

# CHULMLEIGH ACADEMY TRUST

## PAY POLICY

**This policy was adopted by the Board of Directors on: 16.1.19**

## TRUST PAY POLICY

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## 1 INTRODUCTION AND PURPOSE

- 1.1 This is the policy of Chulmleigh Academy Trust ('the Trust') in relation to pay.
- 1.2 When making any decision in relation to pay, decision makers shall consider the particular needs of any employee and seek further advice if they are concerned (or if the employee raises) any issues in relation to discrimination or any other matter under the Equality Act 2010.
- 1.3 When making decisions the Trust shall seek to ensure that its processes are open, transparent and fair and properly take into account the needs of individual employees. This shall include properly considering and reviewing job descriptions, ensuring appropriate access to records and having regard to the appraisal policy. The Trust shall also monitor and assess decisions in relation to pay.
- 1.4 Further, appropriate differentials will be created and maintained between posts at the Trust to properly recognise different levels of accountability and responsibility.
- 1.5 The time limits included in this policy may be varied by mutual agreement or where necessary. If it is necessary then reasons will be given for any change.

## 2 EXECUTIVE HEADTEACHER'S OBLIGATIONS

- 2.1 The Executive Headteacher of each Academy will:
  - 2.1.1 Develop clear arrangements for linking overall performance to pay progression and consult, as appropriate, with staff and school union representatives on the performance management and pay policies;
  - 2.1.2 Submit any draft revised performance management policy to the Board of Directors for approval;
  - 2.1.3 Ensure that effective appraisal arrangements are in place and that any appraisers have the knowledge and skills to apply procedures fairly;
  - 2.1.4 Submit pay recommendations to the Board of Directors and ensure the Board has sufficient information upon which to make pay decisions;
  - 2.1.5 Ensure that teachers are informed about decisions reached; and that appropriate records are kept of recommendations and decisions made.

## 3 BASIC PRINCIPLES

- 3.1 All teachers will be paid in accordance with the statutory provisions of the School Teachers' Pay and Conditions Document (STPCD) as updated from time to time.
- 3.2 All support staff will be paid in accordance with the statutory provisions of the National Joint Council for Local Government Services National Agreement on Pay and Conditions Document (NJCD) as updated from time to time.
- 3.3 Criteria for the use of pay discretions are set out in this policy and discretionary awards of additional pay will only be made in accordance with these criteria.
- 3.4 The process for making decisions on the pay of teachers at the school is as follows.

## 4 SAFEGUARDING

- 4.1 Where a pay determination leads or may lead to the start of a period of safeguarding, the Trust will comply with the relevant provisions of the STPCD and will give the required notification as soon as

possible and no later than one month after the determination.

## **5 PROCEDURES**

- 5.1 The Board of Directors will determine the annual pay budget, taking into account that continued good performance as defined by this and the Trust's performance management policy should give teachers an expectation of progression to the top of their respective pay range. When determining the annual pay budget the Trust will ensure sufficient allocation to allow for pay progression in accordance with the overall financial needs of the school.
- 5.2 The Board of Directors will establish a pay committee to make determinations of pay in accordance with the pay policy. Decisions will be communicated to each teacher by the Executive Headteacher, in writing, in accordance with the STPCD. Decisions on the pay of the Executive Headteacher will be communicated by the Chair of the Board of Directors, in writing, in accordance with the STPCD.
- 5.3 The terms of reference for the pay committee will be determined from time to time by the Trust.
- 5.4 The pay committee will be attended by the Executive Headteacher in an advisory capacity. Where the pay committee has invited an external adviser to attend and offer advice on the determination of any pay decision, that person will withdraw at the same time as the Executive Headteacher while the committee reaches its decision.
- 5.5 The report of the pay committee will be placed in the confidential section of the Board of Director's agenda and will either be received or referred back. Reference back may occur only if the pay committee has exceeded its powers under the Pay Policy.

## **6 ANNUAL DETERMINATION OF PAY**

- 6.1 All teaching staff salaries (including senior leaders), will be reviewed annually to take effect from 1 September. The salary committee will endeavour to complete teachers' annual pay reviews by 31 October and the Executive Headteacher's annual pay review by 31 December. It will, however, complete the process without unreasonable delay.
- 6.2 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. A revised pay statement must also be given where there are any other changes in pay arrangements in the year.

## **7 NOTIFICATION OF PAY DETERMINATION**

- 7.1 Decisions of the pay committee will, within one month of the decision, be communicated to each member of staff by the Executive Headteacher in writing in accordance with the relevant paragraph of the STPCD and will set out the reasons why decisions have been taken. Decisions on the pay of the Executive Headteacher will be communicated by the pay committee, in writing, in accordance with the relevant paragraph of the STPCD.
- 7.2 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.

## **8 APPEALS PROCEDURE**

- 8.1 The Trust has an appeals procedure in relation to pay in accordance with the provisions of the relevant paragraph of the STPCD. It is set out in Schedule 1 to this Pay Policy.

## 9 EXECUTIVE HEADTEACHER'S PAY

- 9.1 The Executive Headteacher must demonstrate sustained high quality of performance in respect of Academy leadership and management and pupil progress, and is subject to a review of the totality of their performance as agreed with their appraiser(s) as part of their annual appraisal before any discretionary pay increases can be awarded.
- 9.2 Annual pay progression within the pay range for this post is not automatic. Any progression must be supported by evidence and submitted to the Trust for approval.
- 9.3 The relevant body will determine the Individual School Range (ISR) for the Executive Headteacher when they propose to make a new appointment or at any time if they consider it necessary. In limited circumstances (substantial difficulties in recruiting or retaining an Executive Headteacher or the Executive Headteacher is appointed as temporary Headteacher of one or more academies) the relevant body can consider making a discretionary payment(s). The total of all discretionary payments must not exceed 25 per cent of the amount which corresponds to that individual's point on their ISR for that year.

## 10 OTHER SENIOR LEADERS

- 10.1 The pay committee of each Academy will review pay in accordance with the relevant paragraphs of the STPCD and may award points within a 5 point pay range where there has been sustained high quality of performance having regard to the results of the recent appraisal, and to any recommendation on pay progression recorded in the most recent appraisal report. This may include taking into account any change in responsibility. Pay may be determined at any time in accordance with the provisions of the STPCD.

## 11 ACTING ALLOWANCES

- 11.1 Acting allowances are payable to teachers who are assigned and carry out the duties of the Executive Headteacher or other senior leaders. The salary committee will, within a four week period of the commencement of a teacher assuming acting duties, determine whether or not the acting post-holder will be paid an allowance. In the event of a planned and prolonged absence, an acting allowance will be agreed in advance and paid from the first day of absence.
- 11.2 Any teacher who carries out the duties of the Executive Headteacher or Deputy Executive Headteacher, for a period of four weeks or more consecutively, may be paid at an appropriate point of the Executive Headteacher's ISR or Deputy Executive Headteacher pay spine as determined by the pay committee of the relevant Academy. Payment will be backdated to the commencement of the duties.

## 12 CLASSROOM TEACHERS

- 12.1 The Board of Directors will determine the starting salary of a vacant classroom teacher post on the main pay range or upper pay range, such as the committee determines, having regard to:
- 12.1.1 the requirements of the post;
  - 12.1.2 any specialist knowledge required for the post;
  - 12.1.3 the experience required to undertake the specific duties of the post; and
  - 12.1.4 the wider school context.
- 12.2 In addition, the Board of Directors will consider awarding an extra point or points on the scale in recognition of other relevant experience that would not attract mandatory experience points in the following circumstances:

- 12.2.1 service as a qualified teacher in an Academy, a city technology college, a city college for the technology of the arts or an independent school;
- 12.2.2 service as a qualified teacher in an overseas school outside the European Economic Area or Switzerland in the maintained sector of the country concerned;
- 12.2.3 service teaching in further education, including sixth form colleges;
- 12.2.4 service teaching in higher education; and
- 12.2.5 periods of five years spent outside teaching but working in a relevant area. This might include industrial or commercial training, and experience with children/young people.

12.3 Pay determinations for existing main scale teachers:

- 12.3.1 The salary committee will follow the provisions of the STPCD and award a point on the main scale, unless the teacher has been notified that their service has been unsatisfactory for the previous academic year. The salary committee will normally exercise this discretion only in the context of a formal capability procedure. The salary committee will restore the withheld point at the conclusion of the capability procedure where satisfactory performance has been achieved.
- 12.3.2 Where the teacher is subject to the Appraisal Regulations 2012, the salary committee may award one point where the teacher's performance in the previous school year was excellent, having regard to the results of the most recent appraisal.
- 12.3.3 Where the teacher is not subject to the Appraisal Regulations 2012, the pay committee may award one additional point where the teacher's performance in the previous 12 months was excellent having regard to all aspects of his/her professional duties and the Teachers' Standards, but in particular classroom teaching.

Pay determinations will be made once a year, with effect from 1 September.

- 12.4 Progression within, or between, Pay Bands will not be automatic and will be dependent on the teacher having made good progress as against the Teachers' Standards. Equally, progression up the main pay range need not be limited to one point per year, and an assessment will be made regarding the appropriate pay point for each individual in accordance with the expected performance standards.
- 12.5 Specific details regarding the performance standards required to move within or between the Pay Bands will be based on performance. It should be noted that the performance standards required will become more challenging as the teacher progresses within or between Bands within the main pay range.
- 12.6 Judgments regarding a teacher's progress will be properly rooted in evidence. This evidence should show:
  - 12.6.1 an increasing positive impact on pupil attainment and pupil progress, i.e. achievement;
  - 12.6.2 an increasing impact on wider outcomes for pupils;
  - 12.6.3 improvements in specific elements of practice identified to the teacher, e.g. behaviour management or lesson planning;
  - 12.6.4 an increasing impact on the effectiveness of staff and colleagues, particularly on the quality of teaching; and

12.6.5 an increasing contribution to the wider work of the school.

12.7 The pay committee will be advised by the Executive Headteacher in making all such decisions. Any increase will be clearly attributable to the performance of the teacher in question. The pay committee will be able to justify its decisions.

### 13 **PORTABILITY**

13.1 Teachers' pay levels will be portable into the Trust, providing that at the time of appointment:

13.1.1 the post for which the teacher has previously been paid is provided for within the Trust staffing structure;

13.1.2 the teacher's previous pay level is within Academy pay ranges;

13.1.3 the teacher was not previously paid on a leadership scale in a non-leadership post; and

13.1.4 the teacher is not moving from a leadership post to a non-leadership post

13.2 There are no Advanced Skills Teacher posts and no Excellent Teacher posts within the Trust's staffing structure.

13.3 Thus teachers previously paid:

13.3.1 as an Advanced Skills Teacher; or

13.3.2 as an Excellent Teacher; or

13.3.3 on the leadership scale where their pay level was not within the Trust pay ranges

13.3.4 on the leadership scale where the teacher is taking a non-leadership post within the Trust

would not have their pay carried over and into their roles in the Trust.

13.4 For the avoidance of doubt, Teaching and Learning Responsibility Payments (TLRs) are not portable.

### 14 **MOVING TO BE PAID ON THE UPPER PAY SCALE**

14.1 It is important to be clear that there is no automatic entitlement to move to the Upper Pay Scale and this will only occur following successful appraisal at the top of the Main Pay Scale. Staff will be required to be paid on MPS6 for one year before consideration is given to moving onto the Upper Pay Range.

14.2 In order for the assessment to be robust and transparent, it will be an evidence based process only, as part of the annual appraisal process. Those teachers who are not subject to the Appraisal Regulations 2012, or who have been absent, through sickness, disability or maternity, may cite written evidence from a three year period before the date of application in support of their application.

14.3 The teacher will be required to meet the criteria set out in the STPCD, namely that:

14.3.1 the teacher is highly competent in all elements of the relevant standards; and

14.3.2 the teacher's achievements and contribution to the school are substantial and sustained.

14.4 In the Trust:

- 14.4.1 'highly competent' means the teacher's performance is assessed as having excellent depth and breadth of knowledge, skill and understanding of the Teachers' Standards in the particular role they are fulfilling and the context in which they are working;
  - 14.4.2 'substantial' means the teacher's achievements and contribution to the Trust are significant, not just in raising standards of teaching and learning in their own classroom, or with their own groups of children, but also in making a significant wider contribution to school improvement, which impacts on pupil attainment and pupil progress, i.e. achievement and the effectiveness of staff and colleagues; and
  - 14.4.3 'sustained' means the teacher must have had two consecutive successful appraisal reports in the Trust and have made good progress towards their objectives during this period (subject to certain exceptions, e.g. maternity/sick leave; see paragraphs 14.6 and 14.7 above). They will be expected to show that their teaching expertise has grown over the relevant period and is consistently good to outstanding.
- 14.5 A qualified teacher will be successful in moving to the Upper Pay Scale where evidence shows that the teacher:
- 14.5.1 has had a successful appraisal;
  - 14.5.2 is highly competent in all elements of the Teachers' Standards and that his/her achievements and contribution to the school are substantial and sustained; and
  - 14.5.3 has met the performance standards required to move into the Upper Pay Scale.
- 14.6 Where a qualified teacher moves into the Upper Pay Scale, the salary committee will determine the appropriate pay point within the Band at which the teacher will be paid, having made an assessment of the teacher's performance taking into account:
- 14.6.1 their most recent appraisal; and
  - 14.6.2 the expected performance standards as set out in appendix 2 to this policy.
- 14.7 Further progression within the Upper Pay Scale will be considered by the relevant Academy on an annual basis, effective from 1 September, but progression will not be automatic and will be dependent on the teacher having made good progress as against the Teachers' Standards and having met the performance standards required to move within the Pay Band.
- 14.8 It should be noted that the performance standards required will become more challenging as the teacher progresses within Upper Pay Scale.
- 14.9 In making its decisions the salary committee will be advised by the Executive Headteacher. Any increase will be clearly attributable to the performance of the teacher in question. The salary committee will be able to justify its decisions.

## 15 LEADERSHIP ROLES

- 15.1 The salary committee of each Academy will take account of the relevant provisions of the STPCD when determining the role of leadership in this school. Additional duties will be set out in the job description of the leadership and may include:
- 15.1.1 a leadership role in developing, implementing and evaluating policies and practices in the school that contribute to school improvement;
  - 15.1.2 improving the effectiveness of staff and colleagues, particularly in relation to the quality of teaching.

- 15.2 The salary committee will determine the appropriate point on which to appoint a new leadership role, taking into account:
- 15.2.1 the requirements of the post, including any specialist knowledge required for the post;
  - 15.2.2 the experience required to undertake the specific duties of the post;
  - 15.2.3 the wider school context; and
  - 15.2.4 any wider guidance from the Trust to ensure consistency across the Trust.
- 15.3 Progression within the leadership pay range will be considered by the Trust on an annual basis, effective from 1 September, but progression will not be automatic and will be dependent on the evidence, including that supported by the most recent appraisal, which should show the leading practitioner:
- 15.3.1 is an exemplar of teaching skills, which should impact significantly on pupil attainment and pupil progress, i.e. achievement, within school and within the wider school community, if relevant;
  - 15.3.2 has made a substantial impact on the effectiveness of staff and colleagues, particularly in relation to the quality of teaching;
  - 15.3.3 is highly competent in all aspects of the Teachers' Standards; and
  - 15.3.4 has shown strong leadership in developing, implementing and evaluating policies and practice in their workplace that contribute to school improvement.
- 15.4 'Highly competent' and 'substantial' have the same meanings as are set out in paragraph 14.4 above.
- 15.5 Performance standards required will become more challenging as the leading practitioner progresses within the pay range and very clear reasons will be required for an increase above one point.
- 15.6 In making its decisions the pay committee will be advised by the Head Teacher. Any increase (i.e. a movement of one point or more than one point) will be clearly attributable to the performance of the leading practitioner in question. All judgments will be properly rooted in evidence and the salary committee will be able to justify its decisions.

## 16 **TEACHING AND LEARNING RESPONSIBILITY ('TLR') PAYMENTS**

- 16.1 The pay committee may award a TLR to a qualified classroom teacher for undertaking a sustained additional responsibility in the context of the school's staffing structure, for the purpose of ensuring the continued delivery of high quality teaching and learning and for which the teacher is made accountable. The level of the TLR will be determined by the pay committee.
- 16.2 Before awarding TLR values, the pay committee must be satisfied that the teacher's duties include a significant responsibility that is not required of all classroom teachers and that such responsibility:
- 16.2.1 is focused on teaching and learning;
  - 16.2.2 requires the exercise of a teacher's professional skills and judgment;
  - 16.2.3 requires the teacher to lead, manage and develop a subject or curriculum area; or to lead and manage pupil attainment and pupil progress across the curriculum, or to lead, manage and develop a team of colleagues;

16.2.4 has an impact on the education progress of pupils other than the teacher's assigned classes or groups of pupils; and

16.2.5 involves leading, developing and enhancing the teaching practice of other staff.

16.3 In addition, the pay committee may award fixed-term TLR3 payments for time-limited school improvement projects, or one-off externally driven responsibilities, when appropriate.

16.4 All job descriptions will be regularly reviewed and will make clear, if applicable, the responsibility or package of responsibilities for which a TLR is awarded, taking into account the above criteria and factors.

16.5 The value of the TLRs is set out in the STPCD, as amended from time to time.

## 17 **MASTER LEVEL TEACHERS**

17.1 Teachers do not have to apply for progression; there is an entitlement to be considered for progression.

17.2 When making any determination for a Teacher subject to the 2006 regulations, the Board of Directors must have regard to any recommendation on pay progression recorded in the Teachers most recent planning and review statement.

17.3 The clarification of the application of the criteria as set out in the STPCD, as amended from time to time, for upper pay scale progression will be taken fully into account.

17.4 Where a teacher is a Post-Threshold Teacher by virtue of the STPCD, the Board of Directors may determine which point on the upper pay scale to place them, rather than being required to place them on to Level 7. When doing so, the Board of Directors should consider any pay and progression that the teacher made in their previous employment, which was based on an assessment on standards and contribution comparable to the requirements for progression on the upper pay scale and should not unreasonably withhold appointment at the equivalent point on the upper pay scale.

17.5 Progression to Level 7 from Level 6 will be based on the achievement of their performance management targets and the totality of the candidate's performance as described in the appraisal policy, based on one year.

17.6 Successful progression to Level 8 and Level 9 will be based upon the achievement of their performance management targets over 2 years and the totality of the candidate's performance as described in the appraisal policy, other than under the exceptional circumstances as provided for in the STPCD..

## 18 **UNQUALIFIED TEACHERS**

18.1 The pay committee will determine the appropriate point on which to appoint a new unqualified teacher, taking into account:

18.1.1 the requirements of the post, including any specialist knowledge required for the post;

18.1.2 the experience required to undertake the specific duties of the post; and

18.1.3 the wider school context.

18.2 The pay committee will consider whether it wishes to pay an additional allowance where evidence shows that the teacher has:

- 18.2.1 taken on a sustained additional responsibility which is focused on teaching and learning, and requires the exercise of a teachers' professional skills and judgment; or
  - 18.2.2 qualifications or experience which bring added value to the role being undertaken.
- 18.3 Progression within the unqualified teachers' pay range will be considered by the school on an annual basis, effective from 1 September, but progression will not be automatic and will be dependent on the evidence, including that supported by the most recent appraisal, which should show:
- 18.3.1 an improvement in teaching skills;
  - 18.3.2 an increasing positive impact on pupil attainment and pupil progress; i.e. achievement;
  - 18.3.3 an increasing impact on wider outcomes for pupils;
  - 18.3.4 improvements in specific elements of practice identified to the teacher;
  - 18.3.5 an increasing impact on the effectiveness of staff and colleagues, particularly on the quality of teaching; and
  - 18.3.6 an increasing contribution to the wider work of the school.
- 18.4 Progression within the unqualified teachers' pay range need not be limited to one point per year, and an assessment will be made regarding the appropriate pay point for each individual in accordance with the expected performance standards. It should be noted that the performance standards required will become more challenging as the unqualified teacher progresses within the pay range.
- 18.5 The Board of Directors may determine an additional allowance as it considers appropriate, where in the context of its staffing structure and pay policy that a teacher has:
- 18.5.1 taken on a sustained additional responsibility which is:-
    - 18.5.1.1 focused on teacher and learning; and
    - 18.5.1.2 requires the exercise of a teacher's professional skills and judgement; or
  - 18.5.2 qualifications or experience which bring added value to the role he/she is undertaking.
- 18.6 Where an Unqualified Teacher is in receipt of an additional allowance awarded under a previous Document, pay committee must re-determine that allowance in accordance with the above criteria.
- 18.7 Unqualified Teachers may not hold a TLR or SEN allowance.
- 18.8 In making its decisions the pay committee will be advised by the Executive Headteacher. Any increase (i.e. a movement of one point or more than one point) will be clearly attributable to the performance of the unqualified teacher in question. All judgments will be properly rooted in evidence and the pay committee will be able to justify its decisions.
- 19 THE TRUST SUPPORT STAFF**
- 19.1 On appointing a member of the support staff, the job description determined for the post to which the employee is to be appointed will be evaluated in accordance with the approved scheme.
- 19.2 The Executive Headteacher, in consultation with the pay committee, will determine the appropriate point on the evaluated scale having regard to relevant qualifications and/or experience.

- 19.3 The decision of the Executive Headteacher will be reported to the pay committee.
- 19.4 If at any time the Executive Headteacher, in consultation with the pay committee, considers that a member of the support staff is being asked to undertake, or has undertaken, increased responsibility on a permanent or temporary basis, the job description of the post, with the new responsibilities, will be considered. If this provides for a higher salary that salary will be paid to the post holder from a date determined by the Executive Headteacher and, in the case of a temporary increase, in responsibility, the date of which the new salary will be paid. The new salary level will be reported to the Board of Directors in the Executive Headteacher's termly report at its next meeting.
- 19.5 If any member of the support staff wishes to appeal against his/her salary level s/he may ask for a re-evaluation of the job description of the post to be undertaken. In the event that a member of the support staff wishes to appeal against a decision of the salary committee, then s/he may appeal in accordance with the appeals procedure attached as Schedule 1 to this pay policy.

## 20 **PART-TIME EMPLOYEES**

- 20.1 Part-time teachers: the salary committee will apply the provisions of the STPCD in relation to part-time teachers' pay and working time.
- 20.2 All staff: the Executive Headteacher and the pay committee will use their best endeavours to ensure that all part-time employees are treated no less favourably than a full-time comparator, in accordance with the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 (as amended).

## 21 **SHORT NOTICE / SUPPLY TEACHERS**

- 21.1 Teachers who work on a day-to-day or other short notice basis have their pay determined in line with the statutory pay arrangements in the same way as other teachers.
- 21.2 Teachers will be hourly paid and will have their salary calculated by dividing the annual salary by 1265 to arrive at the hourly rate.
- 21.3 Teachers should be paid for all the hours they are required to be on the Trust premises. Allowance should be made for non-contact time. Before any supply teacher undertakes work in the Trust, the number of hours for which they are to be paid will be agreed with the teacher.
- 21.4 The Trust will confirm with the supply teacher the hours to be worked and the teacher asked to sign to confirm for how many hours he or she will be paid and a written records maintained in case of a future query.

## 22 **ADDITIONAL PAYMENTS**

- 22.1 The pay committee will not make payments in respect of:
- 22.1.1 continuing professional development undertaken outside the school day;
  - 22.1.2 activities relating to the provision of initial teacher training as part of the ordinary conduct of the Trust;
  - 22.1.3 participation in out-of-school hours learning activity, agreed between the teacher and the Executive Headteacher, or in the case of the Executive Headteacher between Executive Headteacher and the Board of Directors (additional payments should be the exception and guidance should be sought from the Trust);
  - 22.1.4 additional responsibilities and activities due to, or in respect of, the provision of services

by the Head Teacher relating to the raising of educational standards to one or more additional academies;

22.2 No Special Education Needs Allowance (SEN) will be paid.

**23 RECRUITMENT AND RETENTION INCENTIVE BENEFITS**

23.1 The Trust will not pay recruitment awards.

23.2 The Trust will not pay retention awards.

**24 SALARY SACRIFICE ARRANGEMENTS**

24.1 Where the Trust operates a salary sacrifice arrangement, a teacher may participate in any arrangement and their gross salary shall be reduced accordingly, in accordance with the provisions of the STPCD.

## SCHEDULE 1

### 1 APPEALS PROCEDURE

- 1.1 The STPCD requires 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.
- 1.2 As part of the annual pay review process, where a teacher is eligible for pay progression, a pay recommendation will be made to the salary committee by the Executive Headteacher. Prior to making this recommendation, the Executive Headteacher will discuss it with the teacher.
- 1.3 At this particular stage of the pay review process, if the teacher wishes to understand better the rationale for the pay recommendation or to bring any further evidence to the attention of the Executive Headteacher, s/he should be given the opportunity to do so before the final pay recommendation is made to the pay committee. The nature of any subsequent 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 recommendation to the pay committee will be updated to reflect the discussion.
- 1.4 If a teacher believes that the final pay recommendation by the Executive Headteacher falls short of her/his expectations and s/he wishes to seek a further review of the information that affects her/his pay, s/he may wish formally to appeal against the decision, utilising the formal Appeal Hearing Procedure. Appeal Hearings against pay decisions must satisfy the dispute resolution requirement of employment law (i.e. Part 4 of the Trade Union and Labour Relations (Consolidation) Act, 1992) and the ACAS Code of Practice).

### 2 APPEAL HEARING PROCEDURE

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

#### 2.1 Guidance

- 2.1.1 When a teacher feels that a pay decision is incorrect or unjust, especially when there is new evidence to consider, s/he should seek to resolve this by discussing the matter informally with the decision-maker within 10 working days of the decision.
- 2.1.2 Where this is not possible or where the employee continues to be dissatisfied, s/he may follow this formal appeal process, as outlined below.
- 2.1.3 Teachers should put their appeal in writing to the Executive Headteacher, or, in the case of the Executive Headteacher the Trust; their appeal should include sufficient details of its basis.
- 2.1.4 Appeals should be heard without unreasonable delay and at an agreed date, time and place.
- 2.1.5 Employees have a statutory right to be accompanied at any stage of an appeal hearing by a recognised trade union representative or willing work colleague.

#### 2.2 Appeal Procedure: Informal Stage

- 2.2.1 As part of the pay review process, the Executive Headteacher will make a recommendation to the pay committee supported by relevant assessment evidence. Within one month of determining a teacher's pay, the pay committee will ensure the teacher receives a written decision, including reasons for the decision, and at the same time confirmation of his/her right to appeal the decision to the pay committee.

- 2.2.2 If the teacher wishes to appeal the decision, s/he must do so in writing to the pay committee within 10 working days or within a mutually agreed alternative timescale. The appeal must include a statement, in sufficient detail, of the grounds of the appeal. In the event that an initial appeal is raised, the pay committee must then arrange to meet the teacher to discuss the appeal. The Executive Headteacher should also be invited to the meeting to clarify the basis for the original recommendation.
- 2.2.3 The pay committee will reconsider the decision in private and write to the teacher to notify him/her of the outcome of the review and of the teacher's right of appeal to Trust. If the teacher wishes to exercise his/her right of appeal, s/he must write to the Board of Directors at the earliest opportunity and within 10 working days, including a statement of the grounds of the appeal and sufficient details of the facts on which s/he will rely.
- 2.2.4 This will invoke the Formal Stage of the Appeal Procedure.

### 2.3 Appeal Procedure: Formal Stage

- 2.3.1 On receipt of the written appeal, the Board of Directors will establish an appeal committee that should consist of three Board Members, none of whom is an employee in the school or has been previously involved in the relevant pay determination process, and convene a meeting of the appeal committee at the earliest opportunity and no later than 20 working days from the date on which the written appeal was received. Both the Executive Headteacher and the chair of the pay committee will be required to attend the meeting.
- 2.3.2 5 working days' notice should be given of the appeal of the appeal hearing. The notice of the appeal hearing should include:
  - 2.3.2.1 the date, time, place of the appeal hearing;
  - 2.3.2.2 the name(s) of the person(s) who will hear the case;
  - 2.3.2.3 who will respond to the appeal (the person or representative of the Committee who made the original decision);
  - 2.3.2.4 who will be the Human Resources Adviser to the panel (if there is to be one);
  - 2.3.2.5 copies of documents and any other written material or evidence that is relevant;
  - 2.3.2.6 the names of any witnesses to be called;
  - 2.3.2.7 the employee's right to be represented by a recognised trade union representative or work colleague and to call witnesses;
  - 2.3.2.8 the employee's right to submit any documentation within 3 working days prior to the appeal hearing, to the Company Secretary;
  - 2.3.2.9 a copy of the Trust's Pay Policy; and
  - 2.3.2.10 the fact that the appeal hearing may take place in the employee's absence if s/he is unable to attend without a satisfactory explanation. If s/he is unable to attend through illness, s/he should arrange representation at the appeal hearing and/or provide written submissions to the appeal hearing.

- 2.3.3 The chair of the appeal committee will invite the teacher to set out his/her case. Both the Executive Headteacher and the chair of the pay committee will also be asked to take the

appeal committee through the procedures that were observed in their part of the pay determination process.

- 2.3.4 Following the conclusion of representations by all relevant parties, the appeal committee will then consider all the evidence in private and reach a decision. The appeal committee will write to the teacher notifying him/her of its decision and the reasons for it. Other attendees at the meeting will also be notified of the decision. The decision of the appeal committee is final.

## 2.4 The Modified Procedure

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

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

- 2.4.2.1 The teacher must have set out details of his/her appeal in writing;

- 2.4.2.2 The teacher must have sent a copy of his/her appeal to the Board of Directors; and

- 2.4.2.3 The Board of Directors will consult with relevant personnel and provide the teacher with an appropriate written response on behalf of the Trust.

# END OF POLICY