



# Transform Trust Pay Teaching Staff

## Preamble

This policy aims to comply with the prevailing legislative framework and incorporates good practice.

## Introduction

This policy applies to all teaching staff within Transform Trust. The Trustees may approve a transitional policy for recently converted schools in exceptional circumstances. The Scheme of Delegation for each school within the Trust outlines the delegated responsibility for staffing matters and the pay and conditions of all staff.

This policy has been developed taking into account the relevant education and employment legislation, and with regard to but not restricted by the School Teachers' Pay and Conditions Document (STPCD). Appropriate consultation will take place with all employees and stakeholders including recognised Trade Unions.

In this policy references to Headteacher include the Chief Executive Officer (CEO) and the Senior Leader responsible for each School.

In the case of NQTs pay decisions will be made with reference to the statutory induction process.

The overarching policy covers all teaching employees and includes pay determination on appointment and pay progression. Pay provisions for support staff is contained in a separate document, will usually reflect Local Authority grading schemes and is available from the Trust HR Team. In addition, a pay policy for Trust Centre staff also outlines how pay decisions will be made for those currently employed in line with STPCD however the provisions as outlined in this document are mirrored in that document.

The payment of national annual pay awards will be determined at the discretion of the Board of Trustees but the intention is to honour our commitment to match or exceed those agreed nationally.

The aims of the policy are to:

- Facilitate the recruitment and retention of leaders and teaching staff in sufficient numbers and of the highest calibre to enable the Trust/Local Governing Body to promote high standards of educational achievement and maximise the quality of teaching, learning and leadership at the Trust/School
- Impact on pupil outcomes by improving organisational efficiency and effectiveness.
- Ensure that all teaching and support staff are recognised and receive appropriate remuneration for their work and contribution to Trust/School where their conditions relate to performance related pay progression.
- Ensure a direct link between appraisal, CPD and pay progression.

- Ensure that pay decisions are managed in an objective, fair, just and transparent way.
- Governor committees managing pay and staffing decisions.
- Outline clearly the right of appeal an employee has with regard to pay decisions made.

The Directors of Transform Trust formulate policy. In all cases other than the Headteacher, pay decisions in line with Trust policies are delegated to the appropriate Local Governor Representatives of each School whose terms of reference are reviewed annually. Each School will nominate governors for the management of pay decisions expressed in the terms of reference for the Local Governing Body. Each governing body will act with integrity, confidentiality, objectivity and honesty in the best interests of the school; will be open about decisions made and actions taken; and will be prepared to explain decisions and actions to interested persons. Its procedures for determining pay will be consistent with the principles of public life: objectivity, openness and accountability.

Their terms of reference and procedures for decision making by the committees are available from the clerk to governors.

### Equalities and Performance Related Pay

The governing body and Trust will ensure that its processes are open, transparent and fair. All decisions will be objectively justified and minutes of any decisions, and the reasons for them, will be kept. Adjustments will be made to take account of special circumstances, e.g. an absence on maternity or disability-related sick leave. The exact adjustments will be made on a case-by-case basis, depending on the individual teacher's circumstances and the school's circumstances.

### Governing Body Obligations

The governing body will fulfil its obligations to:

- Teachers: as set out in the School Teachers' Pay and Conditions Document (STPCD) 2018/19 and the Conditions of Service for School Teachers in England and Wales (the 'Burgundy Book') and will consider additional guidance available such as the DfE's publication 'Implementing your school's approach to pay (September 2016)'.
- Support employees: the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service (Green Book) or any LA pay/grading scheme.
- The governing body will adopt recommended updates made through Trust JCNC, to the pay policy and assure themselves that appropriate arrangements for linking appraisal to pay are in place, can be applied consistently and that their pay decisions can be objectively justified. Moderation of pay decisions will be made by the Trust Executive to ensure consistency.
- The governing body through Trust JCNC approved policies, will ensure that appraisers, decision-makers and any appeal committee governors receive appropriate training to ensure fair and open decision-making (see Appendices B and C for further information on the Pay Committee and Appeals Procedure).

- The governing body and Trust Centre will ensure that mid-year reviews are undertaken for teachers, including all members of the leadership group and Trust central teachers, which should form part of the line management process throughout the year, enabling concerns to be raised and addressed as they occur.
- The governing body will ensure that it makes funds available to support pay decisions, in accordance with this pay policy and the school's spending plan.
- The governing body will provide data to Trust HR to enable effective monitoring of the impact of pay decisions, including the extent to which different groups of teachers may progress at different rates, ensuring the school's continued compliance with equalities legislation.
- Outcomes of pay decisions will be shared with Trust JCNC Union colleagues as part of the Working Party meetings.

### Individual Obligations

The Headteacher will:

- Ensure that there is a link between appraisal and pay progression
- Submit JCNC approved appraisal and pay policies to the governing body for adoption;
- Ensure that effective appraisal arrangements are in place and that any appraisers have the knowledge and skills to apply procedures fairly;
- Ensure that mid-term reviews are undertaken for all teachers, including the leadership group, and that regular line management meetings take place with concerns regarding performance raised and addressed as they occur;
- Submit pay recommendations to the governing body and ensure the governing body has sufficient information upon which to make pay decisions; and
- Ensure that teachers are informed about decisions reached, and that records are kept of recommendations and decisions made.
- Have their own appraisal and pay decisions made by a panel of Chairs with the CEO and HR Director.

The line manager/appraiser will:

- Ensure that they are sufficiently trained and equipped to carry out appraisals, seeking further support where necessary;
- Ensure that they understand the teacher's objectives and outcomes in order to consider evidence and appraise their progress;
- Ensure that mid-year reviews and regular line management meetings take place with teachers;
- Ensure that any concerns regarding performance are raised and addressed throughout the year as they occur, providing support and guidance to assist teachers to make improvements;
- Provide the headteacher with sufficient information in order to make pay recommendations to the pay committee; and

- Be mindful of equality expectations and ensure consistent application of the appraisal process and pay policy.

The teacher will:

- Engage with the appraisal process – this includes working with their appraiser to ensure that there is a secure evidence base in order for an annual pay determination to be made;
- Participate in regular meetings with their line manager, including the mid-year review;
- Respond to feedback provided during the year and engage with opportunities and support provided to improve their performance;
- Keep records of their objectives and review them throughout the year; and
- If they wish to, provide comments and share any evidence they consider relevant with their appraiser

### Pay reviews

The Local Governing Body / Trust Centre / Trust Executive staff responsible for performance management of others, will ensure that the salary of all employees is reviewed annually, with effect from 1 September and wherever possible no later than 31 October. Following the review each employee will receive a written statement / letter setting out the appraisal decision within 10 working days of the decision being made. Any pay or financial information will be contained in a pay statement and issued within one month of the pay determination being made in line with School Teacher Pay requirements. Reviews may take place at other times of the year to reflect any changes in circumstances. A written statement/letter will be given after any review.

Appraisal reports will make pay recommendations for consideration. Pay will be reviewed for teachers against their objectives, the National Standards of Excellence for Head Teachers, Teachers' Standards and The Trust Pay Progression Criteria. For Trust Centre staff pay will be reviewed against their objectives, job descriptions and the actions identified from the relevant plans and priorities expected of the Board of the Trust.

### Job Descriptions

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

### School Leadership Group Pay

- School leaders will be paid through a banding system.
- Head Teachers/Heads of School and Deputy Headteachers will be paid on a pay range linked to

the size of the school, other leadership posts and in accordance with the STPCD.

Any temporary or permanent salary uplift will be proportionate to the level of responsibility and accountability undertaken. Significant changes in circumstances and responsibilities may include:

- Assuming interim / acting headships of, or accountability for, additional schools
- Providing a range of extended services for children and young people on site.

Trust Board and Local Governing Bodies do not use their discretion to provide additional remuneration to the CEO, Executive Headteachers and Headteachers for providing traded services/consultancy to other schools or organisations, in or outside school sessions. Income arising from such activities is allocated to the Trust/School for the achievement of its objectives.

#### **Pay on appointment for headteachers:**

- The school's current head teacher group and the head teacher's pay will be reviewed in accordance with paragraphs 4, 5, 6 and 8. If the head teacher takes on permanent accountability for one or more additional schools, a pay range will be set in accordance with the provisions of paragraphs 6.6 or 7.9, as the case may be.
- A pay range will be determined by taking account of the full role of the head teacher, all permanent responsibilities of the role, any challenges that are specific to the role and all other relevant considerations (paragraphs 8 and 9), including recruitment issues. Appendix A can be used to support schools to determine an appropriate pay range. Approval from the CEO as well as advice from the Trust HR Director are essential before proceeding to advert.
- The 25% limit beyond the maximum of the group range will not be exceeded when setting the pay range for the head teacher, as set out in paragraph 9.3.
- At the appointment stage, candidate specific factors will be taken into account when determining the starting salary. If necessary, there will be an adjustment to the pay range to ensure appropriate scope of 2 progression points, for performance related pay progression.
- The pay committee will have regard to the provisions of paragraph 9.4 in particular, and will also take account of any other permanent payments, made to staff within the school to ensure that appropriate differentials are created and maintained between posts of differing responsibility and accountability.
- The total sum of the temporary payments made to a head teacher will not exceed 25% of the annual salary which is otherwise payable to the head; and the total sum of salary and other payments made to a head teacher will not exceed 25% above the maximum of the head teacher group.

Serving head teacher;

- Following approval from Trust HR, Local Governing Bodies will only re-determine the pay range of the serving head teacher, in accordance with paragraph 9 of the STPCD, if the responsibilities of the post change significantly. Alternatively, if it has been determined that this is required to

maintain consistency with pay arrangements for new appointments to the leadership team made or with pay arrangements for a member(s) of the leadership group whose responsibilities significantly changed (paragraph 4 of STPCD)

- It will also re-determine the pay range if the group size of the school increases, or if the head teacher takes on permanent accountability for an additional school(s).
- If there is a re-determination of the head teacher's pay range, it will take account of all indefinite responsibilities of the post, any specific challenges and all other relevant factors, including retention issues. Factors set out in Appendix A will be considered when determining an appropriate pay range. Other relevant considerations the Local Governing Body feels are relevant will be considered and in all circumstances approval from the Trust Executive team is required before the re-determination can be made.
- Progression points within the pay range will be used and at least two progression points will be left for pay related pay progression.
- When re-determining the pay range, this will be done in accordance with paragraph 9 of the STPCD; and paragraph 9 of section 3 guidance.
- Consideration may be given to the use of temporary payments for clearly temporary responsibilities or duties only, in accordance with paragraph 10.
- The total sum of temporary payments made to a head teacher will not exceed 25% of the annual salary which is otherwise payable to the head teacher; and the total sum of salary and other payments made to a head teacher will not exceed 25% above the maximum of the head teacher group.

## Deputy Head Teacher/Assistant Head Teacher

### Pay on appointment

Following appropriate advice being gained from Trust HR, the Local Governing Body/headteacher will determine a pay range, taking account of the full role of the deputy head teacher/assistant head teacher (see STPCD paragraph 9), all permanent responsibilities of the role, any challenges that are specific to the role and all other relevant considerations including recruitment issues. Factors set out in Appendix Three can be used when determining an appropriate pay range.

- Progression points within the pay range will be used.
- At the appropriate stage, candidate specific factors will be taken into account when determining the starting salary. If necessary, the governing body will adjust the pay range to ensure appropriate scope of 2 progression points, for performance related pay progression. The school will exercise its discretion under paragraph 27 of the STPCD where there are recruitment issues, provided it has not already taken such issues into account when setting the pay range.
- The school will consider whether the award of any additional payments are relevant, as set out in paragraph 26 of the STPCD.

Serving deputy head teacher/assistant head teachers

- The school will review and, if necessary, re-determine the deputy head /assistant head teacher pay range where there has been a significant change in the responsibilities of the serving deputy head/assistant head teacher or to maintain consistency with pay arrangements for new appointments to the leadership group made, or to maintain pay arrangements for a member(s) of the leadership group whose responsibilities significantly changed. HR advice and agreement should be sought before making such determinations.
- When determining the pay range of a serving deputy head teacher/assistant head teacher, the pay committee will take account of all permanent responsibilities of the role, any challenges that are specific to the role and all other relevant considerations (paragraph 9), including recruitment issues. The pay committee will take into account the factors set out in Appendix Three when determining an appropriate pay range. It will also take account of any other circumstances it feels are relevant and minute carefully its decisions and reasons for those decisions.
- The school will ensure the maintenance of appropriate differentials between different posts in its staffing structure.
- The school will exercise its discretion under paragraph 27 of the STPCD where there are recruitment issues, provided it has not already taken such issues into account when setting the pay range.
- The school will consider whether the award of any additional payments are relevant as set out in paragraph 26 of the STPCD and paragraphs 60 to 69 of Section 3.
- The school will use progression points within the pay range and will leave at least 2 progression points for performance-related pay progression.
- The school along with the relevant moderation panel will review pay in accordance with paragraph 11 and recommend an award up to two progression points where there has been sustained high quality of performance having regard to the results of the recent appraisal, and to any recommendation on pay progression recorded in the deputy head teacher/assistant head teacher's most recent appraisal report.

### Classroom Teachers

- Teachers appointed to a Trust School will be paid within the minimum and maximum of the appropriate pay range as set out in the STPCD. The governing body will maintain the teacher's previous pay entitlement in relation to the Main Pay Range (mainscale) or Upper Pay Range (UPR), where this falls within the minimum and maximum salary for the post. Schools retain the right to set the upper salary level for posts that they are advertising and it is for the applicant to decide whether they wish to apply on those terms. In most cases this means pay portability will apply but is not guaranteed. **This determination is still under discussion with Unions and Trust Headteachers and may change depending on further consultation.**
- The Local Governing Body will, if necessary, use its discretion to award a recruitment incentive benefit to secure the candidate of its choice.
- For support staff, each school will use the relevant job evaluated grades when determining

allocation of pay. The grade and pay point of support staff will be within NJC scale points.

For Trust Centre staff, the Executive Team will allocate an appropriate salary taking into account:

- *The nature of the post*
- *The evaluated score range from the Croner evaluation scheme*
- *The level of qualifications, skills and experience*
- *Market conditions including benchmarked salaries*
- *The needs of the Trust*

For Executive Team appointments across the Trust, Trustees will also be advised by the CEO of a suggested salary through the recruitment authorisation process.

### Performance pay

- All staff can expect to receive regular, constructive feedback on their performance and are subject to annual appraisal that recognises their strengths, informs plans for their future development, and helps to enhance their professional practice. Performance reviews will be carried out in accordance with Trust Appraisal Policies (including those for Support Staff). Pay decisions for those relevant employees will be linked to assessments of performance subject to the maximum of the pay range or group.
- Each governing body will ensure that its processes are open, transparent and fair. All decisions will be objectively justified and minutes of any decisions, and the reasons for them, will be kept.
- Decisions regarding pay progression will be based on an assessment of an individual's performance considering teaching commitments or support staff core responsibilities (Trust Centre staff), line management, managerial and leadership responsibilities (in the case of leaders and TLR holders), with reference to appraisal reports and the pay recommendations they contain. Pay progression is linked to the assessment of performance against objectives and the totality of the role. In the case of NQTs pay decisions will be made with reference to the statutory induction process.
- The CEO or delegated representative and the Trust HR Director will moderate performance objectives so that they are commensurate with the level of responsibility and pay; shadow some appraisal meetings and provide training for reviewers to assess performance against objective data. This is to quality assure and ensure consistency of practice across the Trust.
- Pay awards for those where performance related pay applies, will only be made on the evidence of successful performance reviews based on relevant assessment and taking into account advice from the senior leadership team, equal opportunities and budgetary considerations. Account will be taken of the challenge of the objectives - a challenging

objective which is not met but towards which there has been good progress can be rewarded.

#### Decision to Progress

- Where all of the set performance pay progression criteria are met, or where good progress towards objectives has been achieved and employees have shown that they are competent in all elements of the Teachers' Standards, the teacher will move up to the next relevant pay point. Good performance should result in pay progression within the pay range.

#### Decision not to Progress

- Where the performance pay progression criteria are not met, the teacher will not receive any performance pay progression. A decision not to award performance pay progression may be made without recourse to capability procedures. However, teachers who fail to meet the minimum teaching standards and/or who consistently fail to improve their practice or to sustain the expected level of performance for their pay level, may be subject to these procedures.

#### Performance Review - Leadership Group / Trust Centre Leaders

An annual review of the teacher's performance must be undertaken in accordance with paragraph 11 of the STPCD. To achieve progression there must be a demonstration of sustained high-quality performance, which shows a significant improvement of outcomes for children, with particular regard to:

- *The achievement of pupils*
- *The quality of teaching*
- *The behaviour and safety of pupils*
- *The quality of leadership and management*

Partnership Chairs of Governors, with the CEO, will review the performance of the leadership group and determine any pay progression. This is approved by the Executive Team. The Trust HR Director will support and advise. An external adviser may be appointed, as appropriate.

For Trust Centre leadership staff, high-quality performance will also link to using research and whole Trust impact.

When ratifying pay decisions, members of the pay committee may request access to performance information, including anonymised appraisal reports and evidence, to understand how a pay recommendation has been arrived at but will normally delegate this function to the headteacher or delegated person.

#### Teaching Staff

For Teaching staff, the evidence will come from a range of sources including:

- *Line manager's assessment against relevant standards e.g. Head teachers, teachers' and / or leadership,*
- *Assessment of performance from line manager, peer review documentation*
- *Outcomes of relevant evaluative processes: qa procedures e.g. Data analysis of results, tracking pupil progress, lesson observations, the views of pupils and parents*
- *External reviews and inspections e.g. itt, challenge partners, investors in People.*

Awards are based on an assessment of an individual's performance against appraisal objectives, the impact on all the teaching groups, the extent to which objectives are met and the totality of the role.

### **Pay progression**

#### **Chief Executive Officer**

Pay progression for the Chief Executive Officer will be determined by the Board of Trustees supported by the Trust HR Lead and where appropriate by an external adviser.

#### **Transform Trust Executive Leaders**

Pay awards for the Executive Leadership Team will be determined by the CEO and Directors as appropriate.

#### **Headteachers**

Progression through the appropriate pay range will not be automatic. The Partnership Chair Representative Group, the CEO and Trust HR Director will receive and review objectives, make a determination as to whether they have been met or good progress made towards for pay purposes and may award one or exceptionally two performance points, for professional growth, sustained high quality performance and contribution to the Trust/School. The decision will be ratified by the Trust Executive Team.

#### **Senior Leadership**

The Local Governing Body with the support and guidance of the CEO and Trust HR Director will receive and review appraisal reports and may recommend one or exceptionally two performance points, for professional growth, sustained high quality performance and contribution to the Trust/School. Exceptional performance and contribution to the School/Trust can accelerate progression. The Local Governing Body will confirm the recommendation made by the appraiser for all other teaching staff including deputy headteachers.

The Local Governor Representatives may review a salary or range at any time during the year to retain a serving senior leader or if there have been significant changes in circumstances or responsibilities. Any temporary or permanent salary uplift will be proportionate to the level of responsibility and accountability undertaken.

## Main Pay Range

Progression within a band will be based on the outcomes of performance reviews and appraisal reports which must clearly demonstrate sustained performance and the achievement of objectives in line with the appropriate pay progression criteria. Objectives will, however, be such that, if achieved, they will meet the requirements of the appraisal regulations 2012.

Judgments will be properly rooted in evidence. Judgments will only be made on evidence gathered which is related to the formal appraisal process. As a teacher moves up the main pay range, this evidence should show:

- Impact on pupil progress and attainment;
- Scrutiny of pupils' work during assessment period;
- Quality of teaching against the teaching standards, including observed practice;
- Engaging in professional dialogue, eg, during progress meetings, team meetings, appraisal;
- Reaction to received feedback, eg lesson observations, environment checks, behaviour walks etc;
- Performance management statements;
- The impact on teaching and learning of any cpd undertaken during the assessment period;
- An increasing contribution to the work of the school;
- An increasing impact on the effectiveness of staff and colleagues;

The Local Governor Representatives may accelerate progression across bands for sustained outstanding performance which significantly impacts on pupil outcomes.

## Upper Pay Range

Any qualified teacher may apply to be paid on the Upper Pay Range. The criteria to meet is that:

- (a) The teacher is highly competent in all elements of the relevant standards; and
  - (b) The teacher's achievements and contribution to the trust/school are substantial and sustained.
- 'Highly competent' in this Trust and our schools means depth and breadth of knowledge, skill and understanding and practice of the teachers' standards commensurate with the role, in particular ensuring good outcomes for pupils in line with similar schools nationally; teaching which is consistently good to enable coaching and mentoring of others, modelling and demonstrating good subject knowledge and effective pedagogy.
  - 'Substantial' means the teachers' achievements and contribution to the School are of real importance, in particular - the teacher plays a critical role in the life of the school making a significant impact on raising standards of their own classes and supporting with coaching / mentoring of others; the teacher is a role model for teaching and learning and impacts on

the effectiveness of other teachers, taking advantage of appropriate opportunities for professional development and using the outcomes effectively to improve pupils' learning.

- 'Sustained' means performance maintained continuously documented in one successful appraisal report. They must have shown that their teaching expertise is maintained over the period and demonstrate teaching that is always good or typically outstanding.

### Process for Moving on to the Upper Pay Range

Through the appraisal process a dialogue can take place as to whether movement onto or up the pay range is appropriate. It is usually the responsibility of the appraiser as part of the general appraisal discussions, to raise and identify whether a teacher may wish to apply to be paid on the Upper Pay Range. The process is outlined at Appendix 4.

UPR teachers will have their performance assessed against the criteria below for the purpose of pay progression. This includes sustained performance as follows:

- The teacher is highly competent in all elements of the relevant standards, has grown professionally and the achievements and contribution to the school are substantial and sustained.
- The teacher is a role model for others particularly for outstanding teaching and learning. This will include coaching and mentoring to improve practice of others across the whole school.

Any qualified teacher can apply to be paid on the Upper Pay Range (UPR) after one year/appraisal in post. If a teacher is simultaneously employed at another school(s), they may submit separate applications if they wish to apply to be paid on the UPR in that school(s). The school will not be bound by any UPR decision made concurrently by another establishment; however they may take this into consideration (see STPCD 2018/2019).

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

In order for the assessment to be robust and transparent, it will be an evidence-based process only against performance objectives. Teachers therefore can build an evidence base to support their application. Those teachers who have been absent, through disability-related sickness or maternity, may cite written evidence from previous years in support of their application.

### UPPER PAY RANGE (UPR)

Annual pay determinations

- The upper pay range in this school will consist of three points: minimum, mid-point, maximum as set out in Appendix D of this policy
- The application to progress to UPR will be considered annually, according to the deadlines set by this school (see above and STPCD 2018/19 paragraph 15)
- The pay committee will ratify an appraiser's decision as to whether there should be any movement on the Upper Pay Range. In making such a determination, it will take into account:
  - paragraph 19 above and the criteria set out in paragraph 15.2 of the STPCD 2018/19;
  - the evidence base, including the appraisal report which should show that the teacher has had a successful appraisal during the relevant period and has made good progress towards objectives, and the pay recommendation of the appraiser;
  - evidence that the teacher has maintained the criteria set out in paragraph 15.2 of the STPCD 2018, namely that:

the teacher is highly competent in all elements of the relevant standards: and, the teacher's achievements and contribution to an educational setting or settings are substantial and sustained

- Pay progression on the UPR will be clearly attributable to the performance of the individual teacher. The pay committee will be able to objectively justify its decisions.
- Where it is clear that the evidence shows the teacher has made good progress, they continue to maintain the criteria set out above and have made good progress towards their objectives, the teacher will move up the Upper Pay Range, where the pay range permits this.
- Where it is clear from the evidence that the teacher's performance is exceptional, in relation to the criteria set out above, and where the teacher has met or exceeded their objectives, the pay committee may use its flexibility to decide on enhanced progression on UPR, where this option is consistent with the school's policy in 12.2 above and where the pay range permits this.
- The pay committee will be advised by the headteacher in making all such decisions
- To support the application process for headteachers, there will be informal moderation of the application and decision made undertaken by a panel of headteacher peers (usually from within the Partnership group). The decision to progress remains with the individual school and headteacher. Further moderation of Upper Pay decisions to ensure consistency of application will take place across the Trust led by the CEO and Trust HR Director on an ad-hoc basis.
- UPR teachers will have demonstrated through objectives and outcomes in their appraisal review statements how they meet the Upper Pay criteria. The teacher will demonstrate through meeting objectives they have sustained the standards and have had an increasing impact on achievement, teacher effectiveness, whole school improvement and contribution to School / Trust (where appropriate).
- Pay decisions will be made by the appraiser following a review of the objectives set for that performance cycle. A recommendation will be made to the Local Governor Representatives (Pay Committee) by the headteacher, following confirmation by the line manager / appraiser.

## Unqualified teachers

The headteacher and the Chair of Governors are authorised to place any unqualified teacher on appointment on an appropriate point on the unqualified teachers' range.

The Local Governing Body will only appoint the following as unqualified teachers:

- Trainees working towards QTS.
- Overseas trained teachers who have not exceeded the four years they are allowed to 'teach' without having QTS, and
- Instructors (people with particular skills and/or expertise), who may only be employed for as long as a qualified teacher cannot be recruited and will not, therefore, be given permanent contracts.

Trainees on the Schools Direct (salaried) route working towards QTS will be paid on the Unqualified Teachers' Range.

Unqualified teachers are not eligible for TLR payments or SEN allowances.

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

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

## Part-time employees

The Local Governing Body will ensure that its treatment of all part-timers is consistent with the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 and the Equality Act 2010. Part-time employees will be paid on a pro rata basis. The Local Governing Body will have due regard to the work-life balance of part-time staff ensuring that their workload is reasonable and that they are treated fairly in comparison with full-time staff or with what would have been expected of them if they had been employed full-time.

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 Governing Body 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. Any additional hours worked by agreement from time to time will be paid at the same rate.

Calculations in relation to part-time teachers' pay and working time will be made in accordance with paragraphs 42, 43 and 52.5 onwards of the STPCD, and paragraphs 39-44 and 79-86 of the section 3 guidance.

### Supply teachers

Teachers employed on a day-to-day or other short notice basis will be paid on a daily basis calculated on the assumption that a full working year consists of 195 days; periods of employment for less than a day being calculated pro-rata.

Teachers who are employed to teach for the full pupil day will be paid at a daily rate of 1/195th of the annual pay they would receive if engaged on a regular contract.

Teachers who work less than a full day will have the rate calculated on two pupil/school sessions (morning session and afternoon session). Over 195 days, there are 390 sessions. Where a supply teacher is engaged for only one session (e.g. afternoon), which is shorter than the other (morning) session, the teacher should still be remunerated for the session on the basis of the annual salary divided by 390.

### Teacher allowances

#### Teaching and Learning Responsibility (TLR) Payments

A School may award a TLR to a classroom teacher in accordance with paragraph 20 of the STPCD and paragraphs 47-54 of the section 3 guidance. TLR 1 or 2 will be for clearly defined and 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. 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 criterion and factors set out at paragraph 20.4.

The School will ensure that sufficient differential exists between different levels of TLR, taking account of the responsibilities for which the TLR is awarded. All decisions will be objectively justified.

In this Trust, the different levels of TLRs are: the minimum of TLR2 band is £2,721 and the maximum is £6,646; the minimum of TLR1 is £7,853 and the maximum is £13,288.

A School may award a TLR3 of between £540 to £2,683 for clearly time-limited school improvement projects, or one-off externally driven responsibilities as set out in paragraph 20.3. The project/responsibility will be focused on teaching and learning; require the exercise of a teacher's professional skills and judgement and have an impact on the educational progress of pupils other

than the teacher's assigned classes or groups of pupils.

The governing body will set out in writing to the teacher the duration of the fixed term TLR3, and the amount of the award will be paid in monthly instalments. If a TLR3 is awarded to a part-time teacher, the pro rata principle will not apply. No safeguarding will apply in relation to an award of a TLR3.

The criteria for awarding a TLR allowance must meet the following:

Duties include a significant responsibility that is not required of all classroom teachers and that:

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

In addition, before awarding a TLR1, the relevant body must be satisfied that the sustained, additional responsibility referred to in paragraph 20.1 includes line management responsibility for a significant number of people.

Individual schools should seek advice from Trust HR when considering amending or introducing TLR's on the school staffing structure.

### **Special Educational Needs (SEN)**

The School will award a SEN spot value allowance on a range of between £2,149 and £4,242 to any classroom teacher who meets the criteria as set out in paragraph 21 of the STPCD.

When deciding on the amount of the allowance to be paid, the school will take into account the structure of the school's SEN provision, whether any mandatory qualifications are required for the post, the qualifications or expertise of the teacher relevant to the post; and the relative demands of the post (paragraph 21.3 of the STPCD). The school will also establish differential values in relation to SEN roles in the school in order to reflect significant differences in the nature and challenge of the work entailed so that the different payment levels can be objectively justified. The governing body will take account of paragraphs 55-59 of the section 3 guidance.

### **Acting Allowances**

A leader who is assigned extensively and carries out the duties of an Executive Headteacher, Headteacher or senior leader for a period in excess of 4 weeks or more may be paid an acting allowance as deemed appropriate by the Local Governing Body and CEO taking into account the guidance in the STPCD, specifically paragraphs 23.1 – 23.6.

Appropriate Senior Leaders may be required to carry out the duties of the CEO/ Executive Headteacher, Headteacher or Trust Executive Leadership role during period of absence. Payments will be backdated to the day on which the teacher assumed those duties.

No pressure, direct or indirect, will be placed on teachers to act up where such acting up is voluntary on their part.

Fixed term acting allowances for example teaching and learning and SENCO responsibilities may be remunerated at an appropriate rate commensurate with the duties for some or all of the acting period at the discretion of the Local Governing Body. This will be paid at the equivalent permanent allowance rates.

### **Additional Payments**

In accordance with paragraph 26 of the STPCD and paragraphs 60-69 of the section 3 guidance, the local governing body may make payments as they see fit to a teacher in respect of:

- Continuing professional development undertaken outside the school day;
- Activities relating to the provision of initial teacher training as part of the ordinary conduct of the school;
- Participation in out-of-school hours learning activity agreed between the teacher and the head teacher or, in the case of the head teacher, between the head teacher and the governing body; and
- Additional responsibilities and activities due to, or in respect of, the provisions of services by the head teacher relating to the raising of educational standards to one or more additional schools.

The School will make additional payments to teachers in accordance with the provisions of paragraph 26 of the STPCD where advised by the head teacher.

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

### **Recruitment and Retention Incentives and Benefits (R&R)**

The Local Governing Body can award lump sum payments, periodic payments, or provide other financial assistance, support or benefits for a recruitment or retention incentive (paragraph 27 of the STPCD and paragraphs 70-72 of the section 3 guidance).

The duration and review date must be explicit at the time of the award. Any new retention incentives/benefits awarded will be reviewed regularly after which they may be withdrawn.

No awards, or renewal, of recruitment and retention payments will be made to a head teacher,

deputy head teacher or assistant head teacher, other than as reimbursement of reasonably incurred housing or relocation costs. All recruitment and retention considerations in relation to a member of the leadership team will be taken into account when determining their respective pay range, either in relation to a new appointment or when new leadership group arrangements need to be determined

### **Salary sacrifice**

The Trust will offer salary sacrifice arrangements, to all employees, in respect of qualifying child care vouchers or other child care benefit scheme and cycle to work schemes

### **Safeguarding (teachers) and Pay Protection (support staff)**

Salary safeguarding will be paid to eligible teachers under the provisions of paragraphs 31.1 to 39.1 of the STPCD. Safeguarding details will be confirmed in writing to the teacher and will be reviewed to ensure the teacher remains eligible to receive the safeguarding.

Where a teacher is in receipt of salary safeguarding which exceeds a total of £500, the school will allocate appropriate and additional responsibilities commensurate with the safeguarded sum for the period of the safeguarding. If the teacher unreasonably refuses to carry out such additional duties the school will give the teacher written notice of its intention to withdraw the safeguarding payment. If dissatisfied, the teacher will have a right of appeal. As the salary sum reduces over time, the level of responsibility will also be reduced.

Pay protection for support staff will usually be in line with NJC (Green Book) provisions or where these have been replaced by an existing pay policy that overrides Green Book provisions.

### **Confidentiality**

The Local Governing Body regards all matters relating to the performance of staff and individual salary details as confidential. When such items are discussed in Governors' meetings, they will be recorded as such in the minutes.

### **Operative date**

The Trust undertakes to review this policy annually and to disseminate the updated version to the Local Governing Bodies. The Pay Policy will be made available to all staff.

### **Monitoring and Equality Impact Assessment**

The CEO, Local Governing Body and headteacher will monitor the outcomes and impact of this policy, including an Equality Impact Assessment.

## Pay Complaints / appeals

The Procedure for complaints or appeals is outlined in Appendix 2.

## Appendix One

### Pay Range Factors (Leadership Group)

The statutory provisions of the STPCD 2018 (paragraph 9.2) state that, when determining the pay range of a leadership group member, the relevant body must take into account of “all of the permanent responsibilities of the role, any challenges that are specific to the role, and all other relevant considerations”.

Social challenge:

- Number of pupils eligible for the pupil premium/free school meals
- Number and challenge of children with special needs (NB: pupils with statements or education, health and care plans are taken into account when calculating the group size of the school)
- Number of ‘looked after’ children
- Level of pupils with English as a second language

Complexity of pupil population and school workforce:

- Number of staff
- Variety of school workforce (e.g. teachers, speech therapists)
- Small school
- Rural school
- Specialist units or centres

Any specific challenges associated with running more than one school, e.g. managing geographically split sites, particular challenges of the additional school(s)

Contribution to wider educational development:

- NLE, SLE, LLE responsibilities which are not time-limited
- Teaching school status
- Other relevant issues (e.g. NQT lead, multi-stakeholders)

Recruitment and retention issues

## Appendix Two Pay Committee

### 1. Establishing the Pay Committee

- The governing body shall establish a Pay Committee every year as part of its sub-committee structure.
- The Pay Committee, under direction of the Trust, shall have fully delegated powers to consider and decide all matters relating to employees' pay, with the exception of the Headteacher, in accordance with the relevant legislation and guidance, and in accordance with relevant school policies.
- The Pay Committee must follow and adhere to Trust policies and processes when establishing pay committees and making pay decisions.
- The Pay Committee shall consist of governors elected annually by a quorate meeting of the full governing body, together with the headteacher, or their representative, in an advisory capacity.
- A quorum for the Pay Committee should ideally be a minimum of 3 governors.
- If the Pay Committee loses a member or finds itself in difficulty over maintaining a quorum, the full body may appoint, at a quorate meeting, appropriate new members to the Pay Committee at any time of the year.
- It is important when appointing to the Pay Committee that governors consider where any conflict of interest may lie. Anyone attending the pay committee, who has a conflict of interest in relation to any individual's pay, must withdraw whilst that decision is considered.
- Similarly, no governor may serve on the Pay Committee and the Appeals Committee. Ideally no governor should serve on the Appeals Committee and be responsible for the headteacher's performance management (this would only be the Chair of Governors). However, if, due to availability, the latter is necessary, they must not hear any appeal from the headteacher, and alternative arrangements should be made in this instance.
- The Pay Committee may invite other persons to serve in an advisory capacity should they deem it necessary to support the discharge of their responsibility in respect of certain tasks.
- The Pay Committee shall communicate details of all processes relating to specific pay issues to all employees, in writing, in an appropriate manner, and communicate in writing all decisions relating to the pay of individual employees to those individuals privately and personally.

### 2. Terms of Reference

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

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

### 3. The Role of the Pay Committee

The Pay Committee shall:

- Apply the Trust approved Pay Policy on behalf of the governing body and ensure compliance with statutory obligations in respect of pay and conditions of service related to pay;
- Review the pay of all teachers annually;
- Ensure that job descriptions are provided for all teachers;
- Ensure that every teacher's salary is reviewed with effect from 1 September and no later than 31 October (except in the case of the headteacher) each year;
- Provide an annual pay statement for all teachers based upon their situation on September 1st and issued before October 31st.
- Provide an interim pay statement for any teachers whose situation changes during the year;
- Where a pay determination leads or may lead to the start of a period of safeguarding, give the required notification as soon as possible and no longer than one month after the date of determination;
- Rely on and follow Trust HR advice when being asked to consider and make decisions relating to the levels of pay associated with specific posts, including both existing posts through the process of annual review and any new posts proposed by the headteacher;
- Receive recommendations from the headteacher in respect of all other teachers' performance pay reviews including threshold assessment;
- Monitor the impact of all pay decisions, including the extent to which different groups of teachers may progress at different rates, ensuring the school's continued compliance with equalities legislation and, where anomalies are identified, investigated these and taken any necessary action.
- Hear and consider any representations from teachers regarding pay related decisions prior to a formal appeal.

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

In conducting the annual pay review the Pay Committee shall:

- Publish the date of the annual pay review meeting to all teachers at least 10 working days before the meeting;
- Inform all teachers of the process to be followed by any employee wishing to make representations to the annual pay review to view the ISR and the pay ranges for other members of the leadership team;
- Communicate in writing decisions in respect of any representations considered in the annual pay review to the teacher making the representation;

## 5. Appeals

The arrangements for considering appeals shall be as follows:

- The governing body shall establish annually, at a quorate meeting of the full body, an Appeals Committee consisting of governors who are not on either the Pay Committee or responsible for performance management. The quorum for the Appeals Committee shall be 3. The Appeals Committee has fully delegated powers to adjudicate appeals related to pay and conditions of service relating to pay;
- An employee may seek a review of any determination in relation to their pay or any other decision taken by the governing body, or a committee or individual acting with delegated authority, that affects their pay.

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

- incorrect application of any provision of any relevant policy or regulation, including statutory policies, regulations and guidance and any policies of the governing body
- failure to take account of relevant evidence
- taking account of irrelevant or inaccurate evidence
- bias
- discrimination

(This list neither exclusive nor exhaustive)

The order of proceedings shall be as follows:

- the employee receives written confirmation of the pay determination and where applicable the basis on which the decision was made;
- if not satisfied, the employee seeks to resolve the matter informally with the decision-maker within 10 working days of the decision. If this is impractical the employee may move directly to the next step;
- the employee should set down in writing the grounds for questioning the pay decision and send it to the person or committee who made the determination, within 10 working days of the notification of the decision being appealed against, or of the outcome of the discussion

- referred to in bullet 2;
- the committee or person who made the determination should provide a hearing within 10 working days of receipt of the written grounds for questioning the pay decision, to consider this submission, and to provide the employee with an opportunity to make representations in person. Following the hearing the employee should be informed in writing of the decision and the right to appeal;
  - an appeal against the original determination will normally be heard within 28 working days of the written appeal notification. The employee will be told of their right to be accompanied by a trade union representative or a work colleague.

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

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## Appendix Three Appeals Procedure

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

### APPEAL HEARING PROCEDURE

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

#### Guidance

- When a teacher feels that a pay decision is incorrect or unjust, they may appeal against that decision, especially when there is new evidence to consider.
- Teachers/headteachers should put their appeal in writing to either the headteacher or the governing body and Trust HR Director (for Headteacher appeals); their appeal should include sufficient details of its basis.
- Appeals should be heard without unreasonable delay and at an agreed date, time and place.
- Employees have a statutory right to be accompanied at any stage of an appeal hearing by a companion who may be either a work colleague or a trade union representative.

#### Appeal Procedure Steps: Informal Stage

- As part of the pay determination process, the line manager ("the recommendation provider") will make a recommendation to the "the decision maker" (the person/s or committee

responsible for approving the pay recommendation) supported by relevant assessment evidence. On determining a teacher's pay, "the decision maker" will write to the teacher advising them of the pay decision, the reasons for it and will, at the same time, confirm their right to appeal the decision to "the decision maker".

- If the teacher wishes to appeal the decision, they must do so in writing to "the decision maker", normally with 10 school working days or within a mutually agreed alternative timescale. The appeal must include a statement, in sufficient detail, of the grounds of the appeal. In the event that an initial appeal is raised, "the decision maker" must then arrange to meet the teacher to discuss the appeal. "The recommendation provider" should also be invited to the meeting to clarify the basis for the original recommendation.
- "The decision maker" will reconsider the decision in private and write to the teacher to notify them of the outcome of the review and of the teacher's right of appeal to the governing body. If the teacher wishes to exercise their right of appeal, they must write to the clerk of the governing body at the earliest opportunity and normally within 10 school working days, including a statement of the grounds of the appeal and sufficient details of the facts on which they will rely.

This will invoke the Formal Stage of the Appeal Procedure.

### Appeal Procedure Steps: Formal Stage

- On receipt of the written appeal, the clerk to the governing body will establish an Appeal Committee that should consist of three governors, none of whom are employees in the school or have been previously involved in the relevant pay determination process, and convene a meeting of the Appeal Committee at the earliest opportunity and no later than 20 school working days of the date on which the written appeal was received. Both "the recommendation provider" and "the decision maker" will be required to attend the meeting.
- The Chair of the Appeal Committee will invite the employee to set out their case. Both "the recommendation maker" and "the decision maker" will also be asked to take the committee through the procedures that were observed in their part of the pay determination process.
- Following the conclusion of representations by all relevant parties, the Appeal Committee will then consider all the evidence in private and reach a decision. The Appeal Committee will write to the teacher notifying them of their decision and the reasons for it. Other attendees at the meeting will also be notified of the decision. The decision of the Appeal Committee is final.

### The Modified Procedure

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.

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

steps will be observed:

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

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## Appendix Four

### Applications to be paid on the Upper Pay Range

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

The process for applications is:

- Complete the Trust's application form.
- Submit the application form and supporting evidence (where provided) to the headteacher by the closing date (above).
- Applicants will receive notification of the name of the assessor of their application within 5 working days.
- The assessor will assess the application, which will include a recommendation to the pay committee of the governing body.
  - The application, evidence and recommendation will be passed to the headteacher for moderation purposes, if the headteacher is not the assessor. At that stage each Headteacher can utilise the support of their Partnership Headteacher colleagues to assist in the moderation process.
  - The pay committee will confirm the final decision, advised by the Headteacher.
- Teachers will receive written notification of the outcome of their application by 1<sup>st</sup> December. Where the application is unsuccessful, the written notification will include the areas where it was felt that the teacher's performance did not satisfy the relevant criteria set out in this policy (see 'Assessment' below)
- If requested, oral feedback will be provided by the assessor. Oral feedback will be given within 10 school working days of the date of notification of the outcome of the application. Feedback will be given in a positive and encouraging environment and will include advice and support on areas for improvement in order to meet the relevant criteria.
- Successful applicants will move to the minimum of the UPR on 1 September.
- Unsuccessful applicants can appeal the decision. The appeals process is set out in Appendix Three.

Assessment:

The teacher will be required to meet the criteria set out in paragraph 15 of the STPCD 2018, namely that:

- the teacher is highly competent in all elements of the relevant standards; and
- the teacher's achievements and contribution to an educational setting or settings are substantial and sustained.

In this school and across the Trust, this means:

- ‘Highly competent’ in this Trust and our schools means depth and breadth of knowledge, skill and understanding and practice of the teachers’ standards commensurate with the role, in particular ensuring good outcomes for pupils in line with similar schools nationally; teaching which is consistently good to enable coaching and mentoring of others, modelling and demonstrating good subject knowledge and effective pedagogy.
- ‘Substantial’ means the teachers’ achievements and contribution to the School are of real importance, in particular - the teacher plays a critical role in the life of the school making a significant impact on raising standards of their own classes and supporting with coaching / mentoring of others; the teacher is a role model for teaching and learning and impacts on the effectiveness of other teachers, taking advantage of appropriate opportunities for professional development and using the outcomes effectively to improve pupils’ learning.
- ‘Sustained’ means performance maintained continuously documented in one successful appraisal report. They must have shown that their teaching expertise is maintained over the period and demonstrate teaching that is always good or typically outstanding.

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