and return this to Stephanie Weeden at East Sussex County Council, North F (or via email at stephanie.weeden@eastsussex.gov.uk). Continuation sheets may be used if wished. Please see guidance at Attachment C on range of values payable.

Once a completed Attachment A is received, the process at Attachment B will be undertaken by the School Learning & Effectiveness Service and Finance, who will make a range of recommendations and submit these to Director(s) for

consideration. Governors should allow up to four weeks for this process to take place.

Page 1 of 4

*Adopted by Governors
March 2011*

Business case for governors wishing to consider payment of a Retention Award to the headteacher at their school

Name of School: _____ Name of Headteacher: _____

ISR (7-point range for HT): _____ Current pay point: _____

Value of award £ _____ per academic year (see guidance at Appendix C)

Proposed start date of Award: _____ End date: _____

Submitted by: _____ (Chair of Governors) _____ (date)

Educational Imperative

Please outline the benefits/plans for pupil outcome improvements (provide links to latest OfSTED outcomes, and School Improvement Plan):

Headteacher Recruitment/Retention Issues

Are there known difficulties in recruitment and/or retention of a Headteacher?
Yes/No If yes, please detail:

Financial Considerations

Please state amount of retention award proposed, per annum £ _____

Please give details of current budget position, and how award of a retention allowance would be addressed within the budget

Other Factors

Please give details of any other factors that governors wish to be taken into consideration

School: _____ Date received: _____

Recommendation by Schools Professionals relating to attached business case

Please make a recommendation on this sheet for each heading, which will then be submitted to Deputy Director and/or Director Children's Services:

Educational Imperative

Comments:

Headteacher recruitment and/or retention issues

Comments:

Budgetary position

Comments:

Other factors

Comments:

Overall: Would you recommend that the Deputy Director/Director endorses the governors' proposal to pay retention monies to the Headteacher for up to three years, based on the attached submission?

Yes / No

(provide further details here if you wish)

Signed: _____ Position held _____

Endorsed Y / N _____ Date: _____ (Nina Siddall
or Fiona Wright)

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March 2011***

**Table of Payments
Guidance for Headteacher Retention Award**

Please note that retention monies can be paid for up to a maximum of three years.

Monies can be paid as a lump sum at the end of each year of successful performance, or can be paid in regular installments, i.e. monthly.

Governors may wish to make the continued payment of retention monies subject to agreed performance outcomes.

	Value of Headteacher retention award								
	£500	700	900	1100	1300	1500	1700	1900	
Schools Group									
1, 2 + 3									
4, 5 + 6									
7 + 8									

School Group 1, 2 or 3 schools - award between £500 – 900

School Group 4, 5 or 6 schools - award between £900 – 1500

School Group 7 or 8 schools - award between £1500 – 1900

MODEL FOR SCHOOL PAY COMMITTEE

The Staffing (Pay) committee of the governing body is authorised to recommend / decide all pay matters, but decisions will not be notified to staff until the full governing body has agreed.

1. MEMBERSHIP

4-6 members will be elected by the governing body

Where the headteacher is not a member of the Staffing (Pay) committee, he / she will be entitled to attend all meetings in an advisory capacity. The headteacher will leave the meeting when his/her pay is being discussed.

2. TERMS OF REFERENCE

- . The committee will have full powers to make recommendations/decisions within the pay policy adopted by the governing body. The terms of reference are as follows:
- . To achieve the aims and objectives of the school pay policy
- . To apply the criteria set by the policy, including linkages with the school performance management policy, in determining the pay of each member of staff
- . To observe all statutory and contractual obligations
- . To ensure that the policy complies with the most recent School Teachers' Pay & Conditions Document
- . To ensure that all pay decisions have regard to the legislation outlined in Basic Principles (section 1) of the Model School Pay Policy
- . To recommend the annual pay budget, including pay progression at all levels. The governing body recognises that funding cannot be used as a criterion to decide performance pay progression
- . To minute clearly the reasons for all recommendations / decisions and to report these to the full governing body
- . To ensure that each member of staff receives, by 31st October each year, a written statement of the breakdown of pay as at 1 September.
- . To ensure that staff know the procedure for making an appeal against pay decisions
- . To ensure that clear job descriptions for each post at the school, so that additional allowances can be awarded in a fair, equitable and consistent manner
- . To keep abreast of developments influencing pay considerations and to advise the governing body when the pay policy needs to be reviewed

*Adopted by Governors
March 2011*

3. PECUNIARY INTEREST

No governor may participate in discussions leading to recommendations / decisions in which he / she has a pecuniary interest.

4. PROCEDURE

The full governing body will receive the report of the Staffing (Pay) committee in the confidential section of the agenda. Once decisions have been made/communicated, they will be advised in writing to members of staff. Every teacher's salary must be reviewed annually, with effect from 1st September. A written statement of pay must be sent to each teacher by 31st October each year.

PROCEDURE FOR HEARING GRADING APPEALS

INTRODUCTION

This procedure applies to all staff employed to work at the school, including the headteacher. Where reference is made in the procedure to the role of the headteacher, the chair of governors, or such other governor(s) authorised by the governing body for the purpose, will fulfill that role where the employee concerned is the headteacher.

It is for the governing body of a school, subject in the case of teachers to the provisions of the Schoolteachers' Pay and Conditions Act 1991, to determine the duties to be carried out by each post-holder, and to choose the appropriate grade to reflect those duties and responsibilities. The Model Pay Policy adopted at the school will outline the discretions adopted by the Governing Body, who must ensure that decisions regarding grading are applied fairly and equally.

An individual employee may consider that his/her post is not graded correctly. In this context, the grading of posts for qualified teachers will represent the number of points awarded, and for staff on the leadership spine, it will represent the pay range and spine point determined for the post. This procedure will enable employees to discuss their grading with the headteacher on an informal and formal basis, and have the right to a personal hearing before a panel of appointed Governors authorised for the purpose of hearing grading appeals.

A grading appeal would be considered under this procedure where:

- There has been a significant increase in responsibilities undertaken by the post holder since the post was graded
- The employee considers that the current grading does not accurately reflect the responsibilities of the post
- The employee considers that the post is not graded appropriately in comparison with other posts at the school

A grading appeal would not normally be considered in the latter two instances where that employee had made an appeal on the same basis within the previous two years.

The time limits referred to in this procedure are working days, and exclude Saturdays, Sundays, bank holidays and school holidays.

PROCEDURE

Stage 1 – The Informal Meeting

If an employee is not satisfied with grading determination and the basis on which this was made, s/he should first discuss this on an informal basis with the headteacher.

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March 2011*

The headteacher should hold this informal meeting within 10 days of the employee making the request.

This informal meeting gives the opportunity for early resolution of an employee appeal against grading, and should always be used in the first instance.

The employee may wish to seek to agree a revised job description with the headteacher or confirm that the existing job description adequately reflects his/her responsibilities.

Where a revised job description cannot be agreed, the following issues should be explored:

- Has the employee assumed duties and responsibilities that the headteacher does not accept as being part of the employee's work?
- If so, for how long have these duties and responsibilities been undertaken and has the headteacher or another senior manager been aware that the employee has undertaken the duties and responsibilities in question?
- Is there a lack of clarity in the duties and responsibilities at the school?
- Has there been a specific short-term need for the person to undertake work at a more senior level which will not continue on a permanent basis? If so, should the additional responsibility be recognised in line with the pay policy?

Where the employee and headteacher agree on a revised job description, the following issues should be explored:

- Are the responsibilities associated with the duties appropriate for the existing grading of the post?
- If not, how significant are any additional responsibilities in terms of the overall requirements of the post?
- Is there a change in the arrangements for the employee to report to senior staff, and/or are there any changes in the number and seniority of staff for whom the post holder has a supervisory responsibility?

Where it is agreed that the existing job description adequately reflects the employee's duties and responsibilities, the employee will need to outline specifically the reasons why s/he feels the post should be upgraded. In considering such a request, the following issues should be considered:

- How long is it since the post was graded?
- What overall changes in responsibility for staff in the school have taken place since then, including additional statutory responsibilities?
- Have any similar posts been upgraded?
- How does the post-holder's grade compare with similar posts in the school's staffing structure plan?

The above listings are not exhaustive, but provide a suggested framework for discussing a grading appeal. When considering the grade of a teacher, Governing Bodies may be advised by the 'Professional Standards for Teachers' which outline the expectations of a teacher at each of the career stages, as well as criteria for payment of a TLR and progression on the Upper Pay Scale.

(c) Having given consideration to the above, together with any other matters, the headteacher will need to reach a decision. Where circumstances permit, the decision should be given verbally, normally after an adjournment. The decision should be confirmed in writing within five days. Alternatively, the case may require further review and/or enquiries; where this is the case it should be confirmed verbally at the end of the meeting. The subsequent decision given verbally within five days of the meeting, and confirmed in writing within a further five days.

(d) Where the decision is to support the request for re-grading, the headteacher refers the matter to the appropriate Committee. If, subsequently the re-grading is not supported by the governing body, the employee has a right of appeal as set out below in Stage 3. If the employee wishes to exercise this right s/he should do so in writing to the clerk of the governors within ten days of receiving the written decision.

(e) Where the decision is not to support the request for re-grading, the headteacher will:

- (i) in those cases where there was a failure to agree a revised job description, issue to the employee the job description setting out the duties and responsibilities of the post-holder. The job description may be the original description, or an amended version.
- (ii) In cases where a revised job description is issued, the employee should have the opportunity of stating in writing the part(s) of the job description in dispute.

Headteachers should recognise that posts may not be changed significantly without consultation with the employee, although reasonable changes may be made from time to time.

STAGE 2 – The Formal meeting

Where the employee is not satisfied following Stage 1, s/he should send written details of the reasons for dissatisfaction to the headteacher within 10 days of receiving the written decision. The headteacher should arrange to meet with the employee again within 10 days of receipt of the written grievance.

The employee may be accompanied by a trade union representative or work colleague. The headteacher may be accompanied at the meeting by a senior colleague at the school, who may be a school governor or advised by an officer from the Local Authority.

At the meeting, both the headteacher (or colleague/adviser) and employee (or representative) should have the opportunity to make a verbal statement in support of the written submission.

There will be an opportunity for the headteacher/representative to question the employee about the statement, and the employee/representative will have the opportunity to put questions to the headteacher about the decision at Stage 1.

The employee/representative may make a closing statement, as may the headteacher/adviser.

If possible the headteacher should give a verbal decision, normally after an adjournment, and should confirm this decision in writing within three working days. Alternatively, the circumstances may require further review and/or enquiries. This should be confirmed at the end of the meeting, followed by a verbal decision within five working days of the meeting and written confirmation within a further three days.

STAGE 3 – The Grading Appeal

Where the employee is not satisfied following Stage 2, s/he should notify the clerk to the governors within 10 days of receiving the written decision. The clerk will arrange a meeting of a panel of three governors authorised to hear the Appeal. No governor should be a member of the panel where s/he has been involved in discussions about the grading appeal. The meeting will be held within 20 days of receipt of the written appeal by the Clerk.

The statements from both parties will be sent to the members of the panel at least 5 days before the appeal hearing. Neither party is entitled to see a copy of the written statement by the other party before preparation of their own.

The procedure to be followed by the panel is as follows:

- The employee/representative to put their case in the presence of the headteacher and calls witnesses if wished
- The headteacher may ask questions of the employee/representative and any witnesses
- The appeals panel may ask questions of the employee/representative and any witnesses
- The headteacher to present the case in response to the employee's representations, calling witnesses if wished
- The employee/representative may ask questions of the headteacher and his/her witnesses
- The appeals panel may ask questions of the headteacher and his/her witnesses.
- The headteacher to have the opportunity to sum up his/her case
- The employee/representative to have the opportunity of summing up his/her case
- The employee, headteacher and any witnesses to withdraw

- The appeals panel (with any adviser) to deliberate in private, only recalling the parties where there are particular points of uncertainty on the evidence given. If recall is necessary, both parties are to return, even where only one is concerned with the point that is giving rise to doubt.

The appeals panel is authorised to:

- Reject the appeal and confirm that the grading/salary of the post are correct
- Agree that the overall range of duties and level of responsibility undertaken by the post holder is above that which could reasonably be expected of an employee at his/her level, and
 - upgrade the post to the level that they think appropriate where it is determined that the work undertaken will continue to be expected of the post-holder, or
 - Ask the headteacher in consultation with the employee to make adjustments to the job description ensuring that the overall range of duties and level of responsibility is consistent with the existing grade for the post

The decision of the panel will be notified to the employee and his/her representative at the meeting and confirmed in writing within 5 days.

The decision of the panel is final and there is no further right of appeal within the school or Local Authority.

PROCEDURE FOR HEARING TEACHER PAY APPEALS

When seeking an appeal against a pay determination, including performance management outcome, the reasons for appeal should fall within the following, although the list is not exhaustive:

That the person or committee by whom the decision was made –

- a) incorrectly applied any provision of the Document;
- b) failed to have proper regard for statutory guidance;
- c) failed to take proper account of relevant evidence;
- d) took account of irrelevant or inaccurate evidence;
- e) was biased; or
- f) otherwise unlawfully discriminated against the teacher

The time limits referred to are working days, excluding weekends and school holidays. The times may be modified by mutual agreement.

When considering the pay of a teacher, governing bodies may wish to consult:

- . the 'Professional Standards for Teachers' which outline the expectations of a teacher at each of the career stages
- . criteria for payment of a TLR and progression
- . criteria for progression on the Upper Pay Scale
- . the pay discretions adopted in the school's pay policy
- . pay information contained in the most recent version of the School Teachers' Pay & Conditions Document

ESTABLISHING AN APPEALS PANEL

The governing body will establish an Appeals panel with full delegated powers, to which appeals on pay and grading issues will be directed.

- The panel will comprise a Chair (usually the vice chair of governors) and two other nominated governors, one of whom will be nominated as the vice chair of the panel, and the other of whom will act as reserve
- No member of the panel will work at the school, and no member will have been involved in the original pay decision
- The headteacher will not act as adviser to the panel, but may be called upon to provide information

The panel is authorised to:

- Reject the appeal and uphold the pay decision.
- Allow the appeal and confirm that the increased pay should be backdated to the date applicable before the appeals process started.

*Adopted by Governors
March 2011*

PROCEDURE

Stage 1 - The Informal Meeting

1. The teacher receives written confirmation of the pay determination and where applicable the basis on which the decision was made.
2. If the teacher is not satisfied, s/he should seek to resolve this by discussing the matter informally with the person who made the decision not to recommend pay progression, within ten working days of the decision. The meeting gives the opportunity for early resolution of an employee appeal against pay and should always be held in the first instance. The decision, where circumstances permit, will be given verbally, normally after an adjournment, and will be confirmed in writing within three days.

Alternatively, the case may require further review and/or enquiries before the decision-maker can reach a decision. Where this is the case the subsequent decision should be given verbally to the teacher within five days of the meeting, and confirmed in writing within a further three days.

After the Informal Meeting

Where the decision-maker's decision is to support the pay request, the matter is referred to the appropriate Committee

Where the teacher continues to be dissatisfied following the informal meeting, or where an informal meeting is not possible, s/he may move to the formal stage of the process.

Where the Headteacher is the person who met with the teacher at the informal meeting, the teacher can request a Formal Meeting under stage 2, or an Appeal Hearing at stage 3.

The Appeal Hearing at stage 3 should not be held until a meeting has taken place under either stage 1 or stage 2.

If the employee wishes to proceed to the formal stage s/he should do so in writing to the clerk of the governors within ten days of receiving the written decision.

STAGE 2 - The formal meeting

An employee who is not satisfied following Stage 1 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 ten working days of the outcome of the informal meeting.

The person/committee who made the pay determination should arrange to meet with the employee, normally within 10 days of receipt of the written grievance.

Each step and action of this process must be taken without unreasonable delay. The timing and location of the meeting must be reasonable. The formal meeting must allow both parties to explain their cases.

At the formal meeting under stage 2, or appeal hearing at stage 3, the employee may be accompanied by a trade union representative or colleague. The person/committee who made the pay determination may be accompanied by a senior colleague at the school, who may be a Headteacher or school governor, advised by an officer from the Local Authority.

At the meeting, both the person/committee who made the pay determination (or their colleague/adviser) and employee (or representative) should have the opportunity to make a verbal statement in support of the written submission.

There will be an opportunity for the person/committee/representative to question the employee/representative about the written submission, and the employee/representative will have the opportunity to put questions to the person/committee/representative about the decision at Stage 1.

The employee/representative may make a closing statement, as may the person/committee/representative.

If possible the person/committee/representative should give a verbal decision, normally after an adjournment, and should confirm this decision in writing within five working days. Alternatively, the circumstances may require further review and/or enquiries. This should be confirmed at the end of the meeting, followed by a verbal decision within five working days of the meeting and written confirmation within a further three days.

Following the outcome of the hearing the employee should also be informed in writing of the right to appeal.

STAGE 3 - The Appeal Hearing

Where the employee is not satisfied following Stage 2, s/he should notify the committee or person who made the determination within ten days of the written outcome of the formal meeting at stage 2.

The appeal will be heard by three governors who are authorised to do so, normally within twenty working days of receipt of the written appeal notification. No governor should be a member of the panel where s/he has been involved in the original pay determination.

At the Appeal the employee may be accompanied by a trade union representative or colleague. The person/ committee who made the pay determination may be accompanied by a senior colleague at the school, who may be a Headteacher or school governor, advised by an officer from the Local Authority.

The teacher and the person/committee/representative will exchange statements to be considered at the appeal hearing 5 days before the notified date of the hearing. Neither party is entitled to see a copy of the written

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March 2011*

statement by the other party before preparation of their own. The statements from both parties will be sent to the members of the panel at least 5 days before the appeal hearing.

The procedure to be followed by the panel is as follows:

- The employee/representative to put their case in the presence of the person/committee/representative and calls witnesses if wished
- The person/committee/representative may ask questions of the employee/representative and any witnesses
- The appeals panel may ask questions of the employee/representative and any witnesses
- The person/committee/representative to present the case in response to the employee's representations, calling witnesses if wished
- The employee/representative may ask questions of the person/committee/representative and his/her witnesses
- The appeals panel may ask questions of the person/committee/representative and his/her witnesses.
- The person/committee/representative to have the opportunity to sum up his/her case
- The employee/representative to have the opportunity of summing up his/her case
- The employee, headteacher and any witnesses to withdraw
- The appeals panel (with any adviser) to deliberate in private, only recalling the parties where there are particular points of uncertainty on the evidence given. If recall is necessary, both parties are to return, even where only one is concerned with the point that is giving rise to doubt.

The appeals panel is authorised to:

- Reject the appeal and confirm that the salary for the post is correct
- Uphold the appeal and arrange for monies to be backdated to the appropriate point

The decision of the panel will be notified to the employee/representative at the meeting and confirmed in writing within 5 days and where the appeal is rejected with include a note of the evidence considered and the reasons for the decision.

The decision of the panel is final and there is no further right of appeal within the school or Local Authority.

PROCEDURE FOR HEARING HEADTEACHER PAY APPEAL

The headteacher must notify the chair of governors in writing of his/her decision to appeal against a pay decision, within ten days of a pay decision being received by him/her. The reasons should be (although the list is not exhaustive):

That the person or committee by whom the decision was made –

- a) incorrectly applied any provision of the School Teachers' Pay & Conditions Document;
- b) failed to have proper regard for statutory guidance;
- c) failed to take proper account of relevant evidence;
- d) took account of irrelevant or inaccurate evidence;
- e) was biased; or
- f) otherwise unlawfully discriminated against the teacher.

1. PROCEDURE:

Stage 1 - The Informal Meeting

A headteacher who is not satisfied with the pay determination and the basis on which this was made should first discuss this with the chair of governors on an informal basis.

The chair of governors should hold this informal meeting within 10 days of the headteacher making the request. The meeting gives the opportunity for early resolution of a headteacher appeal against pay and should always be held in the first instance.

At the informal meeting the chair of governors will take account of the the headteacher's comments and will assess the pay of the headteacher against pay criteria etc. The decision, where circumstances permit, will be given verbally, normally after an adjournment, and will be confirmed in writing within three days.

Alternatively, the case may require further review and/or enquiries before the chair of governors can reach a decision. Where this is the case the subsequent decision should be given verbally to the headteacher within five days of the meeting, and confirmed in writing within a further three days.

If the Headteacher is not satisfied following Stage 1 (the informal meeting) s/he should notify the chair of governors within ten days of the informal meeting and request him/her to make arrangements to convene an Appeals Panel, within twenty days of this notification. No member of the appeal panel will work at the school, nor will have been involved in the original decision of the pay committee. The chair of governors will attend the Appeal Hearing to give evidence about decisions regarding the headteacher's pay.

The headteacher will be given at least fifteen days' written notice of the hearing and will be required to submit her/his case in writing at least five days before the scheduled hearing.

The headteacher has the right to be accompanied by a work colleague or Trade Union Representative.

The chair of governors may be accompanied by a representative of the Local Authority

The chair of governors (or committee who made the original decision on pay) will be required to submit their case in writing at least five days before the scheduled Appeal Hearing.

An exchange of written statements will take place at least five days before the appeal hearing.

Stage 2 – The Appeal Hearing

The chair of the appeal panel outlines the procedure, which is as follows:

- The headteacher/representative makes a verbal statement in support of the written reasons for the appeal.
- The appeals panel and chair of governors may question the headteacher about his/her statement.
- The chair of governors makes a verbal statement in support of the written reasons for the decision about the headteacher's pay.
- The headteacher/representative may question the chair of governors about the statement.
- The chair of governors makes a closing statement.
- The headteacher/representative makes a closing statement.

The headteacher and chair of governors withdraw while the panel reaches a decision. The parties can be recalled where there are particular points of uncertainty on the statements made. If recall is necessary both parties are to return, even if only one is concerned with the point giving rise to doubt.

Where possible, the chair of the appeals panel should give his/her decision verbally at the end of the Appeals Hearing. This decision must be confirmed in writing within five days and should include details of the evidence considered and the reason for the decision. Where an appeal is rejected, the Appeal Committee will inform the appellant in writing of the evidence the committee considered and its reasons for the decision.

The person or committee who made the original decision will also be notified of the outcome of the hearing.

The chair of the appeal panel will inform all parties that the decision is final, and there is no further right of appeal.

A copy of the latest version of the STPCD may be found in the school office and is also on-line at <http://www.teachernet.gov.uk/pay/>.

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March 2011*