



SIR THOMAS RICH'S

Staff Pay and Conditions of Service Policy

This Policy is drawn up in accordance with the School Teachers' Pay and Conditions Document (STPCD) 2018, non-statutory advice from the Department for Education and the ACAS Code of Practice. It has been formulated after consultation with staff and trade unions. *Revised pay progression arrangements came into force with effect from 1 September 2013.*

Date reviewed: September 2018

Status: Statutory

Responsibility: It is the responsibility of the Governors' Personnel Committee to review the policy in the light of Government recommendations and monitor its implementation and execution.

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1. Introduction

The purpose of this policy is:

- to enhance the effectiveness of the School by ensuring that all staff are treated fairly and consistently in all matters relating to pay;
- to support the School Development Plan and School Improvement Plans and to supplement the governors' policies and procedures on recruitment and selection, staff appraisal and equality of opportunity;
- to guide and assist the Governing Body and Headmaster in the day-to-day management of staff;
- to inform staff of the governors' policies in relation to pay and to encourage staff involvement through a process of open consultation;
- to ensure that the School meets its legal and mandatory responsibilities in relation to pay and associated conditions of service and
- to ensure that the School remains within its staffing budget.

In setting out the School's Pay and Conditions policy, the School is mindful of its duty under the Equality Act 2010 to ensure there is no discrimination towards staff from protected characteristics. Due regard will be paid to equality issues in the setting of performance objectives and pay progression criteria, recommendations and decisions on pay progression and appeals. Particular care will be taken to ensure teachers on maternity or long-term sick leave do not suffer any indirect discrimination.

2. Administering the policy

The Governors' Personnel Committee

This group, which will meet at least once a term, acts on behalf of the Governing Body. The Committee comprises at least four governors, including the Headmaster, with the Chairman of Governors in attendance as required and

any other governor who may be co-opted for the duration of any one meeting. For the purposes of matters concerning pay the Governors' Personnel Committee also acts as the Pay Committee.

The Appeals Panel

Teachers have the right to appeal against the decision of the Pay Committee. The Appeal Committee will be formed from three governors who are not employed at the School or are members of the Personnel Committee. Full details of the appeal process can be found in the appendix to this document. The decision of the Appeal Committee is final and grievances over pay matters cannot be re-opened under general complaint procedures.

The Headmaster

The Headmaster will be the main contact point with both the Staff and the Personnel Committee. The governors have delegated to him the majority of the day-to-day management functions in relation to pay, appointments and conditions of service. He will advise and consult as appropriate with the governors and their committees.

3. The Pay Policy in detail

3.1 Headmaster, Deputy Head(s) and Assistant Headteacher(s)

Determination of starting salaries

The Governing Body will use the three stage process when setting pay, in line with the STPCD and the DfE Departmental Advice:

Stage One is defining the role and determining the headteacher group,

Stage Two is setting the indicative pay range, and

Stage Three is deciding the starting salary and individual pay range.

In exceptional cases, the Governing Body may decide that the maximum of the pay range for the Headmaster may be above the maximum of the headteacher group, up to an additional 25%. If the Pay Committee decides that the pay range would need to be more than the additional 25%, then it will need to make a business case and seek external independent advice to ascertain whether it is justifiable to exceed the limit in a particular case.

The maximum of the Deputy or Assistant Headteachers' pay range must not exceed the maximum of the headteacher group for the School and should only overlap it in exceptional circumstances.

Performance Criteria

At the commencement of each school year, the Governors' Personnel Committee will agree performance criteria for the Headmaster, Deputy Heads and Assistant Headteachers for the ensuing year. This will involve ratifying the objectives and targets set by the Headmaster for the Deputy Heads and Assistant Headteachers and setting objectives and targets for the Headmaster against which performance will be measured.

Annual Review

The annual review of the salaries of the Headmaster, Deputy Heads and Assistant Headteachers will take place during the autumn term and be effective from the previous 1st September. The review will have regard in particular (but not exclusively) to the criteria set out in the School Teachers' Pay and Conditions document. The governors' decisions and the reasons for the decisions will be notified individually to the Headmaster, the Deputy Head(s) and Assistant Headteachers.

3.2 Qualified Teaching Staff

Determination of starting salary

The Headmaster will determine the pay range for a vacancy prior to advertising it. On appointment he will determine the starting salary within that range to be offered to the successful candidate. In making such determinations, the Headmaster may take into account a range of factors, including:

- the nature of the post;
- the level of qualifications, skills and experience required;
- experience other than teaching, particularly in those cases where previous experience can be regarded as of direct relevance and special value to the post;
- market conditions;
- the wider school context.

There is no assumption that a teacher will be paid at the same rate as they were being paid in a previous school.

Responsibility

Additional responsibilities will be determined when the advertisement is placed and will be specified in both the advertisement and job description.

Annual review of salaries

Performance-Related Progression

It is a requirement of the School Teachers' Pay and Conditions Document that pay progression is performance related. At this School this means that progression up the pay range is dependent upon the teacher:

- Meeting or exceeding the Teachers' Standards. This includes all 33 sub-sections of the eight designated areas;
- Completing satisfactorily their appraisal for the previous year, including achieving all of their targets.
- Gaining a 'value added progress figure' for the classes which have taken public examinations of at least zero (0) and normally better than the School's average for that cohort

Where a teacher holds a TLR allowance, the teacher should have met the requirements of their job description over the previous year.

The annual performance review between the teacher and appraiser takes place in September. The appraiser should prepare a written review statement which will include reference to the teacher meeting or not meeting the 33 Teachers' Standards and meeting or not meeting their appraisal objectives. It will also contain a recommendation on pay progression.

The Headmaster will exercise his professional judgement, using suitable evidence, to make a pay recommendation to governors. Where a teacher meets the above criteria s/he would normally be expected to progress one-step up the Main Pay Range. Decisions on whether the criteria have been met will include evidence drawn from sources such as lesson observations, work scrutiny, performance data and student feedback as well as advice from the Senior Management Team.

If a teacher does not meet these criteria then there will be no pay progression. It will be possible for a 'no progression' determination to be made without recourse to the capability procedure. If the teacher falls short of acceptable professional standards and objectives are not met then the School will initiate capability procedures.

In the case of NQTs, whose appraisal arrangements are different, pay decisions will be made by means of the statutory induction process.

Once pay has been decided it will be communicated to the teacher in writing at the earliest opportunity and no later than one month after determination. Where a teacher does not receive pay progression, feedback on how to address developmental issues will be given by the appraiser's line manager. Any pay rise will be backdated to the 1st September. All teachers have a right to appeal the decision. See "Procedures for an appeal against a pay determination" in the appendix.

Responsibility

Teachers with a sustained and significant responsibility, focused on, and responsible for, the teaching and learning needs of the School, maybe eligible for a Teaching and Learning Responsibility (TLR) payment. At Sir Thomas Rich's, payment is usually made at **TLR 1** points A, B and C and **TLR 2** A, B and C, point A being the lowest. These are additional annual payments. Details of TLR payments are revised annually to reflect changes to the government's School Teachers Pay and Conditions Document as well as the needs of the School. They are available from the Headmaster's PA.

Teachers are usually placed on higher points in recognition of an increased responsibility for more:

- Teachers within their subject/area (making due allowance for part-time teachers or teachers who only work within a subject/area for part of their time at school);
- Non-teaching staff (making due allowance for part-time staff as above).

Other factors which are taken into account when determining a TLR payment include:

- Whether the subject/area leads to public examinations;
- Whether the responsibility extends across subject areas;
- The extent of responsibility for staff.

A teacher would normally be expected to be a line manager or have responsibility for professionally directing colleagues as follows:

TLR2 Point A: up to two full-time-equivalent teacher, subject not taught to full age range

TLR2 Point B: up to and including four full-time-equivalent teachers, subject taught to full age range

TLR2 Point C: up to five full-time-equivalent teachers

For appointment on the **TLR1** scale a teacher must have direct line management responsibility for a large number of staff.

A TLR3 payment may be considered for a teacher with a significant responsibility for a specific fixed time period which:

- is focused on the teaching and learning needs of the school;
- requires the exercise of the teacher's professional skills and judgement;
- has a positive impact on the educational progress of pupils other than the teacher's assigned classes or groups of pupils.

This will be awarded as appropriate and remunerated at a rate lower than a **TLR 2A**. Other responsibilities may not be remunerated but provide colleagues with appropriate continuing professional development opportunities.

Procedure

The annual review of salary will take place during the autumn term. All teachers will be issued with a written statement indicating their TLR allocation from 1st September of that academic year.

Upper Pay Range

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

Applications may be made once a year.

Application is voluntary, it must be made to the Headmaster **in writing by the end of May each year**. The application is assessed by the Headmaster and two members of the School's Senior Management Team (the Pay Review Committee). The assessment will be made once a year at the Pay Review Committee meeting early in the Autumn Term. The Pay Review Committee will make a recommendation to the Governors' Personnel Committee (the Pay Committee).

If successful, the applicant will move to the Upper Pay Range from September. Any pay rise will be backdated to the 1st September. Once pay has been decided it will be communicated to the teacher in writing at the earliest opportunity and no later than one month after determination. If unsuccessful, feedback will be provided by the Headmaster within 15 days of the decision.

All teachers have a right to appeal the decision. See "*Procedures for an appeal against a pay determination*" in the appendix.

Progression up the Upper Pay Range is not automatic. Two years will elapse before progressing to the next point on the Upper Pay Range. The Governors' Personnel Committee, advised by the Headmaster, will decide whether an eligible teacher will progress to the next point on the Upper Pay Range. Their decision will be based upon whether:

- the teacher is highly competent in all elements of the relevant standards i.e. the 33 National Teachers' Standards as well as the ten Upper Pay Range Criteria as specified under the three categories;
- the performance and contribution to the School as a teacher have been substantial and sustained.

Substantial and sustained performance and contribution to the School as a teacher would mean that the teacher has consistently, at Sir Thomas Rich's, over a period of at least the previous two academic years:

- maintained up-to-date knowledge of their teaching subject(s);
- developed their knowledge and understanding of initiatives in the teaching of their subject(s);
- taken responsibility for their professional development and used the outcomes to improve their teaching and pupils' learning;
- planned lessons carefully and appropriately;
- taught to a very high standard, employing different teaching strategies and classroom management techniques to motivate pupils, managing the available time and resources to good effect;
- ensured the pupils enjoyed and were stimulated by the teaching, as evidenced by the numbers of pupils opting to continue study of their subject(s) i.e. choosing it as a GCSE option at the end of Year 9 and as an A level option at the end of Year 11.
- monitored and assessed pupils' progress, through very effective use of homework, effective marking and regular testing, and used the assessments to give pupils clear and positive feedback;
- ensured that the pupils he/she has taught have achieved well relative to their prior attainment. This would be shown in their order grades, school end-of-Year examinations, GCSE/AS/A-Level results. Pupils should have made progress within the range expected in the context of this School in relation to their Target Levels (KS3) and Grades (KS4 and KS5); As a guide, the 'value added' for a teacher's classes where they have taken public examinations should be better than the average for the school and the departmental average for that cohort.
- made an active and sustained contribution to the policies and aspirations of Sir Thomas Rich's School. This could include extra-curricular involvement or other suitable voluntary activities which have contributed to the school such that colleagues and/or pupils have benefited;
- shown that they inspire the trust and confidence of the pupils;
- got on well with colleagues and pupils and

- completed two consecutive successful appraisal reviews (a successful review involves a process of meeting objectives that includes challenging but realistic figures for pupil progress and classroom observation).

Additional Payments

From time to time, teachers may be seconded to undertake additional duties for another school, for partner organisations, for private companies or charities. When these duties take place during directed time, such as teaching time, PPA or management time or when the teacher should be available for emergency cover, they must be agreed with the Headmaster in advance.

Whether the school is paid directly for these activities or the employee receives payment, the School will use this money to cover the cost of cover and other expenses. Where there is a surplus after costs have been met 50% of this sum will be payable to the employee. This sum will be subject to tax and National insurance deductions in the normal way.

3.3 Part-Time Teaching Staff

Part-time teaching staff are regarded by the governors as identical in terms of pay determination and the use of discretionary powers as full-time teachers. The rules quoted earlier in this policy for full-time staff will therefore apply to those appointed on a part-time basis.

The proportion that a part-time teacher's salary will bear to a full-time member of staff will be calculated using the formula:

$$\frac{\text{Number of hours of duty* per week}}{\text{Number of school hours per week (28.75)}} \times \text{Calculated Annual Salary}$$

* includes breaks but excludes lunch periods

Part-time teachers may be required by the Headmaster to undertake directed time activities proportionate to those required of a full-time member of staff. They may also occasionally be asked to attend INSET sessions on days on which they do not normally work.

3.4 Administration, Professional, Technical & Clerical staff

Determination of starting salary

The Governors' Personnel Committee has decided that each post and job description whether new or vacant shall be reviewed prior to advertisement. During this review grade and hours of employment will be assessed to take into account:

- the existing grade and responsibilities associated with the post;
- additional duties which might raise the level of responsibility above that normally required and
- the anticipated difficulty in attracting and retaining suitable candidates.

Part-Time Staff

The leave entitlement of part-time staff is calculated according to the formula:

$$\text{Leave} = \frac{\text{No. of weeks worked}}{(52.1429 \text{ Less full leave entitlement})} \times (\text{Full leave entitlement})$$

$$\text{e.g. } \frac{42}{52.1429 - 6.5} \times 6.5 = 5.98 \text{ weeks}$$

The Salary of part-time staff is calculated according to the formula:

$$\text{Salary} = \frac{\text{hours per week} \times \text{weeks worked plus leave entitlement}}{37} \times \text{annual salary}$$

$$\text{e.g. } \frac{10}{37} \times \frac{42 + 5.98}{52.1429} \times \text{Annual Salary}$$

Review

The Personnel Committee will ensure that an annual review of all APT&C job descriptions, grades, salary levels and hours of employment is undertaken, so that:

- job descriptions and grades remain appropriate;
- grades continue to reflect levels of responsibility;
- hours of employment are adequate and reflect needs of the school and
- salary is adequate to attract and retain staff.

The pay and conditions of service of administrative, technical staff and manual workers are reviewed regularly and will consider:

- growth of the School;
- the changing management needs and pressures;
- the complexity of management and development needs and
- the nature of the responsibilities and tasks required of post holders.

Additional Payments

From time to time it will be necessary for support staff to undertake additional duties and responsibilities over and above those specified within their job description. Such duties will not be unreasonably imposed on individuals and should only be undertaken at the direction of the Headmaster.

Wherever possible, payment will be in the form of time off in lieu. It is expected that the submission of an appropriate overtime claim is rare and only occurs with prior agreement of both the line manager and Headmaster. In some circumstances, where the duties make either time off in lieu or an overtime claim inappropriate, the Headmaster may make a recommendation to the Personnel Committee for the payment of a lump sum honorarium. Due regard will always be given to the appropriateness of the award, affordability and precedent.

Support staff may be seconded to undertake additional duties for another school, for partner organisations, for private companies or charities. When these duties take place during normal working hours, they must be agreed with the Headmaster in advance. Where the School is paid directly for these activities, the School will use this money to cover the cost of cover and other expenses; some payment may be made to members of staff less any costs incurred. Where staff are paid directly, The School would normally be expected to receive appropriate remuneration from members of staff.



APPENDIX: PROCEDURE FOR AN APPEAL AGAINST A SALARY OR PERFORMANCE MANAGEMENT DETERMINATION (TO THE APPEAL COMMITTEE OF THE GOVERNING BODY)

This procedure complies with the statutory guidance from the Secretary of State and has been amended to reflect best practice.

Review Date: September 2018

Responsibility: It is the responsibility of the Governors' Personnel Committee to draft, implement and review the procedure taking into account statutory guidance.

Teachers have the right to raise formal appeals against pay determinations to an independent panel if, for example, they believe that the School's policy was incorrectly applied, there was insufficient regard to the provisions of the School Teachers' Pay and Conditions Document (STPCD) and statutory guidance, the School failed to take into account relevant evidence or took account of irrelevant or inaccurate evidence, or the decision was biased or discriminatory.

Managing appeals against pay determination

Stage one – informal discussion with the appraiser prior to confirmation of pay recommendation

A teacher who is dissatisfied with a pay recommendation should initially discuss the recommendation with the appraiser before the recommendation is formally confirmed to the teacher in writing.

Stage two – a formal representation to the Pay Committee

If the teacher is dissatisfied with the result of the informal discussion, he/she may make representation to the Pay Committee. The teacher should within **5 working days** submit a formal written statement setting down in writing the grounds for not agreeing with the pay recommendation.

The teacher is given the opportunity to make representations, including presenting evidence, calling witnesses and the opportunity to ask questions, at a formal meeting with the Pay Committee who will make the pay determination which will be confirmed in writing to the teacher. The teacher may be accompanied by a work colleague or trade union representative.

Stage three – a formal appeal hearing with the Appeal Committee

Should the teacher not agree with the pay determination, he/she may appeal the decision and have an appeal hearing before an appeals panel of governors, the Appeal Committee. The request for an appeal should be made in writing to the Clerk of Governors within 5 working days of receiving the written salary statement and detail the reasons for disagreement with the pay determination. The Appeal Committee will comprise three governors who are not members of the Pay Committee or members of the School. The teacher may be represented by a colleague or representative from a professional organisation or trade union. **All appeals will be heard before the end of the Autumn Term.**

At the hearing both the teacher and the representative of the Pay Committee will have the opportunity to present their evidence and call witnesses, and to question each other. The panel is permitted to ask exploratory questions. The companion has the right to address the hearing, sum up the teacher's case, respond on behalf of the teacher to views expressed at the hearing and confer with the teacher during the hearing. He/she does not have the right to answer questions on the teacher's behalf, address the hearing if the teacher does not wish it or prevent the employer/Headmaster from explaining his case.

Having heard the appeal, the panel will reach a decision, which it will relay to the teacher in writing within 5 working days, including their rationale for reaching the decision. **The Appeal Committee's decision is final and there is no recourse to the general staff grievance procedure.**

The Appeal Hearing

Introductions

- a) Chair introduces everyone, what their role is, and then outlines the order of the hearing.
- b) Clerk to the Governors takes notes of the hearing. All pay appeals will be formally clerked and a note of the proceedings produced.

The Appeal of the employee

The employee or trade union representative

- a) introduces their reasons for the appeal and then the representative of the Pay Committee and then members of the Appeal Committee may ask questions of the employee.
- b) may call witnesses and each witness may be asked questions by the representative of the Pay Committee and then by the Appeal Committee.

The response of the Pay and Conditions Committee

The representative of the Pay Committee (normally the Headmaster)

- a) explains the process and evidence used to come to the decision being appealed then the employee / trade union representative, then members of the Appeal Committee may ask questions of the representative of the Pay Committee.
- b) may call witnesses, and each witness may be asked questions by the employee or his/her representative and then by the Appeal Committee.

Summing up and withdrawal

- a) the employee, or representative, has the opportunity to sum up his/her case if s/he so wishes.
- b) the representative of the Pay Committee has the opportunity to sum up if s/he so wishes.
- c) all persons other than the Appeal Committee and its adviser are then required to withdraw.

Appeal Committee decision

- a) the Appeal Committee and the person who is advising on law, procedure, and merits of the case are to deliberate in private, only recalling the parties to clear points of uncertainty on evidence already given. Any recall must involve both parties.
- b) The Chair of the Appeal Committee will announce the decision to the employee, which will be confirmed in writing normally within 5 working days of the meeting.

Notes:

1. *For the purposes of the appeal, the Appeal Committee will have the following documents:*
 - i. *any written statement provided by the Pay Committee previously provided to the employee;*
 - ii. *the written statement of reasons for the appeal from the employee;*
 - iii. *any additional documents to be used at the appeal hearing which must be provided to the other party and Appeal Panel members at least 48 hours before the commencement of the hearing.*
2. *The Appeal Committee may appoint a consultant to advise on the law, procedure, and merits of the case who may not be an employee of the School.*
3. *The employee may be accompanied by a representative of his/her trade union or a workplace colleague.*

