



# Pay Policy 2020-21

The Richard Huish Trust

Trust Executive



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## A. Provisions Relating To Teaching Staff

### 1. Introduction

- 1.1 The Richard Huish Trust (the Trust) was established by Richard Huish College to provide governance and oversight to those academies that are part of the Trust. These include:
  - i. The Taunton Academy
  - ii. West Buckland Primary
  - iii. North Curry CofE Primary
  - iv. Nerrols Primary and Nursery
  - v. North Town Primary
- 1.2 This Policy applies to each of the Academies listed above.
- 1.3 The Richard Huish Trust Board of Directors (the RHT Board) has approved this Pay Policy on 11 December 2018 for it to be implemented within all its academies.
- 1.4 This Policy will be reviewed [in July 2019 annually](#).
- 1.5 The RHT Board has approved the Policy set out in this document to provide a clear framework for each of its **Local Governing Body (LGB) Pay Committees** for the management of pay and grading issues for all staff employed by MAT.
- 1.6 The RHT Board and its LGB Pay Committees are committed to making decisions in accordance with the key principles of public life namely: objectivity, openness and accountability. They recognise the requirement for a fair and transparent policy to determine the pay and grading for all staff employed in each academy, which takes account of the conditions of service under which staff are employed and relevant statutory requirements.
- 1.7 The RHT Board and its LGB Pay Committees recognise their responsibilities under relevant legislation including the Equality Act 2010, the Employment Relations Act 1999, the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000, the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 and will ensure that all pay related decisions are taken equitably and fairly and in compliance with statutory requirements.
- 1.8 This Policy is based on a whole RHT approach to pay issues. Pay decisions will take account of the resources available to each academy and the Trust as a whole. Each academy staffing structure will support their academy improvement plan. The RHT Board and each LGB Pay Committee will exercise their discretionary powers using fair, transparent and objective criteria in order to secure a consistent approach in all pay decisions.
- 1.9 The RHT Board accepts that adjustments will need to 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, (with HR advice as necessary) and will depend on the circumstance of the individual teacher and the academy.
- 1.10 The RHT Board recognises the requirement that all pay progression decisions for all teaching staff must be linked to annual appraisal of performance. The procedures set out in this Policy seek to ensure that this is achieved in a fair, equitable and transparent way. The RHT Board also recognises the importance of annual appraisal of performance for support staff and how this may link to pay.
- 1.11 This Policy has been agreed by the RHT Board following consultation with staff and the recognised trade unions. Each LGB Pay Committees will have full authority to take decisions on behalf of the RHT Board on pay matters as defined in this Policy and in accordance with the RHT Scheme of Delegation for each academy. Terms of reference for LGB Pay Committees and Appeals Guidance are attached at **Appendix 10**

## 2. Aims of the Policy

Each LGB aims to use the pay policy to:

- maximise the quality of teaching and learning at the school;
- support the recruitment and retention of a high quality teacher workforce;
- support the school improvement plan or equivalent;
- link with the school's appraisal policy and provide flexibility to recognise individual employee performance through pay progression;
- enable the school to recognise and reward teachers appropriately for their contribution to the school;
- help to ensure that decisions on pay are managed in a fair, just and transparent way that complies with relevant employment and equalities legislation.

The LGB will consider advice issued by the Department for Education (DfE), recognised trade unions and professional associations and other national bodies as appropriate in ensuring compliance with relevant statutory legislation.

## 3. General Provisions

### 3.1 Equal Opportunities Policy

Each LGB will abide by all relevant legislation and, in particular, will not unlawfully discriminate on grounds of age, disability, sex, race, religion or belief or sexual orientation or other protected characteristics and must comply with the regulations preventing less favourable treatment of employees on part-time and fixed-term contracts. Each LGB will promote equality in all aspects of school life, particularly as regards all decisions on advertising posts, appointing, promoting and paying staff, training opportunities and staff development.

### 3.2 Provision of and Means of Revising Job Descriptions

Each school Headteacher will ensure that each member of staff is provided with a job description in accordance with the staffing structure agreed by the LGB. Job descriptions may be reviewed from time to time in consultation with the individual employee concerned in order to make reasonable changes. Job descriptions will identify key duties and areas of responsibility and will show who is responsible for what and who is responsible for whom; job descriptions will also make clear what responsibilities are common to all posts.

### 3.3 Maintenance or Creation of Differentials

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

### 3.3 Access to Records

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

## 4. RHT Board and LGB Obligations

4.1 The RHT Board and its respective LGBs will fulfil their obligations to:

- i. **Teachers:** as set out in the School Teachers' Pay and Conditions Document (also known as the STPCD) and the Conditions of Service for School Teachers in England and Wales (commonly known as the 'Burgundy Book').
- ii. **Support Staff:** the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service (Green Book) or any LA pay/grading system.

- 4.2 LGB Pay Committees will follow the advice offered by RHT's HR provider before making any decisions on pay discretion and will be sensitive to the impact of its decisions on its own and other academies.
- 4.3 LGB Pay Committees will follow the advice/guidelines of the HR provider on any national and/or local pay and conditions agreements (e.g. single status). The reason for any departure from the advice offered by the HR provider will be identified objectively and clearly documented.
- 4.4 The RHT Board will ensure that all staff are made aware of the existence of this Policy and have ready access to a copy of it.
- 4.5 The RHT Board will need to consider any updated Pay Policy and assure itself that appropriate arrangements for linking appraisal to pay are in place, can be applied consistently and that pay decisions can be objectively justified.
- 4.6 **The RHT Board will ensure that the Trust as a whole can afford the pay decisions it makes and that each academy has either sufficient funds individually to implement any pay decisions in full or has agreed with the RHT Board a financial plan that will ensure affordability going forward. In the latter case this may involve central Trust reserves being loaned to the academy on a short-term basis to ensure affordability and sustainability.**

## 5. Governance

- 5.1 Delegation to each LGB Pay Committee: The RHT Board will determine the annual pay budget taking account of the recommendations of each the LGB Pay Committee., The RHT Board has delegated powers in the Scheme of Delegated Authority to each Local Governing Body to set up a Pay Committee and an Appeals process.
- 5.2 Any person employed to work at a RHT academy/school, other than the Headteacher, must withdraw from a meeting at which the pay or appraisal of any other employee, is under consideration.
- 5.3 A relevant person must withdraw where there is a conflict of interest or any doubt about his/her ability to act impartially.
- 5.4 No member of a LGB who is employed to work at that academy/school shall be eligible for membership of a LGB Pay Committee.
- 5.5 Each LGB Pay Committee will be attended by the Headteacher in an advisory capacity only.
- 5.6 Terms of Reference of the LGB Pay Committee; The Terms of Reference of the LGB Pay Committee will be determined and periodically reviewed by the Local Governing Body, in line with this Pay Policy. The Terms of Reference are appended to this policy. **(Appendix 10)**
- 5.6.1 Decisions will be communicated to each member of teaching staff, including those of the Headteacher, and other members of staff paid on the Leadership scale, in writing in accordance with Section 2 paragraph 3 of the **School Teachers' Pay and Conditions Document ("the Document")**. 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.
- 5.6.2 As required by the Document, the salaries of all teaching staff, including those of the Headteacher, and other members of staff paid on the Leadership scale, will be reviewed annually to take effect from 1 September. **The review of the Academy Headteacher's performance appraisal and salary review/performance objective setting, as determined in the Scheme of Delegated Authority, will be agreed by the RHT CEO for RHT Board approval.**
- 5.6.3 All staff will receive a written statement of the determination of their pay (model salary statement in **Appendix 5**).

## 5.7 Pay Hearings and Appeals:

5.7.1 In accordance with the School Teachers' Pay and Conditions Document the Local Governing Body has:

- adopted a policy that sets out the basis on which it determines teachers' pay and the date by which it will determine its teachers' annual pay review; and
- in accordance with Section 29 of, and Schedule 2 to, the Employment Act 2002, established procedures for addressing teachers' grievances in relation to their pay.

5.7.2 The conduct of the appeal will be in accordance with the LGB's appeals procedures. The decision of the Appeals Panel will be final.

5.7.3 Other issues linked to pay e.g. allegations of unlawful deductions, overpayments, underpayments are dealt with in **Appendix 3**.

## 5.8 Job Roles and Responsibilities:

5.8.1 All members of staff will be provided with a job description outlining the roles and responsibilities of the post. This will also include the pay range and any additional payments or allowances covered by this policy. The job description will state the reason for any additional allowances or payments and whether this is a permanent or temporary payment.

5.8.2 Any significant changes to duties and responsibilities of a post will be subject to discussion with the member of staff with a view to reaching agreement. Where there is a significant change in duties and responsibilities of a post a new job description will be issued.

5.8.3 Where the staffing structure of the school needs to be changed, resulting in broader changes to roles and responsibilities, this will be the subject of consultation with the staff involved before any changes are made and with a view to seeking to agree the changes before new job descriptions are issued.

## 5.9 Maintenance or Creation of Differentials

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

## 5.10 Pay Reviews

5.10.1 The LGB will ensure that each teacher's salary is reviewed annually, with effect from 1 September (and by no later than 31 October each year, except for Headteachers whose review should be undertaken no later than 31 December each year) and that all teachers are given a written statement setting out their salary and any other financial benefits to which they are entitled.

5.10.2 Reviews may take place at other times of the year to reflect any changes in circumstances 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.

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

## **Pay for Classroom Teachers Other Than Those on Leadership Scale or Paid As Leading Practitioners:**

### **6. Basic Pay Determination on Appointment**

The LGB, or the Headteacher if delegated authority to do so, will determine the pay range for a vacancy prior to advertising it. On appointment the starting salary to be offered to the successful candidate will be determined within that range.

6.1 In making such determinations, the following range of factors may be considered, including:

- the nature of the post;
- the level of qualifications, skills and experience required;
- market conditions;
- the wider school context;
- The impact on the school/academy budget and financial sustainability.

6.2 There is no assumption that a teacher will be paid at the same rate as they were being paid in a previous school and the salary to be offered will be determined on appointment, taking into account the factors set out in 6.1 (above).

### **7. Pay Structures**

The RHT Board has approved the pay structures for Leadership range, Main Pay Range, Upper Pay Range and Unqualified teachers set out in **Appendix 1 and 2**.

### **8. Pay Progression Based On Performance**

- a. In each Trust school all teachers can expect to receive regular, constructive feedback on their performance and are subject to an annual appraisal that recognises their strengths, informs plans for their future development, and helps to enhance their professional practice. The arrangements for teacher appraisal are set out in the school's Appraisal policy.
- b. Decisions regarding pay progression will be made with reference to teachers' appraisal reports and the pay recommendations they contain. It will be possible for a 'no progression' determination to be made in any individual case without recourse to the capability procedure. In the case of NQTs, whose appraisal arrangements are different, pay decisions will be made by means of the statutory induction process.
- c. To be fair and transparent, assessments of performance will be properly rooted in evidence. In this school we will ensure fairness through the Headteacher monitoring and moderating the consistency of objectives and appraisal outcomes.
- d. The evidence we will use will include the evidence identified in the school's Appraisal policy in consultation with school staff, which may include:
  - Lesson observations.
  - Self-assessment.
  - Peer-review.
  - Pupil progress data.
  - Pupil attainment data.
  - Lesson planning and evaluation.
  - The 'pupil voice' where pupil comments are systematically gathered by school leaders in assessing the quality of teaching and learning will be taken into account.
  - Recorded information concerning the teacher's conduct, performance and attendance.

The latter may only be known to the Headteacher if it is an outcome of formal procedures. If so, the Headteacher may use the information in moderating appraisal outcomes.

- 8.5 Teachers' appraisal reports will contain pay recommendations from the Headteacher. Final decisions about whether or not to accept a pay recommendation will be made by the LGB Pay Committee, having regard to the appraisal report and taking into account advice from the senior leadership team. The LGB Pay Committee will consider its approach in the light of the agreed school's budget and ensure that appropriate funding is allocated for pay progression at all levels.
- 8.6 In each Trust school, judgements of individual performance for Main Pay Range, Upper Pay Range and Unqualified teachers will be made against the extent to which the teacher has had a successful appraisal review, including the extent to which they have:
- met their individual teacher appraisal objectives; and
  - met or exceeded the requirements of the Teachers' Standards, incorporating:
    - their impact on pupil progress;
    - their impact on wider outcomes for pupils;
    - the quality of their teaching;
    - improvements in specific elements of their professional practice, such as behaviour management, lesson planning and evaluation, use of assessment, impact on effectiveness of colleagues;
    - their wider contribution to the work of the school.
  - as UPR teachers met the UPR pay progression criteria;
  - the impact of their leadership or management roles (if applicable).
- 8.7 Teachers will be eligible for pay progression according to their individual performance and progression will be on the basis of absolute criteria as follows:
- Main Pay Range and Unqualified Teachers will be eligible for progression by 1 point on their scale if they have met all their individual appraisal objectives (or made significant progress towards meeting longer term objectives), are assessed as meeting the relevant standards (Teachers' Standards) at a level appropriate to or exceeding the expectations for their career stage and their teaching is assessed as consistently good;
  - Main Pay Range and Unqualified Teachers satisfying the above criteria and whose teaching is assessed as consistently outstanding may be eligible for progression by more than 1 point.
  - Upper Pay Range Teachers satisfying the above criteria and the pay progression criteria for Upper Pay Range teachers will be eligible for progression by 1 point on the Upper Pay Range following two consecutive successful appraisal reviews (see 9 below and **Appendix 2**).
- 8.8 Teachers will be informed of the LGB Pay Committee's decision within 5 working days of the meeting. Pay progression will be implemented from the 1 September following the appraisal review period.

## 9. Movement to the Upper Pay Range

### 9.1 Applications and Evidence

Any qualified teacher on the Main Pay Range may apply to be paid on the Upper Pay Range. It is the responsibility of the teacher to decide whether or not they wish to apply to be paid on the Upper Pay Range. Any such application must be assessed in line with this policy.

- 9.2 Applications may be made only once in each school year but may be made at any point up to the 31 October following. For example, a teacher who moves to the top of the Main Pay Range on 1 September 2017 may apply for threshold assessment at any point between then and 31 October 2018.



- 9.3 A successful application will be implemented from 1 September following the school year in which the application is made, or backdated when the application is lodged after 1 September but prior to 31 October. For example, a teacher making a successful application between 1 September 2017 and 31 October 2018 will be placed on UPR1 on 1 September 2018.
- 9.4 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 Upper Pay Range in that school or schools. This school will not be bound by any pay decision made by another school.
- 9.5 All applications should include the results of reviews or appraisals under the 2012 Teacher Appraisal regulations, including any recommendation on pay (or, where that information is not applicable or available, a statement and summary of evidence designed to demonstrate that the applicant has met the assessment criteria). Applications should contain evidence from the two most recent consecutive appraisals which clearly demonstrate that the teacher achieved their personal objectives, was assessed as meeting the relevant standards (Teachers' Standards) and that their teaching was assessed as consistently good over the preceding two years. In addition, the application should contain evidence that the teacher meets the criteria for progression to the Upper Pay Range (see 8.6 below). Applications should be submitted in writing, citing the required evidence, to the Headteacher within the specified timescale.

#### 9.6 The Assessment

An application from a qualified teacher will be successful where the LGB Pay Committee is satisfied 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.

For the purposes of this pay policy:

- 'highly competent' means performance which is not only good but also good enough to provide coaching and mentoring to other teachers, give advice to them and demonstrate to them effective teaching practice and how to make a wider contribution to the work of the school, in order to help them meet the relevant standards and develop their teaching practice;
- 'substantial' means of real importance, validity or value to the school; plays a critical role in the life of the school; provides a role model for teaching and learning; makes a distinctive contribution to the raising of pupil standards; takes advantage of appropriate opportunities for professional development and uses the outcomes effectively to improve pupils' learning; and
- 'sustained' means maintained continuously over at least the previous two school years.

The application will be assessed robustly, transparently and equitably, by the Headteacher, whose recommendation will be considered by the LGB Pay Committee who will make the final determination.

#### 9.7 Processes and procedures

The assessment will be made within 10 working days of the receipt of the application or the conclusion of the appraisal process, whichever is later. The applicant will receive a response to their application within 5 working days of the LGB Pay Committee meeting.

The Headteacher will make a recommendation to the LGB Pay Committee who will make the determination as to whether the application is successful. If successful the teacher will be placed on the minimum of the Upper Pay Range.

If successful, applicants will move to the Upper Pay Range from the start of the academic year on 1 September (see 9.3 above).

If unsuccessful, feedback will be provided by the Headteacher in writing within 5 working days of the LGB Pay Committee meeting, giving clear reasons and areas for development.

Any appeal against a decision not to move the teacher to the Upper Pay Range will be heard under the school's general appeals arrangements.

## 10. Progression on the Upper Pay Range

- 10.1 Pay progression for teachers on the Upper Pay Range will be subject to the outcome of two consecutive successful appraisal reviews by reference to the Upper Pay Range progression criteria within this policy (**see Appendix 2**).
- 10.2 Pay progression decisions for Upper Pay Range teachers will be conducted in line with the provisions of 8.7 above. Recommendations will be included in the Appraisal Review Statement and following moderation will be submitted by the Headteacher to the LGB Pay Committee, who will make the final determination.
- 10.3 Teachers will be informed of the LGB Pay Committee's decision within 5 working days of the meeting. Pay progression will be implemented from the 1 September following the appraisal review period.

## 11. Part-Time Teachers

- 11.1 Teachers employed on an on-going basis at the school but who work less than a full working week are deemed to be part-time. The LGB 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.
- 11.2 Part-time teachers will be entitled to be paid for their contractual hours pro rata to a full-time teacher and will also be entitled to PPA time, other non-contact time and directed time allocated on a pro rata basis.
- 11.3 All pay decisions for part-time teachers will be consistent with the arrangements in paragraphs 6 to 10 above.

## 12. Short Notice/Supply Teachers

- 12.1 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 consists of 195 days; periods of employment for less than a day being calculated pro-rata.
- 12.2 Teachers who are employed to teach for the full school day will be paid at a daily rate of 1/195th of the annual pay they would receive if engaged on a regular contract at the top of the Main Pay Range (M6). Teachers who work less than a full day will be hourly paid and will also have their salary calculated as an annual amount which will then be divided by 195 then divided again by the proportion of the full pupil day which they teach to arrive at the hourly rate.
- 12.3 Pay decisions for supply teachers will be consistent with paragraphs 6 to 10 above when the teacher is employed within the school/academy on a contract of at least a term. Pay decisions for supply teachers working less than a term will be made by the school in line with paragraph 6 of this policy.
- 12.4 Where supply teachers are engaged via an agency, the school will pay the rates agreed with the agency.

### 13. Pay Increases Arising From Changes to the Document

All teachers are paid on salary rates set by the RHT Board within the schools pay structure, in accordance with the statutory provisions of the Document as updated from time to time.

### 14. Leading Practitioner Teacher Posts

- 14.1 The RHT Board has established the pay scale for Leading Practitioner teaching posts paid on the Leading Practitioner Pay Range set out in **Appendix 1**.
- 14.2 Such posts may be established for teachers whose primary purpose is the modelling and leading improvement of teaching skills, where those duties fall outside the criteria for the TLR payment structure.
- 14.3 When determining the pay scales for individual Leading Practitioner posts, the RHT Board will do this by reference to the weight of the responsibilities of the post and bearing in mind the need to ensure pay equality where posts are equally demanding and fair pay relativities between posts of differing levels of responsibility.
- 14.4 The policy of the RHT Board is normally to appoint any new Leading Practitioner teacher at the bottom point of the pay range unless the factors set out in 6.2 (above) justify a higher point.
- 14.5 Pay progression decisions will be consistent with the provisions set out in paragraph 8 above.

### Pay For Teachers Paid On the Leadership Pay Scale

### 15. Leadership Posts (Headteacher, Deputy Headteacher(s) and Assistant Headteacher (S) Posts)

#### Leadership Pay Structure

The RHT Board has approved the pay structure for the Leadership group teachers (Headteacher, Deputy and Assistant Headteachers) as set out in **Appendix 1**.

#### 15.1 Headteacher Pay

##### 15.1.1 When Appointing a new Headteacher

When a new appointment needs to be made, the RHT Board will determine the pay range to be advertised and agree pay on appointment as follows:

Stage 1 – Defining the role and determining the Headteacher group The school's Group Size will be reviewed and determined in accordance with Section 2 paragraphs 5 to 8 of the Document and the advice on p30-33 of the DfE guidance "Implementing your school's approach to pay" (DfE September 2018 Ref DFE-00282-2018 ).

Stage 2 – Setting the indicative pay range The RHT Board will determine an indicative pay range in accordance with Section 2 paragraph 9 of the Document, taking account of the guidance in Section 3 paragraphs 7 to 24 of the Document and the advice on p30-33 of the DfE guidance "Implementing your school's approach to pay".

Stage 3 – Deciding the starting salary and individual pay range The RHT Board will decide and finalise the starting salary and the maximum point of the headteacher's individual pay range taking account of the extent to which the preferred candidate meets the requirements of

the post in accordance with Section 2 paragraph 9 of the Document, taking account of the advice on p33 of the DfE guidance “Implementing your school’s approach to pay”.

**NOTE:** The maximum of the pay range should not normally exceed the maximum of the relevant Headteacher group and **must not** exceed the maximum of the relevant Headteacher group by more than 25% other than in exceptional circumstances.

The reasons for the determination will be recorded at each stage.

In accordance with Section 2 paragraph 9.2 of the Document, the new Headteacher’s starting salary will leave “appropriate scope within the range to allow for performance related progress over time”.

#### 15.1.2 For Serving Headteachers

- The RHT Board may only re-determine the pay range of a serving Headteacher, and others on the leadership scale, when the responsibilities have significantly changed in accordance with Section 2 paragraph 4 of the Document, taking account of the guidance in Section 3 paragraphs 8 of the Document.

In re-determining the pay range of a serving Headteacher the RHT Board will proceed as set out in paragraph 15.1.1 (above).

- The RHT Board and CEO will agree annual performance objectives for the Headteacher. Objectives should be agreed as early as possible in the Autumn Term and no later than 31 December, in accordance with the arrangement set out in the school’s Appraisal Policy.
- The RHT CEO will review the performance of the Headteacher, taking into account the performance objectives agreed (or set in the absence of agreement) and the advice of any External Adviser, and determine whether there has been a sustained high quality of performance. If there has, the RHT Board may award up to two points in any one year, subject to the maximum of the ISR not being exceeded. Annual pay progression within the range for this post is not automatic. Guidance on performance progression in paragraph 16 below. Further guidance can be found at Section 2, paragraph 11.2 of the Document and Section 3, paragraph 27 of the Document.

#### 15.1.3 Discretionary payments for serving Headteachers determined under the previous (pre 2015) versions of the STPCD

**NOTE:** This paragraph only applies where a Headteacher was appointed and in receipt of discretionary additional payments awarded under the provisions of earlier versions of the Document. From 1 September 2014 these discretionary elements will be part of the pay range except where they relate to temporary additional responsibilities or duties and should be considered at Stage 2 of any salary determination or re-determination.

Additional payments above the ISR can be made to the Headteacher as long as the RHT Board has not previously taken such a reason or circumstance into account when determining the ISR under an earlier Document.

Areas that could be considered for additional payment are:

- the school is a school causing concern;
- without such additional payment the relevant body considers that the school would have substantial difficulty filling the vacant Headteacher post;
- without such additional payment the relevant body considers the school would have substantial difficulty retaining the existing Headteacher;
- the Headteacher is appointed as a temporary Headteacher of one or more additional schools.

In normal circumstances, the total sum of additional payments made to a Headteacher in any school year must not exceed 25% of their basic salary.

In exceptional circumstances a Headteacher can receive an additional payment which exceeds 25% of their basic salary. In this situation the CEO makes a business case for the payment to the RHT Board. The RHT Board must seek external independent advice from an appropriate person or body who can consider the provisions of the Document and whether they have been properly applied to the Headteacher's pay before making a decision on whether it is justifiable to exceed the limit in each particular case.

There must be a clear audit trail for any advice given to the RHT Board and a full and accurate record of all decisions made by the Board and the reasoning behind the decision.

Where these payments have been made previously and are subject to review then schools may continue to make those payments at existing values until the existing pay range is re-determined under the revised STPCD.

#### 15.1.4 Determination of Temporary payments for Headteachers

In accordance with paragraph 10 of the STPCD the RHT Board may consider payments to the Headteacher for temporary additional responsibilities or duties that are in addition to the post for which the salary has been determined. Any additional payments will be fully compliant with the STPCD and consider the guidance issued in section 3 paragraph 13-23 of the document and be affordable.

### 15.2 Deputy and Assistant Headteacher Pay

#### 15.2.1 When Appointing Deputy Headteachers<sup>1</sup>

When a new appointment needs to be made, the RHT Board will, in consultation with the LGB, determine the pay range to be advertised and agree pay on appointment as follows:

- Stage 1 – Defining the role The RHT Board will determine the leadership role, responsibilities and accountabilities of the post and the skills and competencies required, in accordance with Section 2 paragraphs 9 of the Document and the advice on p30-33 of the DfE guidance “Implementing your school's approach to pay” (DfE September 2018 Ref DFE-00282-2018 ).
- Stage 2 – Setting the indicative pay range The RHT Board will determine an indicative pay range in accordance with Section 2 paragraph 9 of the Document, taking account of the advice on p30-33 of the DfE guidance “Implementing your school's approach to pay”.
- Stage 3 – Deciding the starting salary and individual pay range The RHT Board will decide and finalise the starting salary and the maximum point of the post's individual pay range taking account of the extent to which the preferred candidate meets the requirements of the post in accordance with Section 2 paragraph 9 of the Document and the advice on p33 of the DfE guidance “Implementing your school's approach to pay” and already established pay budget levels.

**NOTE:** The maximum of the pay range should overlap the Headteacher's pay range **only** in exceptional circumstances and **must not** exceed the maximum of the Headteacher group for the school.

<sup>1</sup> The Appointment of the Academy HT and Deputy HT is made by RHT Board in conjunction with the LGB (SoDA appendix 8)

- The reasons for the determination will be recorded at each stage.
- In accordance with Section 2 paragraph 9.2 of the Document, the new appointee's starting salary will leave "appropriate scope within the range to allow for performance related progress over time".

### 15.2.2 For Serving Deputy Headteachers

- The LGB Pay Committee may only re-determine the Deputy Headteacher pay ranges in accordance with Section 2 paragraph 4 of the Document.
- In re-determining the pay range of a serving Deputy the LGB Pay Committee will proceed as set out in paragraph 15.2.1 (above).
- The RHT Board has delegated to the Headteacher the agreement or setting of annual performance objectives for Deputy Headteachers. Objectives should be agreed as early as possible in the Autumn Term, in accordance with the arrangements set out in the school's Appraisal Policy.
- The Headteacher will review the performance of the Deputy Headteacher, taking into account the performance objectives agreed or set and determine whether there has been a sustained high quality of performance. The Headteacher will report to the LGB Pay Committee as to whether there has, or has not, been a sustained high quality of performance and, if there has, the LGB Pay Committee may award up to two points in any one year, subject to the maximum of the range not being exceeded and already established pay budget levels. Annual pay progression within the range for this post is not automatic. Guidance on performance progression is in paragraph 15 below. Further guidance can be found at Section 2, paragraph 11 and Section 3, paragraph 27 of the Document and on p34-35 of the DfE guidance "Implementing your school's approach to pay".

The Deputy Headteacher pay ranges in this school are: Leadership Pay Range 2 – 9.

Discretionary additional payments are not awarded to the Deputy Headteachers in this school.

**NOTE:** Discretionary additional payments can only be awarded when a teacher was appointed and in receipt of the payment prior to 1 September 2015. From 1 September 2014 these discretionary elements will be part of the pay range except where they relate to temporary additional responsibilities or duties and should be considered at Stage 2 of any salary determination or re-determination.

## 16. Leadership Pay Progression

- 16.1 The Headteacher and Deputy Headteacher may be awarded pay progression in accordance with the provisions of the 2018 STPCD, i.e. they must demonstrate sustained high quality of performance in respect of school leadership and management and pupil progress. Assessment of performance will be through the teacher appraisal process in line with the school's Appraisal policy.
- 16.2 School leaders' salary progression will permit differentiated individual pay progression, subject to the pay structure adopted.

## Allowances

### 17. Teaching and Learning Responsibility (TLR) Allowances

- 17.1 The LGB Pay Committee may award a TLR 1 or 2 to a classroom teacher in accordance with section 2 paragraphs 20 and section 3 paragraphs 47-54 of the Document in consultation with

the RHT Board and subject to affordability. These payments will be for clearly defined and sustained additional responsibility in the context of the school staffing structure for the purpose of ensuring the continued delivery of high quality teaching and learning. All job descriptions will be regularly reviewed and will make clear, if applicable, the responsibility or package of responsibilities for which a TLR 1 or 2 is awarded, taking into account the criteria set out in Section 2 paragraph 20 of the Document.

In determining the school's management structure, the LGB should consider posts with management responsibility within a permanent structure. Schools may wish to award TLR payments for such posts or decide to have no posts with TLR payments and instead to concentrate leadership and management responsibilities in their, possibly extended, leadership group.

Consideration might also be given to the possibility of creating Leading Practitioner posts. (See Section 2 paragraph 16 and Section 3 paragraphs 33-37 of the Document).

17.2 The LGB Pay Committee may award a TLR 3 to a classroom teacher, subject to affordability, in accordance with section 2 paragraphs 20 and section 3 paragraphs 53-54 of the Document. These payments will be for clearly time-limited school improvement projects or one-off externally driven responsibilities.

17.3 Each LGB must submit for approval to the RHT Board the level and volume of TLRs which the school will pay and the number of posts which will attract any such payments.

<b>POLICY OPTION</b>			
The RHT Board has agreed to set the TLR values recommended by the Somerset LA which are :			
	<b>TLR1</b>	<b>TLR2</b>	<b>TLR3</b>
Min pa	£8,291	£2,873	£ 571
Max pa	£14,030	£7,017	£2,833

## **18. Special Educational Needs Allowances:**

18.1 The school will award Special Needs Allowances to qualified classroom teachers according to the SEN guidance detailed in **Appendix 4**. The LGB should therefore determine a teacher's eligibility for an SEN allowance, subject to affordability against the statutory criteria in paragraph 21 of Section 2 of the Document and determine the value of the allowance they will receive. The Allowance will be no less than £2,270 and no more than £4,479

## **Other Teachers' Pay Matters**

### **18. Residential Duties (Residential Schools Only)**

The LGB Pay Committee will take into account agreements reached in the National Joint Council for Teachers in Residential Establishments in determining payments for residential duties.

### **19. Continuing Professional Development Activities (CPD)**

20.1 The LGB Pay Committee will not exercise the discretion under Section 2 paragraph 26.1(a) of the Document. The LGB Pay Committee will periodically review this provision of the Policy.

## **21. Initial Teacher Training (ITT) Activities**

- 21.1 The LGB Pay Committee will not exercise its discretion under Section 2 paragraph 26.1(b) of the Document, since teachers with significant involvement in ITT receive pay recognition through Teaching and Learning Responsibility Payments.

## **22. Payment For Out of School Hours Learning Activities**

- 21.1 The LGB Pay Committee will not exercise its discretion under Section 2 paragraph 26.1 (c) of the Document.

## **23. Recruitment and Retention Incentives and Benefits**

- 23.1 The LGB Pay Committee will not exercise its discretion under Section 2 paragraph 27 of the Document but will periodically review this provision of the policy.

## **24. Salary Safeguarding**

All decisions concerning the application of Salary Safeguarding for teachers will be subject to the relevant detailed provisions within Part 5 of the Document.

## **B. Provisions Relating To Support Staff Pay**

### **1. Introduction**

The RHT Board's power to determine the salaries of support staff is set out in Regulations 17 and 29 of the School Staffing (England) Regulations 2009 and associated "Guidance on managing staff employment in schools" (DfE 2009).

In RHT Academies, the written Statement of Particulars setting out terms and conditions of employment specifies that the contract is subject to relevant National Conditions of Service as supplemented by local agreements. This means that unless the LGB of a foundation or voluntary aided school has reached its own local agreement through a collective bargaining process with its staff and the recognised trades unions (UNISON, GMB and Unite), that has been transferred through a TUPE arrangement, the County Council's local agreements will continue to apply to their support staff's contracts of employment.

### **2. Determination of Grading and Pay for Support Staff**

The LGB Pay Committee will determine the pay grade of support staff in accordance with the scale of grades currently applicable in relation to similar roles within the Trust, which the LGB Pay Committee consider appropriate for the post.

Grading and Pay decisions will be taken in accordance with the relevant provisions of paragraphs 1 to 5 of the section on Teachers Pay (above). Appeal procedures are set out in paragraph 3.5 above.

The LGB Pay Committee will apply the policy as set out in **Appendix 10** for determining the starting salaries of support staff.

The LGB Pay Committee will apply the principles and policies as set out in **Appendix 10** for the award of additional contractual and honoraria payments.



## **C. Further General Provisions**

### **1. Deductions From Salary For Unpaid Leave of Absence**

Deductions of pay for unpaid leave of absence and unauthorised absence will be subject to the provisions set out in **Appendix 10**.

### **2. Monitoring the Impact of the Policy**

The LGB will monitor the outcomes and impact of this policy on a regular basis (annually) including trends in progression across specific groups of teachers to assess its effect and the school's continued compliance with equalities legislation.

### 1. PAY SCALES FOR MAIN PAY RANGE AND UPPER PAY RANGE:

Scale and points	2019 value	All Point Increase 2020 value (as per STPCD advisory pay point structure)	% increase
<b>Main pay range minimum (point 1)</b>	<b>£24,373</b>	<b>£25,714</b>	<b>5.5%</b>
<b>Main pay range point 2</b>	£26,298	£27,600	4.95%
<b>Main pay range point 3</b>	£28,413	£29,664	4.40%
<b>Main pay range point 4</b>	£30,599	£31,778	3.85%
<b>Main pay range point 5</b>	£33,010	£34,100	3.30%
<b>Main pay range maximum (point 6)</b>	<b>£35,971</b>	<b>£36,961</b>	<b>2.75%</b>
<b>Upper pay range minimum (UPR1)</b>	<b>£37,654</b>	<b>£38,690</b>	<b>2.75%</b>
<b>Upper pay range mid point (UPR2)</b>	£39,050	£40,124	2.75%
<b>Upper pay range maximum (UPR3)</b>	<b>£40,490</b>	<b>£41,604</b>	<b>2.75%</b>

### 2. PAY SCALE FOR UNQUALIFIED TEACHERS

Scale and points	2019 value	2020 value (if all points increased by 2.75%)
<b>UQ scale minimum (point 1)</b>	<b>£17,682</b>	<b>£18,169</b>
<b>UQ 2</b>	£19,739	£20,282
<b>UQ 3</b>	£21,794	£22,394
<b>UQ 4</b>	£23,851	£24,507
<b>UQ 5</b>	£25,909	£26,622
<b>UQ scale maximum (point 6)</b>	<b>£27,965</b>	<b>£28,735</b>

### 3. LEADING PRACTITIONER SCALE

Scale and points	2019 value	2020 value (increased by 2.75%)
LP scale minimum (point 1)	<b>£41,267</b>	<b>£42,402</b>
LP scale maximum (point 18)	<b>£62,735</b>	<b>£64,461</b>

Schools must determine an individual post range within the above range for each Leading Practitioner post within their staffing structure.

### 4. LEADERSHIP PAY RANGE

Leadership range point	2019 values	2020 value (if all points increased by 2.75%)
L1	<b>£41,065</b>	<b>£42,195</b>
L2	£42,093	£43,251
L3	£43,144	£44,330
L4	£44,218	£45,434
L5	£45,319	£46,565
L6	<b>£46,457</b>	<b>£47,735</b>
L7	£47,707	£49,019
L8	<b>£48,808</b>	<b>£50,151</b>
L9	£50,026	£51,402
L10	£51,311	£52,722
L11	<b>£52,643</b>	<b>£54,091</b>
L12	£53,856	£55,337
L13	£55,202	£56,720
L14	<b>£56,579</b>	<b>£58,135</b>
L15	£57,986	£59,581
L16	£59,528	£61,165
L17	£60,895	£62,570
L18	<b>£62,426</b>	<b>£64,143</b>
L19	£63,975	£65,734
L20	£65,561	£67,364
L21	<b>£67,183</b>	<b>£69,031</b>
L22	£68,851	£70,744
L23	£70,556	£72,496
L24	<b>£72,306</b>	<b>£74,295</b>
L25	£74,103	£76,141
L26	£75,936	£78,024
L27	£77,818	£79,958
L28	<b>£79,748</b>	<b>£81,942</b>
L29	£81,723	£83,970
L30	£83,757	£86,060

L31	<b>£85,826</b>	<b>£88,186</b>
L32	£87,960	£90,379
L33	£90,145	£92,624
L34	£92,373	£94,913
L35	<b>£94,669</b>	<b>£97,272</b>
L36	£97,013	£99,681
L37	£99,424	£102,158
L38	£101,885	£104,687
L39	<b>£104,368</b>	<b>£107,238</b>
L40	£106,972	£109,914
L41	£109,644	£112,659
L42	£112,392	£115,483
L43	<b>£114,060</b>	<b>£117,197</b>

### Headteacher School Group pay ranges

School Group	Minimum	Maximum
<b>Group 1</b>	<b>£47,735</b>	<b>£63,508</b>
<b>Group 2</b>	<b>£50,151</b>	<b>£68,347</b>
<b>Group 3</b>	<b>£54,091</b>	<b>£73,559</b>
<b>Group 4</b>	<b>£58,135</b>	<b>£79,167</b>
<b>Group 5</b>	<b>£64,143</b>	<b>£87,313</b>
<b>Group 6</b>	<b>£69,031</b>	<b>£96,310</b>
<b>Group 7</b>	<b>£74,295</b>	<b>£106,176</b>
<b>Group 8</b>	<b>£81,942</b>	<b>£117,197</b>

## APPENDIX 2

### Upper Pay Range Teachers – Criteria For Pay Progression

1. The LGB Pay Committee will move all teachers who are assessed in their appraisal as successful in meeting the relevant criteria (in paragraph 15 of Section 2 of the Document) onto the first point of the Upper Pay Range.
2. In making a subsequent determination on the salary of a teacher paid on the Upper Pay Range, the LGB Pay Committee will not consider a further award unless:-
  - there have been two successful consecutive performance management reviews in which the teacher;
  - has continued to demonstrate that they are 'highly competent' in all elements of the relevant standards; and
  - his/her achievements and contribution to the school are substantial and sustained.
3. To ensure that the achievements and contribution have been substantial and sustained, that performance reviews will need to demonstrate that the teacher has grown professionally by developing their teaching expertise and competence.
4. The evaluation of post-threshold performance will include the following aspects of a teacher's work:
  - maintenance and consolidation of high levels of competence against teacher standards;
  - successful achievement of the areas for further development identified in the previous appraisal cycles;
  - successful achievement of individual objectives agreed or set under the appraisal regulations.
5. The teacher is invited to use the relevant standards to evaluate his/her own performance.
6. The appraiser may use the relevant standards to evaluate the performance of the teacher. The reviewer and the teacher then meet to compare their evaluation and analyse any differences on the basis of the evidence available. The reviewer draws on evidence from the appraisal reviews. This evidence includes:
  - Annual appraisal review statements.
  - Lesson observations.
  - Records of the teacher's professional development.
  - Pupil progress records.
7. When completed, the appraiser will complete an appraisal review statement and include a pay progression recommendation. This evidence is passed to the Headteacher who may consult with appropriate team leaders, other than the reviewer, to seek additional information about the teacher's performance.
8. The Headteacher will use the relevant standards and other recorded information to moderate the recommendation on pay progression, referring to the evaluations completed by the teacher (if made available by the teacher) and the reviewer together with any further records from the meeting between the reviewer and the teacher.
9. The Headteacher will provide feedback to the teacher on the outcomes of his/her performance review. This may be additional to the feedback the teacher will have received from his/her appraiser as a result of the annual appraisal cycle.
10. When putting forward a recommendation to the LGB Pay Committee, the Headteacher will only support a recommendation for pay progression on the Upper Pay Range if he/she is satisfied that, all the relevant criteria (as defined above) have been met.

11. Please refer to Guidance contained within the NASUWT/NUT model pay policy in relation to upper pay range progression criteria.

## **APPENDIX 3**

### **Principles and Protocol for Overpayments Of Salary**

#### **Purpose**

This document sets out the RHT Board's principles and established protocol for dealing with overpayments of salary.

#### **Avoidance of Overpayments**

All staff with a responsibility for determining and verifying salary payments have a crucial responsibility for ensuring that incorrect payments (over and underpayments) do not occur and, if they do, that the error is identified and corrected as early as possible.

There are a number of obvious measures that should be taken to achieve this priority:

- Ensure that all documentation which includes references to salary and salary grades (i.e. advertisements, job details, offer letters, payroll report forms) are fully and accurately completed.
- Verify the accuracy of copies of salary notification documents produced by HR Admin and Payroll Service and sent to the establishment.
- Verify that staffing lists sent to establishments by the HR Admin and Payroll Service, which set out the basis for current salary payments, match the staffing and financial records held by the establishment.
- If there is a mismatch, this must be followed up with HR Admin and Payroll Service without delay.

#### **RHT Board Principles**

Recovery of any overpayment should be dealt with in a consistent and fair way to protect the interests of the employee concerned as far as is possible.

There needs to be full and proper consultation with the employee which demonstrates a sensitive and caring approach to what is, on most occasions, a difficult and distressing situation.

All overpayments of salary must be recovered from employees provided it is clear that there is definitely no contractual entitlement. In cases of doubt the HR Admin and Payroll Service must be consulted, who may then contact the RHT Board's Legal Department for advice before proceeding.

Recovery should be made as quickly as possible.

For current employees, the recovery of an overpayment will normally be made over the same period of time in which the overpayment accrued. This is subject to two conditions:-

- (a) The period of recovery should not be longer than the period the employee is expected to remain in the employ of RHT;

In this situation the period of recovery will be foreshortened so that it ends on the date the employment ends;

- (b) If an employee leaves, and this was not known at the start of the recovery period, the final deduction will cover the total remaining overpayment; if there has been insufficient notice to ensure that the final deduction covers the outstanding debt, the employee will be issued with an invoice for the sum remaining.

The period of recovery should in the first instance be recovered over the same period that the overpayment occurred. In exceptional circumstances this can be extended to a maximum of two times the overpayment period.

## **Legal Principles**

The relevant legislation is the Employment Rights Act 1996 Section 14. This legislation has the effect of permitting an employer to make deductions from salary where the purpose of the deduction is to reclaim an overpayment of wages.

Recovery of an overpayment by making deductions from salary payments can be made without the employee's permission. An employer has a legal right to recover money from an employee in respect of an overpayment of salary provided it can be shown that the employee has no contractual entitlement to the money. The employee could challenge the employer's right to recover at an Employment Tribunal.

If there is a legal challenge to the recovery of the overpayment, three principles are commonly applied:

- (a) Was the employee given information by the employer about their salary payments based on which it would have been reasonable for the employee to have understood that the payments were correct?
- (b) Did the employee fail to act in good faith by not drawing the employer's attention to the fact that they were being overpaid?
- (c) Did the employee act to their own detriment in such a way that the employer should be stopped in equity (i.e. precluded) from seeking reimbursement of the overpayment? The principle of estoppel will only apply where the employee has acted to their detriment when looking at their individual financial situation as a whole i.e. rather than simply that the employee has already spent those particular funds which represented the overpayment.

## **Recovery Process**

Overpayments will be identified in one of three ways - by the employee, the school, or the Payroll Service. The majority of overpayments are identified by the HR Admin and Payroll Service. They will issue a standard letter notifying the employee of the overpayment, enclosing an invoice setting out the gross and net amount. The letter will also propose arrangements for recovery. These arrangements are applied unless the employee objects.

Where the overpayment is large and/or known to be a sensitive issue, the Payroll Services will enter discussions with the employee and school, prior to issuing the standard letter. These discussions would usually involve the employee, their line manager and Payroll Services.

## **Write-Offs**

Write-offs of overpayments will most commonly occur in one of these situations:-

- (a) The employee overpaid no longer works for the RHT and a decision is taken by the school, on advice from the Legal Department / Advisor, that pursuit of the debt through legal processes would not be cost effective, or that the employee cannot be traced.
- (b) The employee has refused to agree to a deduction, has challenged the justification for the recovery and the Legal Department / Advisor advises that we are unlikely to pursue the debt successfully through the courts.
- (c) The debt has been pursued through the courts but the judgement was in the employee's favour.

Writing off an overpayment of salary will normally mean that the amount involved will be debited against the school's salary budget.

## APPENDIX 4

### Arrangements for Special Educational Needs (Sen) Allowances – Guidance For Schools (September 2017)

SEN allowances have a spot value that falls within a specified SEN Allowance range of between £2,270 and £4,479 (paragraph 21 of section 2 of the Document, see also guidance in paragraphs 55 to 56 of Section 3). This allows Local Governing Bodies to determine the award of an SEN allowance within the range shown above.

The minimum of the range, £2,270 reflects the amount of SEN Allowance 1. The maximum of the range £4,479 reflects the amount of SEN Allowance 2.

LGBs may select a spot sum from within the range for any post meeting the criteria.

LGBs will need to apply the criteria to all those teachers who are eligible and determine the level of SEN allowance to be paid.

The RHT Board recommends that where the teacher is eligible for an SEN allowance based on the criteria shown below, LGBs should keep to the two points i.e. £2,270 and £4,479 in order to maintain consistency but LGBs may determine an allowance of any value within the range.

#### The Criteria

The criteria for the award of a SEN Allowance have changed. A SEN Allowance **must be** awarded to a classroom teacher:

- (a) in any SEN post that requires a mandatory SEN qualification and involves teaching pupils with SEN;
- (b) in a special school;
- (c) who teaches pupils in one or more designated special classes or units in a school;
- (d) in any non-designated setting 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.

#### Assessment of Appropriate Allowance Values

The school's structure of SEN provision will inform the rationale for decisions made regarding the appropriate allowances values. These should be fair and transparent and set out in the Trust's Pay Policy and individual school staffing structure. The value of allowances should be based on whether:

- (a) any mandatory qualifications are required;
- (b) the qualifications and expertise of the teacher relevant to the post; and
- (c) the relative demands of the post.

This will require a judgment to be made about the nature and challenge of a teacher's work with pupils with SEN compared and related to that of other teachers in the school.

In establishing appropriate values for the SEN allowances schools should ensure that they have considered the full range of payments available and that the values chosen are properly positioned



between the minimum and the maximum established in the national framework, subject to affordability.

For example, a teacher who is teaching a special class for which a mandatory qualification is required and who has considerable relevant experience (and who is therefore seen as one of the schools leading professionals in this area) would more likely be paid at the top value of the SEN allowances.

Differential values relating to SEN roles in the school should be established to properly reflect significant differences in the nature and challenge of the work entailed so that the different payment levels can be objectively justified.

Schools may wish to take account of the way in which SEN provision is organised and delivered locally, if the information is available, and reflect that in any decision they may wish to make in relation to payment.

### **Subsequent changes in SEN provision (following transition) and safeguarding provisions.**

If, at a later date, the LGB changes the way the SEN provision is to be delivered and this affects the payment of any SEN allowance so that it is either reduced or withdrawn, then the general safeguarding rules in the STPCD will apply.

### **Mandatory Qualifications**

Each LGB/school should be aware that the SENCO qualification (the National Award for Special Educational Needs Co-ordination) is not one of the mandatory qualifications leading to the payment of an SEN allowance. The role of the SENCO, as a managerial responsibility, is not one that meets the criteria for an SEN allowance but consideration could be given to the award of a TLR.

### **Confirming the Changes**

Teachers must be issued with a salary statement letter indicating their salary and any allowances and safeguarded sums.

Any changes in SEN allowances need to be notified to the Trust HR and payroll service by the completion of the relevant change form.

**APPENDIX 5**

**Model Salary Statement**

**QUALIFIED TEACHER SALARY REVIEW STATEMENT SCHOOL YEAR .....**

**TEACHER'S NAME .....**

Your salary has been reviewed by the Academy Board/ Pay Committee/Local Governing Body/Head of Service in accordance with School Teachers Pay & Conditions Document and from ..... you have been awarded scale points as detailed below:	POINT	VALUE	EXPIRY
Point on main pay scale or UPR for qualifications and experience including:-			
1. Pay point in previous year			
2. Pay progression from previous year (if any)			
SEN allowance			
Safeguarded amount			
TOTAL			

Signed: .....  
Headteacher/ Head of Service

Signed.....  
Teacher

Top Copy: For teacher  
2nd Copy: For school records

## APPENDIX 6

### Green Book Staff – Model Policy for Starting Salaries For School Based Staff In LA Maintained Schools

1. In accordance with the principles of 'Single Status', all support staff in Trust schools will be paid on the Green Book Pay Spine.
2. Grades and starting salaries are determined by the LGB on advice from the Headteacher and the Trust HR and payroll service.
3. The starting salary on the appropriate grade will be determined as follows:
  - 3.1 The minimum of the grade should be paid except where discretion to pay a higher point is considered appropriate in accordance with the circumstances set out in sub paragraphs 3.2 to 3.4 below.
  - 3.2 If the person appointed is transferring within the Trust, from another trust school or from a maintained school in the same work and on the same grade, their starting salary should be the same as in the previous post. (If transferring within The Trust, from another trust School or from a maintained school but to a higher graded post, the starting salary would normally be the minimum point of the new post.)
  - 3.3 If the person is not currently employed on the Green Book Pay Spine but was previously employed on this Spine in the same or similar type of work, consideration should be given to a starting salary above the minimum of the grade which takes account of the person's previous service, any relevant qualifications or experience acquired since this previous service and to the length of the break in service.
  - 3.4 If the person has not previously been employed on the Green Book Pay Spine but has qualifications and previous experience which are considered to be relevant to the type of work they are being employed to do, consideration should be given to a starting salary above the minimum point (see paragraph 3.1 above).
  - 3.5 The practice used to determine the starting salary will be applied in a consistent manner by the LGBs.
4. The starting salary will, wherever possible, be agreed with the person when the post is offered at the end of the interview process.
5. The starting salary point will be entered by the school's 'authorised officer' on the payroll report form which is used to notify HR Admin and Payroll Services of the appointment. *NB If the form does not specify a starting salary, HR Admin and Payroll Services will pay the minimum point of the grade.*

## APPENDIX 7

### A. School Based Support Staff Additional Contractual Payments

#### 1. Introduction

- 1.1 The LGB Pay Committee has been delegated authority by the LGB to award additional contractual payments to support staff subject to affordability.
- 1.2 This document sets out the practices recommended by the Trust for the use of this power.
- 1.3 The document comprises agreed principles and policies for the award of additional contractual payments for each category and the application/decision making procedure.

#### 2. Principles

- 2.1 Additional contractual payments are those made to employees in accordance with national or local agreements. These payments are calculated using a formula which accurately reflects the extra work and/or responsibilities undertaken.
- 2.2 Line Managers have a duty of care for employees to ensure that they do not work excessive hours. It is normally inappropriate, unacceptable and poor management practice to allow employees to accrue significant numbers of hours in excess of the contracted hours. However, if excessive hours are regularly being worked by an employee, the line manager should discuss the reasons with the employee and agree any ways of reducing their working time. If there is a genuine need for additional hours, one or more of the following strategies could be considered:
  - (a) re-prioritise work (stop or delay doing some things)
  - (b) redeploy other staff to the work
  - (c) take on additional staff.
- 2.3 All contractual payments must be contained within the school's approved budget for pay.

#### 3. Policy For The Award Of Additional Contractual Payments In Each Category

##### 3.1 Additional Hours

- 3.1.1 For staff graded up to Grade 12 (up to spinal column point 26), conditions of service allow for contractual payments at overtime rates if flexi hours have been lost or if time off in lieu is not practical from an operational viewpoint.

Additional contractual payments should be calculated as follows:-

For Employees graded Scale 17 to 12 a payment may be awarded based on the number of hours worked x salary (hourly rate) x time and a half.

- 3.1.2 For staff on Grades 11 to 6 subject to flexi-time, additional hours worked should be recovered in accordance with the scheme (ie) flexi-days are taken. Exceptionally time off in lieu should be granted.
- 3.1.3 For staff on Grades 11 to 6 not subject to the flexi scheme, time off in lieu can be taken. The amount of time off in lieu will be conditional on:
  - a) the employee keeping a personal record of additional hours worked; and

- b) the degree to which there is an expectation by management and the employee that the requirements of the contract mean that working hours additional to contract will, of necessity, be a regular feature of the job and have been, to some extent, reflected in the grading of the post;

**NOTE:** For staff on Grades 11 to 6 and above, honoraria payments for additional hours may be approved in exceptional circumstances (please refer to the Honoraria section of this Appendix).

### 3.2 Project Work

- 3.2.1 To qualify for an additional payment, the work involved should be undertaken outside the employee's existing contracted hours and should not diminish, in any way, the requirements on the employee to fulfil their expected contractual duties and responsibilities.
- 3.2.2 Account will be taken of the principle relating to excessive working set out in paragraph 2.2 above.
- 3.2.3 Such work will only be undertaken if the employee agrees to do it in the full knowledge that additional workload will result.
- 3.2.4 The value of the payment should take account of the following factors:-
- (a) The number of additional hours of work to be undertaken to fulfil the work.
  - (b) The level of knowledge, skills and understanding needed to carry out the work;
  - (c) Any income directly generated by the work; and
  - (d) Affordability.

### 3.3 Higher Grade Duties Undertaken

- 3.3.1 "Acting up" or full duties of higher graded post.

An employee taking on the full duties of a higher graded post for a period of at least four weeks will be paid an amount based on 100% of the difference in salary between their salary and the salary they would be paid had they actually been appointed to the higher graded post x number of weeks covered divided by 39 (if employed on a term-time only contract) or 52 (if employed all year round).

- 3.3.2 "Additional duties" or "partial duties" of a higher graded post.

Additional higher grade duties (not taking on full duties of another higher graded post) may be rewarded by an additional payment provided the employee has taken on at least 25% of the duties of the higher graded post for a period of not less than four weeks. Payment will be made on the difference between the employee's salary and the salary they would have been paid had they been permanently appointed to the higher graded post x % of duties x number of weeks cover.

## 4. Application/Decision-Making Procedure

- 4.1 Each application should be made in writing by the Headteacher and authorised by the LGB Pay Committee. The application should contain information under the following headings:

- Employee's Name.

- Post Title.
- Salary Grade.
- Category of Contractual Payment (refer to paragraph 3).
- Amount of Contractual Payment.
- Where appropriate the period during which the additional/more responsible work undertaken.
- Full details of the case justifying the additional payment.

4.2 The decision will be notified in writing to the employee and a copy sent to the Trust HR and Payroll Service to action the payment.

## **B. School Based Support Staff Honoraria Payments**

### **1. Introduction**

1.1 The LGB Pay Committee has been delegated authority by the LGB to award honoraria to support staff who meet the criteria below.

1.2 This document sets out the practices recommended by the Trust for the use of this power.

1.3 The document comprises agreed principles and policies for the award of honoraria for each category and the application/decision making procedure.

1.4 The Oxford Dictionary definition of an honorarium is “a payment given for professional services that are rendered nominally without charge” (“nominal” means “far below the real value or cost”). They are paid entirely at the discretion of the employer and do not form part of a contract of employment.

### **2. Principles**

2.1 In the contexts that posts have been properly evaluated and the LGB can reasonably expect all of its employees to work with a high degree of commitment, effort and ability without additional payments to normal salary, honoraria will only be paid in exceptional circumstances.

2.2 Strategies used to motivate, support and enhance the payments of employees will be consistent within the school.

2.3 As far as possible all employees should have equal access to opportunities to be awarded honoraria payments for exceptional performance and contribution.

2.4 Honoraria payments will not be paid simply for “attendance at work” over and above normal working hours.

2.5 All honoraria payments will be made from the school’s approved budget for pay unless the payment can be directly funded by extra income generated as a result of the work involved.

2.6 Approval of honoraria payments is discretionary and will be made by the LGB Pay Committee, on recommendation by the Headteacher, and are final with no right of appeal.

### **3. Policy for the Award of Honoraria Payments in Each Category**

#### **3.1 Excellent Work, Merit or Commitment**

3.1.1 This discretion will **not** be used because of principle 2.1 (above), the lack of objectivity in determining what constitutes performance standards which are sufficiently exceptional to warrant payment over and above normal salary and the potential divisiveness of performance related payments.

## 3.2 Additional Hours

3.2.1 For staff on Grades 11 to 6, if flexi hours have been lost or if time off in lieu is not practical from an operational viewpoint, an honorarium payment can be made for additional hours worked. The factors determining whether an honorarium should be made in these circumstances and its amount will be:

- (a) The number of hours worked which are additional to contract;
- (b) The operational needs for the additional hours being worked;
- (c) The degree to which there is an expectation by management and the employee that the requirements of the contract mean that working hours additional to contract will, of necessity, be a regular feature of the job and have been, to some extent, reflected in the grading of the post;
- (d) Any additional income generated by the work; and
- (e) The availability of school budget to fund any payment.

## 4. Application/Decision-Making Procedure

4.1 Each application should be made in writing by the Headteacher who should make a recommendation to the LGB Pay Committee. The application should contain information under the following headings:

- Employee's Name.
- Post Title.
- Salary Grade.
- Category of Honorarium (refer to paragraph 3).
- Amount of Honorarium.
- Period during which additional hours were worked.
- Full details of the case justifying the honorarium.

4.2 Where the LGB Pay Committee decides that an application for honorarium application meets the agreed criteria and approves the application, the employee will be informed in writing and a copy sent to the Trust HR and Payroll Services to action the payment.

## APPENDIX 8

### Policy for Determining Additional Contractual Payments For Teaching Staff Undertaking Work Outside Of Their Contract Of Employment

1.1 This policy covers teaching staff who undertake professional work which has all the following features:

- (a) it is outside the scope of their contract of employment;
- (b) the work activities require some time off from normal duties; and
- (c) the work is directly related to the provision of professional educational services either within or outside the Somerset maintained system.

**NOTE:** The policy does not cover payments for Out of School hours learning activities.

1.2 Currently the most common examples are employment as part of an OFSTED Team, work as a National or Local Leader in Education and in supporting Headteacher Appraisal as an External Consultant.

1.3 The purpose of this policy is to ensure that LGBs and Headteachers understand how the process for approving the work and calculating payments should be managed. In this way the

best interests of the teacher, the school and the Trust will be served through the adoption of a consistent approach.

## **2. Benefits of Additional Professional Work**

- 2.1 There are a number of tangible benefits for the teacher, the school and the Trust in undertaking such professional activities. The teacher will benefit professionally through any training needed to do the work and in the delivery of the work.
- 2.2 During the teacher's absence, while undertaking the professional work, other staff in the school **may** have the opportunity of undertaking additional duties, albeit for a limited period which will, in turn, benefit them.
- 2.3 It is possible that part of the income received for the professional work can be used for the benefit of the school.

## **3. Approval Process**

- 3.1 It is entirely at the LGB's discretion as to whether time off will be granted for training and/or undertaking professional work which falls outside a teacher's contract of employment.
- 3.2 The teacher should make a formal request in writing to the Headteacher or the Chair of the LGB as appropriate. The request should then be considered by the LGB Pay Committee. The teacher should be allowed to appeal to a separate Committee of Governors if approval is not given.
- 3.3 When deciding whether or not to approve an application, the LGB Pay Committee should consider the following matters:
  - (a) The advantages and disadvantages for the school in granting the request.
  - (b) The extent to which time off will be allowed both in terms of how much time and over what period of time. For example, where the teacher wishes to undertake a professional commitment which is on-going, a time limit might be applied so that the effect on the school can be assessed and the decision to approve time off reviewed.
  - (c) The way in which the income derived from the professional work will be divided between the teacher, colleagues and the school (see paragraph 4 below).
  - (d) The need to agree with the teacher that the income for the professional work undertaken will be paid direct to the school's budget before being allocated in accordance with the agreement referred to in sub-paragraph (c) above.

## **4. Division of Income**

- 4.1 There will be a number of headings under which income can be allocated:
  - (a) Payment to the teacher for the professional work undertaken outside the time off period granted, e.g, preparation, follow-up work.
  - (b) Out of pocket expenses (travel, accommodation, equipment and materials) for which the teacher must be reimbursed in full. In some cases, the organisation benefiting from the professional services, e.g, an OFSTED team, will arrange to reimburse the teacher direct for the cost of such expenses.
  - (c) Costs falling on the school's budget, for example additional payments to staff (additional responsibility payments for colleague teachers, the employment of supply teachers, payments to administrative, secretarial or clerical staff); use of premises and/or equipment.
  - (d) "Opportunity" costs ie where no additional financial costs have arisen as a result of granting the teacher paid time off for undertaking professional work, for example, the release of a Headteacher for an OFSTED inspection where he/she has no formalised teaching commitment. It would be reasonable for the Governors to make an assessment of the lost opportunity by not having the teacher's services during the time off. For example, this could be the notional cost of employing a supply teacher during the time off.



## **5. Payment Process**

- 5.1 All income deriving from the professional work, with the exception of expenses which may be paid direct to the teacher by the organisation concerned, should be claimed and paid direct to the school's budget.
- 5.2 The payment made to the teacher should be authorised by the Headteacher (or in the case of a Headteacher by the relevant Governor) by sending a letter to the Trust HR and payroll service. The payment made will be processed through the Trust Payroll System and will be subject to Income Tax and National Insurance contributions in the usual way. The payment will be non-reckonable for pension purposes as it is outside the contract.
- 5.3 Payment to teaching colleagues who have covered the responsibilities of the absent teacher should be dealt with using the usual payroll processes. For example, they should be paid the appropriate Management Allowance for a period appropriately defined to enable the correct additional payment to be made.
- 5.4 If the teacher's absence has been covered by a supply teacher (or a part-time teacher working additional hours), the appropriate Trust form should be completed.
- 5.5 If a member of the administrative team has undertaken additional work not directly connected with the professional work being undertaken by the teacher, an additional hours claim form should be submitted.
- 5.6 If a member of the administrative team has undertaken additional work which directly supports the professional work undertaken by the teacher, the payment should be in the form of an honorarium as it is outside their normal contract of employment.

## **APPENDIX 9**

### **Salary Deduction Policy for Leave of Absence (Other Than For Illness, Injury or Maternity Leave)**

#### **1. Introduction**

- 1.1 Leave of absence for teaching and support staff falls into 3 categories:
  - (a) Absences covered by the locally agreed Leave of Absence Regulations for teaching and support staff which is contained in Section 8 of Guidance for Schools. The absences can be with or without pay depending on the reason.
  - (b) Leave of absence for reasons not contained in Section 8 for which permission is given in advance or retrospectively by the Headteacher. Again, such absences can be granted with or without pay.
  - (c) Leave of absence not authorised either in advance or retrospectively which is treated not only as being without pay but also possibly as being a breach of contract. This could lead to disciplinary action and/or recovery of money from the employee in the form of damages for loss of service e.g. strike action.
- 1.2 For teachers, the policy takes account of the provisions of the National Conditions of Service for School Teachers (the "Burgundy Book" - paragraph 3.2). This states that "... where authorised unpaid leave of absence or unauthorised absence (e.g. strike action) occurs deductions of salary shall be calculated at a daily rate or part-daily rate based on the day's salary being 1/365th of a year for each day of the period of absence".

1.3 The policy for making deductions from salary within each of the above categories of leave of absence is set out in the following paragraphs.

## 2. **Authorised Leave of Absence within the Locally Agreed Regulations**

2.1 For teachers, deductions of salary are made at a daily or part daily rate (see paragraph 5 below) based on a full day's salary being 1/365th of annual salary for each full day of the period of absence. The period of absence may, if it is considered appropriate, include weekends. For example, if the teacher is granted leave of absence from Monday to Friday, one weekend should be included so that the deduction is 7/365th of annual salary. If the absence is from Friday to Monday, the deduction can be 4/365th.

2.2 For support staff, deductions are made for each hour's absence calculated by dividing the annual salary by 52 weeks 1 day (52.143) then dividing this figure by 37 hours. For part-time support staff, the annual salary figure used is their full-time equivalent salary **not** their pro rata salary.

## 3. **Authorised Leave of Absence not contained within the Locally Agreed Regulations as set out in Section 8 of the Document**

3.1 Deductions of salary will be made in accordance with paragraph 2 above.

3.2 The period of absence may, if it is considered appropriate, include weekends. For example, if the member of staff is granted leave of absence from Monday to Friday, one weekend should be included so that the deduction is 7/365th of annual salary. If the absence is from Friday to Monday, the deduction can be 4/365th.

**NOTE:** Since the reason for the absence falls outside the locally agreed regulations, consideration should be given as to whether a condition of the agreement to the absence is that the employee will pay an invoice raised to cover additional costs arising from the employee's absence, i.e. where the salary costs of the person recruited to cover the absentee exceeds the savings to the school's budget made by the deduction from the employee's annual salary. On this point, each application for leave outside the regulations would need to be judged on its merits, e.g. any additional costs arising as a result of attendance at a funeral should not be chargeable whereas a day's absence for a holiday should be chargeable.

## 4. **Unauthorised Leave of Absence**

4.1 An absence for a reason which is not considered to be valid (see note below) should be treated as a breach of contract and, dependent on the individual circumstances, disciplinary action should be taken.

**NOTE:** In terms of validity, a distinction should be drawn where an employee intends to attend work but circumstances prevent this, e.g. car breakdown and where the employee deliberately absents themselves.

4.2 While a deduction of salary is not an available sanction under the Trust's Disciplinary and Appeals Procedure, a deduction of salary is, however, an appropriate action by management under contract when an absence is unauthorised. The rate of deduction should be as set out in paragraph 3 above.

**NOTE:** Deductions of salary and recovery of costs for industrial action should, in the case of a strike, be calculated on the basis of the number of working hours lost. Where there is industrial action short of a strike, the deduction should be calculated so that any additional financial costs resulting directly from the action are recovered. Advice should always be sought from an HR Adviser before actioning a salary deduction for industrial action.

## 5. Calculation of Deductions for Part Day Absences for Teaching Staff

5.1 If the teacher is full-time and the absence is less than a full day **or** the teacher is part-time and contracted only to work part of the day they were absent, the basis for the deduction will be the appropriate proportion of 1/365th of annual salary.

5.2 The calculation of the deduction for each part day will be made by:

- (a) multiplying the annual salary by 1/365th and
- (b) multiplying the resulting figure by the number of contact session hours of absence divided by the daily number of contact session hours in the school.

5.3 Example

A full-time or part-time teacher who is absent for 3 hours in a school where the pupil contact hours are 5 hours 30 minutes per day would have their deduction calculated as follows:-

- \* Annual salary ÷ 365 x 3 hours ÷ 5 hours 30 minutes.
- \* For part-time teachers the annual salary figure used is their full-time equivalent salary **not** their pro rata salary.

## 6. Employer's Right to Deduct

Nothing in this Salary Deduction (Pay Deduction) Policy is intended to prevent deductions by the employer of an overpayment of salary/wages/pay, or an overpayment in respect of expenses incurred by the employee in carrying out his/her employment.

## APPENDIX 10

### LGB Pay Committee and Guidance on Appeals

#### LGB Pay Committee - Constitution and Terms of Reference

##### 1. Membership

- 1.1 The Committee will be composed, of at least three Governors, one of which should be the Chair or Vice-chair. There should also be two 'reserve' Governors where possible.
- 1.2 Staff governors shall not be members of the Committee.
- 1.3 The Headteacher will attend meetings of the Pay Committee in an advisory capacity.
- 1.4 The membership of the Committee will be agreed on an annual basis at the first meeting of the Governing Body in the autumn term.
- 1.5 Appeal hearings should be conducted by Governors who did not make the pay decision in the first instance and may include Governors for other Local Governing Bodies of academies / schools within The Richard Huish Trust.

##### 2. Quorum

- 2.1 The quorum for the Committee is three Governors who are members or reserve members of that Committee.

##### 3. Meetings

- 3.1 The Committee will meet in the November of each year.

##### 3.2 Chairing:

- i. The Chair of the Committee will be the Chair or the Vice-chair of the LGB.
- ii. In the absence of the Chair the Committee will elect a temporary replacement from among the Governors present at the Committee meeting.

### **3.3 Clerking:**

- i. Administrative arrangements will be determined locally by the Academy Headteacher and the Chair of the LGB.
  - ii. The agenda for each meeting and papers will be circulated at least a week before the Committee meeting.
- 3.4 Attendance at the meeting, issues discussed and recommendations for decisions will be recorded. The written record will be forwarded to the Clerk in sufficient time for its inclusion on the agenda and papers of the next meeting of the Board of Directors to:
- i. ensure compliance with statutory requirements;
  - ii. report on the discharge of delegation of power;
  - iii. ensure that the Committee has not exceeded its powers.
- 3.5 Only Governors who are members of the Committee may vote at Committee meetings. Where necessary, the elected Chair of the Committee may have a second or casting vote.

## **4. Delegated Powers**

- 4.1 The Committee shall have the following delegated powers:
- i. responsibility in conjunction with the Headteacher for implementing the Pay Policy;
  - ii. to take decisions on pay matters as defined in the Pay Policy and the Scheme of Delegation;
- 4.2 The Committee is not responsible for the re-grading of posts.

## **5 Key Responsibilities**

- 5.1 Determine pay at the time of an annual review for all teaching staff, excluding the Headteacher.
- 5.2 Achieve the aims of the Pay Policy in a fair and equal manner.
- 5.3 Observe all statutory and contractual obligations.
- 5.4 Receive from the Headteacher, an agreed assessment of the performance of staff on the Leadership and Management pay scales.
- 5.5 Apply the criteria set by the Pay Policy in determining the pay of each teaching member of staff at the annual Review, including areas of discretion.
- 5.6 Provide a clear minutes setting out the decision made and the reason for it.
- 5.7 Recommend to the Board, the annual budget required for pay, taking into account the need to ensure the availability of funds to support the exercise of pay discretion.
- 5.8 Provide a hearing and report on appeals from staff as provided by the Pay Policy and support appeals procedures at other RHT academies as required.
- 5.9 Recognise the impact of decisions on other Trust academies.

## **6. Key Tasks**

- 6.1 Minute clearly the reasons for all decisions and report the fact of these decisions to the next meeting of the Board.
- 6.2 Review the Pay Policy and propose amendments as necessary.
- 6.3 Ensure that statutory and contractual requirements are applied to all staff groups.
- 6.4 Ensure the Headteacher notifies staff in writing of the pay decisions made, along with details of the agreed appeals procedure.
- 6.5 Notify staff, in writing of the results of pay appeals arising from decisions of the Pay Committee.
- 6.6 Follow advice from the HR provider on any national or local pay and conditions agreements. The reason for any departure from such advice must be clearly identified and recorded and should relate to particular circumstances which justifies the departure.

## **7 . Guidance in Relation to Appeals**

### **7.1 Model Appeals Procedure**

The STPCD requires academies/schools to have a pay policy in place that sets out the basis on which teachers' pay is determined and the procedures for handling appeals.

As part of the overall appraisal process, a pay recommendation is made by the Reviewer (normally the line manager) and discussed with the teacher at the Review Meeting prior to being submitted to the Pay Committees. Written details of and the reasons for the pay recommendation will be given to the teacher.

At this particular stage of the pay determination process, if the teacher wishes to better understand the rationale for the pay recommendation or bring any further evidence to the attention of the Reviewer, they should be given the opportunity to do so before the final pay recommendation is drafted in the Review Statement. 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 Review Statement will be updated to reflect the discussion.

If a teacher believes that the final pay recommendation falls short of their expectations and they wish to seek a further review of the information that affects their pay, they may wish to formally appeal against the decision, utilising the formal Appeal Hearing Procedure. 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.

## **7.2 Appeal Hearing Procedure**

It is the intention that the appeals procedure will be dealt with promptly, thoroughly and impartially.

## **7.3 Guidance**

Wherever possible, the academy/school will endeavour to resolve issues of dissatisfaction regarding pay before they are referred to a formal appeal procedure by offering the member of staff concerned the opportunity to discuss the issue in full with the Headteacher and present further evidence where appropriate

Where a member of staff remains dissatisfied with a matter relating to their pay (including issues relating to threshold application and post threshold progression), they have the right to pursue a formal appeal addressed to the relevant Pay Committee.

The arrangements for considering appeals are as follows.

A member of staff may appeal against any determination in relation to his/her pay or any other decision taken by the relevant Pay Committees that affects his/her pay. The grounds for appeal are that the Pay Committee which made the decision:

- i. incorrectly applied any provision of the STPCD;
- ii. failed to have proper regard for its statutory guidance;
- iii. failed to take proper account of relevant evidence;
- iv. took account of irrelevant or inaccurate evidence;
- v. was biased; or
- vi. otherwise unlawfully discriminated against the employee.

The order of proceedings is as follows:

- i. The employee receives written confirmation of the pay determination and, where applicable, the basis on which the decision was made.
- ii. If the employee is not satisfied, he/she should seek to resolve this by discussing the matter informally with the Headteacher within 10 working days of the decision.
- iii. Where this is not possible or where the employee continues to be dissatisfied, he/she may follow a formal appeal process.
- iv. The employee should set down in writing the grounds for questioning the pay decision (which must relate to the grounds as set out above) and send it to the Pay Committee which made the determination via the Clerk, within 10 working days of the notification of the decision being appealed against or of the outcome of the discussion with the Headteacher, referred to above.

- v. The employee should outline if they wish for the appeal to be considered under the modified procedure (i.e. fully considered but undertaken in writing rather than an appeal hearing), or, for their appeal to be heard in person at an appeal hearing.
- vi. **An appeal should be arranged and heard by a panel of three LGB governors who were not involved in the original determination** (these can be Governors from any RHT LGB Pay Committee) normally within 20 working days of receipt of the written appeal notification.
- vii. The employee must be given the opportunity to make representations in person and to be accompanied by a work colleague or a Trade Union representative.
- viii. 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 decision is final and there is no recourse to the staff grievance procedure.**

#### 7.4 Note

- i. For any formal hearing or appeal, the employee will be entitled to be accompanied by a colleague or union representative.
- ii. Each step and action of this process will be taken without unreasonable delay. The timing and location of the formal meeting must be reasonable and, where possible, hearings will be completed by 6pm. The formal meeting will allow both parties to explain their cases and any alteration to timescales will be mutually agreed with all parties.
- iii. It is recommended that advice is taken from the HR provider on the use of appeal procedures. In addition, where appropriate, LGB Pay Committees may wish to involve an independent person (such as a retired LA officer with the relevant background or a retired head teacher) to assist in reviewing the initial judgement and consider the evidence.

#### 7.5 The Appeal Hearing

- i. A chair is agreed for the hearing.
- ii. The appellant or their representative will outline the grounds for their case.
- iii. The Panel will then have the opportunity to question the appellant or their representative.
- iv. The chair of the LGB Pay Committee or the Headteacher will then present their case responding to the issues raised and outlining the reasoning for the original decision.
- v. The Panel will have the opportunity to question the chair of the LGB Pay Committee/Headteacher in relation to this information provided.
- vi. The appellant or their representative may respond to the chair of the LGB Pay Committee/Headteacher's case and present a brief summing up.
- vii. Both parties will then withdraw whilst the Panel considers the information.
- viii. The outcome of the appeal will be confirmed in writing within five working days.
- ix. The decision of the panel hearing an appeal shall not be subject to any further review under the Trust's grievance procedure.

#### 7.6 The Modified Procedure

- i. There will be no entitlement to invoke the appeal procedure in relation to a pay decision if the teacher has left the employment of the academy.
- ii. Where a teacher has, whilst employed at the academy/school, lodged an appeal against a pay decision but has then subsequently left employment before any appeal hearing is held, the following steps will be observed:
  - The teacher must have set out details of their appeal in writing.
  - The teacher must have sent a copy of their appeal to the Chair of the LGB Pay Committee.
  - The Chair of the LGB Pay Committee will consult with relevant academy/school personnel and provide the teacher with an appropriate written response on behalf of the academy/school.