

# Pay Policy



**Normand Croft** Community School

**An International Family of Learners**

**Agreed and adopted by:** Full Governing Board

**Date:** May 2023

**Next review:** May 2024

**Policy revisions :**

## **Introduction**

**This policy sets out the framework for making decisions on teachers' pay. It has been developed to comply with current legislation and the requirements of the School Teachers' Pay and Conditions Document (STPCD) and has been consulted on with staff and/or the recognised trade unions.**

### **1. Statement of Intent**

The prime statutory duty of Governing Bodies in England, is to "...conduct the school with a view to promoting high standards of educational achievement at the school."

The Governing Board aims to:

- a. Maximise the quality of teaching and learning at the school
- b. Support the recruitment and retention of a high-quality teacher workforce
- c. Enable the school to recognise and reward teachers appropriately for their contribution to the school
- d. Help to ensure that decisions on pay are managed in a fair, just and transparent way

The Governing Board of Normand Croft Community School will act with integrity, confidentiality, objectivity and honesty in the best interests of the school; will be open about decisions made and actions taken, and will be prepared to explain decisions and actions to interested persons. Its' procedures for determining pay will be consistent with the principles of public life: objectivity, openness and accountability.

This pay policy is intended to support the school's statutory duties and the principles set out above. The Governing Board will review this policy annually.

### **2. Equalities Legislation**

The Governing Board will comply with relevant equalities legislation:

Employment Relations Act 1999

Equality Act 2010

Employment Rights Act 1996

The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000

The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002

The Agency Workers Regulations 2010

The Governing Board will promote equality in all aspects of school life, particularly as regards all decisions on advertising of posts, appointing, promoting and paying staff, training and staff development.

### **3. Equalities and performance related pay**

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

### **4. Staffing structure and job descriptions**

The staffing structure of the school is attached

The Head Teacher will ensure that each member of staff is provided with a job description in accordance with the staffing structure agreed by the Governing Board. Job descriptions may be reviewed from time to time, in consultation with the individual employee concerned, in order to make reasonable changes in the light of the changing needs of the school. Job descriptions will identify key areas of responsibility. All job descriptions will be reviewed annually as part of the appraisal process.

### **5. Access to records**

The Head Teacher will ensure reasonable access for individual members of staff to their own employment records.

### **6. Appraisal**

The Governing Board will comply with The Education (School Teachers' Appraisal) (England) Regulations 2012 concerning the appraisal of teachers. Assessment will be based on evidence from a range of sources (see the school's appraisal policy). Although the school will establish a firm evidence base in relation to the performance of all teachers, there is a responsibility on individual teachers and appraisers to work together. Teachers should also gather any evidence that they deem is appropriate in relation to meeting their objectives, the Teachers' Standards and any other criteria (e.g. application to be paid on the Upper Pay Range) so that such evidence can be taken into account at the review.

The Head Teacher\* will moderate objectives to ensure consistency and fairness; the Head Teacher will also moderate performance assessment and initial pay recommendations to ensure consistency and fairness.

### **7. Governing Board obligations**

The Governing Board will fulfil its obligations to:

- a. **Teachers:** as set out in the School Teachers' Pay and Conditions Document (the Document) and the Conditions of Service for School Teachers in England and Wales (commonly known as the 'Burgundy Book').
- b. **Support staff:** as set out in the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service (the "Green Book") and any local terms and conditions of employment.

The Governing Board will need to consider any updated pay policy and assure themselves that appropriate arrangements for linking appraisal to pay for teachers are in place, can be applied consistently and that their pay decisions can be objectively justified.

The Governing Board will monitor the outcomes of pay decisions, including the extent to which different groups of teachers and support staff may progress at different rates, ensuring the school's continued compliance with equalities' legislation.

The Governing Board will ensure that pay decisions are clearly communicated to the payroll provider for implementation.

### **8. Head Teacher obligations**

The Head Teacher will:

- a. develop clear arrangements for linking appraisal to pay progression and consult with staff and recognised trade union representatives on the appraisal and pay policies;
- b. submit any updated appraisal and pay policies to the Governing Board for approval;
- c. ensure that effective appraisal arrangements are in place and that any appraisers have the knowledge and skills to apply procedures fairly;
- d. ensure that annual appraisals are held for each member of staff and that each member of staff has a formal mid-year review and regular one-to-ones with their line manager during the academic year;

- e. submit pay recommendations to the Governing Board and ensure the Governing Board has sufficient information upon which to make pay decisions;
- f. ensure that all members of staff are informed about decisions reached; and that records are kept of recommendations and decisions made.

### **9. Obligations of staff**

Each member of staff will:

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

### **10. Differentials**

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

### **11. Discretionary pay awards**

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

### **12. Safeguarding**

Where a pay determination relating to a teacher leads or may lead to the start of a period of safeguarding, the Governing Board will comply with the relevant provisions of the Document and will give the required notification as soon as possible and no later than one month after the determination.

Similarly, pay protection arrangements for support staff will be determined if appropriate, depending on the circumstances.

### **13. Procedures**

The Governing Board will determine the annual pay budget on the recommendation of the Pay Committee.

The Governing Board has delegated its pay powers to the Pay Committee. Any person employed to work at the school, other than the Head Teacher, must withdraw from a meeting at which the pay or appraisal of any other employee of the school, is

under consideration. The Head Teacher must withdraw from that part of the meeting where the subject of consideration is his or her own pay. A relevant person must withdraw where there is a conflict of interest or any doubt about his/her ability to act impartially.

No member of the Governing Board who is employed to work in the school shall be eligible for membership of this committee.

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

The terms of reference for the pay committee will be determined from time to time by the Governing Board. The current terms of reference are:

- a. to achieve the aims of the whole school pay policy in a fair and equal manner;
- b. to apply the criteria set by the whole school pay policy in determining the pay of each member of staff at the annual review;
- c. to observe all statutory and contractual obligations;
- d. to record the reasons for all decisions and report the fact of these decisions to the next meeting of the full Governing Board;
- e. to recommend to the Governing Board the annual budget needed for pay;
- f. to keep abreast of relevant developments and to advise the Governing Board when the school's pay policy needs to be revised;
- g. to work with the Head Teacher in ensuring that the Governing Board complies with the Appraisal Regulations 2012 (teachers).

The report of the pay committee will be placed in the confidential section of the Governing Board's agenda and will either be received or referred back. Reference back may occur only if the pay committee has exceeded its powers under the policy.

#### **14. Annual determination of pay**

All teaching staff salaries, including those of the Head, Deputy Head(s) and Assistant Head(s) will be reviewed annually to take effect from 1 September. The Governing Board will endeavour to complete teachers' annual pay reviews by 31 October and the Head Teacher's annual pay review by 30<sup>th</sup> June. They will, however, complete the process without undue delay.

### **15. Notification of pay determination to individuals and the payroll provider**

Decisions will be communicated to each teacher by the Head Teacher in writing and will set out the reasons why decisions have been taken. Decisions on the pay of the Head Teacher will be communicated by the pay committee to the Head Teacher and the HR/Payroll provider. An instruction to amend pay from the relevant date will be issued immediately after the time limit for the lodging of an appeal has passed, or immediately after an appeal has been concluded.

### **16. Appeals procedure**

The Governing Board has an appeals procedure in relation to teachers' pay and support staff pay. The procedure is set out in **Annex 1** to this pay policy.

### **17. Head Teacher pay**

#### **Pay on appointment**

For appointments on or after 1 September 2022, the Governing Board will determine the pay range to be advertised and agree pay on appointment, taking account of the full role of the Head Teacher.

- a. The pay committee will first establish the school's Head Teacher group and will then establish a pay range for the Head Teacher post.
- b. if the Head Teacher takes on permanent accountability for one or more additional schools, the pay committee will set a pay range by combining the unit score of all the schools for which the Head Teacher is responsible.
- c. the pay committee will also ensure that appropriate differentials are created and maintained between posts of differing responsibility and accountability;
- d. the pay committee will consider exercising its discretion to implement a Head Teacher pay range above the maximum of the Head Teacher group where the Governing Board consider that circumstances specific to the role or candidate warrant a higher than normal payment;
- e. The pay committee will consider the need to award any further temporary discretionary payments to a Head Teacher. The total sum of temporary payments made in any school year must not exceed 25% of the Head Teacher's annual salary.

#### **Annual Pay Determination**

- a. The pay committee will review the Head Teacher's pay annually.
- b. A recommendation on pay must be made in writing as part of the individual's appraisal report.

- c. The pay committee may award one or more reference points on the Head Teacher's pay range (subject to the maximum of the range not being exceeded) on the basis of an assessment of:
  - i. the outcome of the Head Teacher's appraisal against defined annual objectives relating to school leadership and management and pupil progress;
  - ii. whether the Head Teacher has demonstrated a sustained high quality of performance; and
  - iii. Whether the Head Teacher continues to meet the relevant teachers' standards and other relevant professional standards.
- d. The total sum of salary and other payments made to the Head Teacher must not exceed 25% above the maximum of the Head Teacher group.
- e. The pay committee may determine the Head Teacher's pay range at any time if it considers it necessary to reflect a significant change in in the responsibilities of the post.

### **18. Deputy/assistant Head Teachers**

#### **Pay on appointment**

For appointments on or after 1 September 2022, the Governing Board will determine the pay range to be advertised and agree pay on appointment as follows:

- a. The pay committee will determine a pay range in accordance with the Document, taking account of the professional responsibilities of the Deputy/Assistant Head Teacher.
- b. The pay committee will ensure that the maximum of the Deputy or Assistant Head Teacher's pay range must not exceed the maximum of the Head Teacher group for the school and will also take account of any other permanent payments made to staff within the school to ensure that appropriate differentials are created and maintained between posts of differing responsibility and accountability
- c. The Governing Board may determine the pay range for the Deputy and Assistant Head Teacher at any time if it considers it necessary to reflect a significant change in the responsibilities of the post.

#### **Annual Pay Determination**

The pay committee will review the pay of the Deputy Head Teacher or Assistant Head Teacher annually.



A recommendation on pay must be made in writing as part of the individual's appraisal report.

The pay committee may award one or more reference points on the Deputy or Assistant Head Teacher pay range, (subject to the maximum of the group not being exceeded) on the basis of an assessment of:

- i. the outcome of the Assistant or Deputy Head Teacher's appraisal against defined annual objectives relating to school leadership and management and pupil progress;
- ii. whether the Assistant or Deputy Head Teacher has demonstrated a sustained high quality of performance; and
- iii. whether the Assistant or Deputy Head Teacher continues to meet the relevant teachers' standards and other relevant professional standards.

### **19. Acting allowances**

Acting allowances may be payable to teachers who are assigned and carry out the duties of a Head Teacher, Deputy Head Teacher or Assistant Head Teacher. The pay committee will, within a four-week period of the commencement of acting duties, determine whether or not the acting post holder will be paid an allowance. In the event of a planned and prolonged absence, an acting allowance will be considered in advance and, if agreed, will be paid from the first day of absence.

### **20. Review of the pay of leadership posts**

The Governing Board may choose to exercise its' discretion to review the pay of all the school's leadership group posts if they determine that this is required to maintain consistency with pay arrangements for new appointments to the leadership group.

### **21. Safeguarding**

The Document sets out the circumstances under which teachers are entitled to up to 3 years' salary safeguarding where they would otherwise suffer a reduction in salary following a school reorganisation or a change in the terms of an individual's employment.

### **22. Early career teachers - (formerly NQTs)**

Early Career Teachers (ECTs) placed on the minimum of the of the main pay range on their first appointment will, following the successful completion of their 2-year induction, be awarded the next reference point on the main pay range on the subsequent 1<sup>st</sup> September. Thereafter, progression on the main pay range will be determined as for other classroom teachers.

The relevant Board must also ensure that new ECTs are not negatively affected by the extension of the induction period from one to two years. This change does not prevent a school from awarding pay progression to ECTs at the end of the first year.

### **23. Classroom teachers**

#### **Pay on appointment**

In determining the starting salary for a newly appointed classroom teacher post on the main range or upper pay range, the school will

- normally recognise the salary point applicable to the teacher's last post;  
**OR**
- normally recognise previous experience gained by the teacher where this is relevant to the requirements of the post;  
**OR**
- have regard to
  - the requirements of the post;
  - any specialist knowledge required for the post;
  - the experience required to undertake the specific duties of the post;
  - the wider school context.

The Governing Board will, if necessary, use its discretion to award a recruitment incentive benefit to secure the candidate of its choice.

### **24. Main pay range**

The pay committee has determined local points between the statutory minimum and maximum points of the main pay range. Details are set out in Appendix A, ***"Teaching Staff Salaries and Allowances"***.

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

To move up the main pay range, teachers will need to have met their objectives and have shown that they are competent in all elements of the Teachers' Standards.

If the evidence shows that a teacher has exceptional performance, the Governing Board will consider the use of its flexibilities to award enhanced pay progression, up

to the maximum (M6) of the main pay range. Judgments will be properly rooted in evidence. As a teacher moves up the main pay range, this evidence should show:

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

### **25.Applications to be paid on the upper pay range**

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

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

For the assessment to be robust and transparent, it will be an evidence-based process only. Teachers therefore should ensure that they build a mainly paper evidence base to support their application. Those teachers who are not subject to the Appraisal Regulations 2012, or who have been absent, through sickness, disability or maternity, may cite written evidence from a 3-year period before the date of application in support of their application.

#### **Process:**

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

The process for applications is:

- a. The Head Teacher should appoint an assessor which can be internal or and external consultant with the agreement of the Governing Board;
- b. The teacher should complete the school's Upper Pay Range application form where applicable;
- c. Submit the application form and supporting evidence to the Head Teacher by the cut-off date of **31 October**.
- d. The teacher will receive notification of the name of the assessor of their application within 5 working days;
- e. The assessor will assess the application, which will include a recommendation to the pay committee of the Governing Board;
- f. The application, evidence and recommendation will be passed to the Head Teacher\* for moderation purposes, if the Head Teacher is not the assessor;
- g. The pay committee will make the final decision, advised by the Head Teacher;
- h. The Teacher will receive written notification of the outcome of their application within 28 days. Where the application is unsuccessful, the written notification will include the areas where it was felt that the teacher's performance did not satisfy the relevant criteria set out in this policy (see 'Assessment' below);
- i. If requested, oral feedback which will be provided by the assessor. Oral feedback will be given within 10 school working days of the date of notification of the outcome of the application being advised to the teacher. Feedback will be given in a positive and encouraging environment and will include advice and support on areas for improvement in order to meet the relevant criteria;
- j. Successful applicants will move to the minimum of the UPR backdated to 1 September of the year of application; *Note: This is Borough guidance only as schools can decide where to place a teacher on the Upper Pay Scale.*
- k. Unsuccessful applicants can appeal the decision. The appeals process is set out at the end of this pay policy.

**Assessment:**

The teacher will be required to meet the following criteria, namely that:

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

In this school, this means:

"highly competent": the teacher's performance is assessed as having excellent depth and breadth of knowledge and skill in meeting the Teachers' Standards in the particular role they are fulfilling and the context in which they are working.

“substantial”: the teacher’s achievements and contribution to the school are significant, not just in raising standards of teaching and learning in their own classroom, or with their own groups of children, but also in making a significant wider contribution to school improvement, which impacts on pupil progress and the effectiveness of staff and colleagues.

“sustained”: the teacher must have had two consecutive successful appraisal reports in this school and have met their objectives during this period (see exceptions, e.g. maternity/sick leave, in the introduction to this section). They will have been expected to have shown that their teaching expertise has grown over the relevant period and are meeting the teaching standards fully and consistently.

## **26. Upper pay range**

The pay committee has determined local points between the statutory minimum and maximum points of the main pay range. Details are set out in Appendix A, ***“Teaching Staff Salaries and Allowances”***.

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

- a. the evidence base, which should show that the teacher has had a successful appraisal or successful appraisals, as appropriate, and has met objectives;
- b. Evidence that the teacher is highly competent in all elements of the relevant standards; and that the teacher’s achievements and contribution to the school are substantial and sustained. The meaning of these criteria is set out in the section of this policy entitled, “Applications to be paid on the Upper Pay Range”.

Where it is clear that the evidence shows the teacher has made good progress, i.e. they continue to maintain the criteria set out above (see ‘Applications to be Paid on the Upper Pay Range’), and have met their objectives, the pay committee may recommend that the teacher should move to the next point on the Upper Pay Range.

Where it is clear from the evidence that the teacher’s performance is exceptional, in relation to the criteria set out above (see ‘Applications to be Paid on the Upper Pay Range’), and where the teacher has met or exceeded their objectives, the pay committee may use its flexibility to decide on enhanced progression from the minimum to the maximum of UPR. Teaching should be ‘outstanding’ as defined by Ofsted.

### **27. Leading practitioner roles**

Leading practitioners have the primary purpose of modelling and leading improvement of teaching skills.

In this context, specific duties will be set out in the job description of the leading practitioner and will include:

- a leadership role in developing, implementing and evaluating policies and practices in the school that contribute to school improvement;
- the improvement of teaching skills within school which impact significantly on pupil progress;
- improving the effectiveness of staff and colleagues.

#### **Pay on appointment**

The Document sets out a minimum figure (see current pay scales) between which individual post ranges are to be determined locally. Different posts in the same school may be paid on different individual post ranges.

#### **Pay determinations with effect from 1 September 2022**

The Head Teacher will agree appraisal objectives for the leading practitioner.

The pay committee shall have regard to the results of the leading practitioner's appraisal, including the pay recommendation, when exercising any discretion in relation to their pay.

The pay committee will take account of other evidence. The evidence should show the leading practitioner:

- a. has met their objectives;
- b. is an exemplar of teaching skills, which should impact significantly on pupil progress, within school and within the wider school community, if relevant;
- c. has made a substantial impact on the effectiveness of staff and colleagues, including any specific elements of practice that have been highlighted as in need of improvement;
- d. is highly competent in all aspects of the Teachers' Standards;
- e. has shown strong leadership in developing, implementing and evaluating policies and practice in their workplace that contribute to school improvement.

“Highly competent” and “substantial” are defined in the section entitled, “Applications to be paid on the Upper Pay Range”.

Where it is clear from the evidence that the teacher’s performance is exceptional, the pay committee may decide to award enhanced pay progression of [insert text].

## **28. Unqualified teachers**

### **Pay on appointment**

The pay committee will determine where a newly appointed unqualified teacher will enter the scale, having regard to any qualifications or experience s/he may have, which they consider to be of value.

The pay committee will consider whether it wishes to pay an additional allowance to recognise that the teacher has taken on a sustained additional responsibility which is focused on teaching and learning and requires the exercise of the teacher’s professional skills and judgement or has qualifications or experience which brings added value to the role being undertaken.

The pay committee has determined local points between the statutory minimum and maximum points of the main pay range. Details are set out in Appendix A, **“Teaching Staff Salaries and Allowances 2022/23”**.

To be eligible for progression up the unqualified teacher range, unqualified teachers will need to show that they have met their objectives. If the evidence shows that a teacher has exceptional performance, the Governing Board may award enhanced pay progression.

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

- a. an improvement in teaching skills
- b. an increasing positive impact on pupil progress
- c. an increasing impact on wider outcomes for pupils
- d. improvements in specific elements of practice identified to the teacher
- e. an increasing contribution to the work of the school
- f. an increasing impact on the effectiveness of staff and colleagues

## **29. Teaching and learning responsibility payments**

The pay committee may award a TLR payment to a classroom teacher for undertaking a sustained additional responsibility, for the purpose of ensuring the

continued delivery of high-quality teaching and learning and for which the teacher is made accountable.

TLR 1 or 2 will be for clearly defined and sustained additional responsibility in the context of the schools staffing structure for the purpose of ensuring the continued delivery of high-quality teaching and learning. All job descriptions will be regularly reviewed and will make clear, if applicable, the responsibility or package of responsibilities for which a TLR1 or TLR2 is awarded.

The pay committee has determined the values for TLR1 and TLR2, effective from 1 September 2022. Details are set out in Appendix A "**Teaching Staff Salaries and Allowances 2022/23**".

The pay committee may award a TLR3 for clearly time-limited school improvement projects, or one-off externally driven responsibilities. The Governing Board will set out in writing to the teacher the duration of the fixed term, and the amount of the award will be paid in monthly instalments. No safeguarding will apply in relation to an award of a TLR3.

A TLR3 will not be awarded for longer than one academic year or three consecutive terms. (This is recommended HR guidance. Any additional responsibilities, over what would normally be expected of a classroom teacher, which last longer than one year or three terms should be properly accommodated within the overall staffing structure, by allocating these responsibilities to a member of the leadership group or incorporating the responsibilities into the role of a leading practitioner or by awarding a TLR1 or TLR2).

(\*recommended values for schools to consider. The rates for TLR3b and TLR3c are suggested for the consideration of schools, but other rates between the published minimum and maximum may be determined).

### **Additional TLR3 provision introduced on 1 September 2022**

From 1 September 2022 a TLR3 may be awarded as a payment mechanism for tutoring when being delivered by main pay range teachers and upper pay range teachers outside of directed time and within the normal school day to address learning disruption as a result of the pandemic.

#### **30. Special needs allowance**

The pay committee will award a SEN spot value allowance on the range to any classroom teacher who meets the criteria as set out in the Document.



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

### **31. Support staff**

The pay committee notes its powers to determine the pay of support staff in accordance with the School Staffing (England) Regulations 2009.

The pay committee will determine the appropriate pay grade of a member of the support staff on appointment in accordance with the scale of grades, currently applicable in relation to employment with the LA.

On appointment the individual will normally be appointed to the minimum of the appropriate scale. Where the school regards any previous experience as particularly relevant to their role in the new post, additional points may be awarded.

### **Annual salary progression**

Members of the support staff on the NJC conditions of service for Local Government Staff will receive an annual salary increment until they reach the top of their pay range. This is not linked to objectives, i.e. not performance related pay.

### **Acting allowance**

Where a member of staff covers the full duties of a higher graded role on a temporary basis, for example to cover a vacancy or in the absence of the substantive post holder (other than to cover for annual leave), for a period of at least 4 weeks, they may be paid an acting allowance equivalent to the grade of the post they are covering. Acting arrangements are time limited and will be subject to regular review.

Where an employee is undertaking partial duties of a higher graded role, a special honorarium/ex gratia payment may instead be considered.

### **Premium payments**

In some circumstances voluntary overtime may be offered to staff to cover specific duties. In all cases, voluntary overtime must be agreed in advance of

any work undertaken. The rate of pay for voluntary overtime will be in accordance with local terms and conditions of employment, depending on the grade of the post. Overtime is only applicable when 36 hours has been worked in the working week. Part-time staff working additional hours will receive payment at their normal hourly rate. Overtime will only apply after 36 hours have been worked during the working week.

### **32. Part-time employees**

- a. **Teachers:** Teachers employed on an ongoing basis at the school but who work less than a full working week are deemed to be part-time. The Governing Board will give them a written statement detailing their working time obligations and the standard mechanism used to determine their pay, subject to the provisions of the statutory pay and working time arrangements and by comparison with the school's timetabled teaching week for a full-time teacher in an equivalent post.
  
- b. **All staff:** The Head Teacher and Governing Board will use its best endeavours to ensure that all part-time employees are treated no less favourably than a full-time comparator.

### **33. Short notice/supply teachers**

Teachers employed on a day-to-day or other short notice basis will be paid on a daily basis calculated on the assumption that a full working year including training days consists of 195 days (194 days in 2022/23 due to the Coronation Bank Holiday); periods of employment for less than a day being calculated pro-rata.

### **34. Additional payments**

The Governing Board may make payments as they see fit to a teacher, in respect of:

- a. continuing professional development undertaken outside the school day;
- b. activities relating to the provision of initial teacher training as part of the ordinary conduct of the school;
- c. participation in out-of-school hours learning activity agreed between the teacher and the Head Teacher
- d. additional responsibilities and activities due to, or in respect of, the provision of services relating to the raising of educational standards to one or more additional schools.

### **Continuing professional development**

A payment may be made to a teacher for voluntary CPD which the teacher has undertaken outside of the school day.

The Governing Board has the discretion to decide which activities would be eligible for such a payment and the minimum number of hours that must be undertaken before a payment is considered.

In 2022/23 payment will be calculated:

- on a daily basis at 1/194<sup>th</sup> of the teacher's actual salary;

### **Provision of initial teacher training**

A payment may be made for activities which are undertaken on a voluntary basis relating to the provision of initial teacher training (ITT). Such payments may only be made for ITT which is provided as part of the ordinary conduct of the school.

Such activities may include:

- supervising and observing teaching practice;
- giving feedback to students on their performance and acting as a professional mentor;
- running seminars or tutorials on aspects of the course; and
- formally assessing student competence.

The Governing Board has determined that teachers undertaking these activities will be entitled to a payment as set out in Appendix A "**Teaching Staff Salaries and Allowances 2022/23**".

### **Participation in out of school hours learning activity**

In 2022/23 teachers who agree to provide learning activities outside of normal school hours and whose salary range does not take account of such activity will be entitled to a payment of:

- a. on a daily basis at 1/194<sup>th</sup> of the teacher's actual salary;

[Note: Examples of out of school learning activities include:

- breakfast clubs;
- homework clubs;
- summer schools;
- study support groups;
- activities for gifted and talented children;
- activities to improve literacy;
- sporting activities; and

- other outdoor activities or clubs linked to the curricular, arts and hobby interest areas.

To ensure effective work life balance and also value for money in the delivery of the services provided the Governing Board should consider carefully who is best placed to undertake these activities. It may not necessarily be a teacher. Activities should be offered to staff following a fair and transparent process.

### **Additional responsibilities and activities relating to the raising of educational standards**

Teachers may occasionally provide services to other schools. When such arrangements have been entered into, the Governing Board will determine how much, if any additional payment will be made and for how long.

#### **35. Recruitment and retention incentive benefits**

The Governing Board can award lump sum payments, periodic payments, or provide other financial assistance, support or benefits for a recruitment or retention incentive.

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

The Governing Board will, nevertheless, conduct an annual formal review of all such awards.

In relation to a Head Teacher, any additional payments under this section will form part of the pay range.

Payments will not be made under the 'recruitment and retention' criteria for additional work undertaken, for specific responsibilities or to supplement pay for other reasons.

#### **36. Salary sacrifice arrangements**

Where the school operates a salary sacrifice arrangement, e.g. Cyclescheme, a member of staff may participate in any such arrangement, as provided for in their conditions of employment.

### **37. Pay portability**

Whilst there is no longer any statutory requirement in the STPCD for the Governing Board to match teachers' previous salaries when they are appointed to a post, it is free to do so if it chooses. This includes the freedom to pay teachers more than their previous salary from the start of their new employment in the school.

The Governing Board must ensure that, when considering new appointments and appropriate levels of salary, the decisions taken do not discriminate against teachers because of a protected characteristic under the Equality Act 2010. Salary determinations made at school level should also be monitored to ensure that decisions in respect of starting salary/portability are not discriminatory.

In respect of career breaks, the relevant Board must ensure that, although it is good practice for a teacher and a school to agree the terms on which the teacher will return from the break, the potential for indirect discrimination in any such agreement is fully assessed and, if necessary, prevented.

The Governing Board must avoid discriminating against teachers returning to the profession following a career break whether they return to the same school or to another school. Blanket policies against pay portability are likely to disadvantage women teachers who have taken a break from teaching to give birth and/or to care for their children or to provide elder care.

### **38. Teachers who are on maternity or long-term disability or sickness absence**

The school will ensure that our pay policy does not discriminate on grounds of disability or pregnancy/maternity status. We will ensure that the pay progression criteria recognises the potential for indirect discrimination in relation to pay progression decisions, and that measures which disadvantage teachers on grounds of absence due to pregnancy/maternity or disability are potentially discriminatory and, therefore, unlawful.

Where a teacher is away from school because of maternity leave, it is unlawful for the school to deny that teacher an appraisal and subsequent pay progression decision because of her maternity. When a teacher returns to work from maternity leave, the school must give her any pay increase that she would have received, following appraisal, had she not been on maternity leave.

The school will adopt a practical and flexible approach to conducting appraisals and making pay decisions for those absent on maternity leave, including where a teacher has been absent for part or all of the reporting year. In these circumstances, the school will ensure that the absent teacher receives fair treatment while ensuring the

integrity and robustness of the school's appraisal process for all teachers. The school will ensure that they minimise bureaucracy for all involved. The school will consider conducting appraisals prior to individuals departing on maternity leave, even if this is early in the appraisal year, and basing any appraisal and pay determination on the evidence of performance to date in that appraisal year. Account could also be taken of performance in previous appraisal periods if there is very little to go on in the current year. However, the school will not require teachers to use Keeping in Touch (KIT) days for the purposes of appraisal.

The school will ensure that our pay and appraisal policies incorporate any adjustments which can reasonably be made to give a teacher who is absent for disability related reasons an equal opportunity to participate in appraisal and to access pay progression. Whilst there is no equivalent to the "maternity equality clause" (i.e. the clause that deems a woman to have received a pay rise to which she would have been entitled had she not been on maternity leave) in the Equality Act, we will consider utilising the same range of options outlined above for teachers on maternity leave.

When a teacher returns to work following a disability related absence, the school will not refuse a pay increase that the teacher would have received, following appraisal, had he or she not been absent for a reason related to disability, if the reason for the refusal is the teacher's disability or the refusal cannot be objectively justified.

### **Equal Pay Considerations**

To prevent any equal pay claim, the School will ensure that individual pay decisions are fully compliant with the Equality Act and the duty to have due regard is discharged. The Governing Board will satisfy itself that pay decisions year on year are not indicating a pattern that might cause concern.

## **Annex 1**

### **MODEL APPEALS PROCEDURE**

The School Teachers' Pay and Conditions Document ("the Document") requires schools and local authorities to have a pay policy in place that sets out the basis on which teachers' pay is determined and the procedures for handling appeals.

The school's procedure for handling appeals applies equally to support staff.

As part of the overall appraisal process, a pay recommendation is made by the appraiser/reviewer (normally the line manager) and discussed with the staff member at the Review Meeting prior to being submitted to the school's Pay Committee or relevant decision-making Board. Written details of and the reasons for the pay recommendation will be given to the staff member.

At this particular stage of the pay determination process, if the staff member wishes to better understand the rationale for the pay recommendation or bring any further evidence to the attention of the appraiser/reviewer, they should be given the opportunity to do so before the final pay recommendation is drafted in the appraisal report. The nature of any subsequent appraisal and pay discussion will be informal and therefore representation (on either side) is not necessary nor would it be appropriate. At the conclusion of any further discussion, the pay recommendation may be adjusted or it may remain the same; the appraisal report will be updated to reflect the discussion.

If a staff member believes that the final pay recommendation falls short of their expectations and they wish to seek a further review of the information that affects their pay, they may wish to formally appeal against the decision, utilising the formal Appeal Hearing Procedure. Appeal Hearings against pay decisions must satisfy the dispute resolution requirements of employment law (i.e. Part 4 of the Trade Union and Labour Relations (Consolidation) Act, 1992) and the ACAS Code of Practice.

### **APPEAL HEARING PROCEDURE**

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

### **Guidance**

- When a staff member feels that a pay decision is incorrect or unjust, they may appeal against that decision, especially when there is new evidence to consider.
- Staff members / Head Teacher should put their appeal in writing to either the Head Teacher or the Governing Board; their appeal should include sufficient details of its basis.
- Appeals should be heard without unreasonable delay and at an agreed date, time and place.
- Employees have a statutory right to be accompanied at any stage of an appeal hearing by a companion who may be either a work colleague or a trade union representative but not a legal representative.

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

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

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

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

This will invoke the Formal Stage of the Appeal Procedure.

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

On receipt of the written appeal, the Clerk to the Governing Board will establish an Appeal Committee that should consist of three governors, none of whom are employees in the school or have been previously involved in the relevant pay



determination process and convene a meeting of the Appeal Committee at the earliest opportunity and no later than 20 school working days of the date on which the written appeal was received. Both "the recommendation provider" and "the decision maker" will be required to attend the meeting.

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

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