



The Governing Body of Molescroft Primary School adopted this Pay Policy on 10th July 2007

APPLICATION OF THE POLICY

This policy will be applied to the pay of all staff employed to work in the school, excluding any staff whose pay is not determined by the governing body. The prime statutory duty of governing bodies in England and Wales, as set out in paragraph 21 (2) of the Education Act 2002 is to "...conduct the school with a view to promoting high standards of educational achievement at the school." The pay policy is intended to support that statutory duty.

The governing body will act with integrity, 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.

Nothing in the above requires the governing body to disclose material relating to any employee, or anyone proposed to be employed at the school, nor to any named pupil or candidate for admission to the school, nor to any matter which, by reason of its nature, the governing body is satisfied should remain confidential.

1. INTRODUCTION

The School Teachers' Pay and Conditions Document (the Document) both places statutory duties and confers discretionary powers on relevant bodies. The DfES' statutory guidance can be found at Section 3 of the Document and governing bodies must take account of it when determining the pay of teaching staff.

Members should assume that the paragraph references from the Document relate to Section 2 unless otherwise stated. All references to the DfES guidance relate to Section 3 of the Document.

Paragraph 3 of the Document (paragraphs 5 to 13 of the section 3 guidance) places a statutory duty on the relevant body to have a pay policy for teaching staff, including arrangements for pay appeals (paragraph 5 of the Document and paragraphs 14 and 17 of the section 3 guidance). The pay policy must set out the basis on which relevant bodies will determine pay and the date by which such determinations will be made. Relevant bodies should note that the section 3 guidance (paragraph 16) states that teachers' annual pay reviews should be completed by 31 October at the latest and 31 December for headteachers. NAHT's view is that, whilst relevant bodies should endeavour to complete the pay reviews by that date, it is likely that many schools will find it difficult to meet such a tight deadline. NAHT's model pay policy has been amended to reflect this.



Support Staff Pay

Regulation requires the governing body of community, voluntary controlled and community special schools to pay in accordance with pay grades used by the LA. Regulations governing foundation, voluntary aided and foundation special schools allow the governing body to employ support staff and are silent on pay scales. NAHT advice, however, is that governing bodies will find it more straightforward to use the LA's pay grades, although, clearly, governing bodies may exercise choice over the particular gradings in the light of the circumstances of the school and the advice of the head.

In addition, schools in England and Wales are required to establish a performance management policy. **The lack of a performance management policy, which is a breach of regulations, does not relieve any relevant body of its duties to review pay under the Document, nor the need to establish a clear pay policy. For further information on Performance Management see paragraph 17 below.**

This guidance is intended to assist members in amending existing pay policies and, where necessary, negotiating new pay policies for members for whom the relevant body is the Local Authority (LA). The Document is part of a teacher's contract of employment. It places statutory duties on and gives statutory rights to teachers, and it places statutory duties on relevant bodies. No salaries and conditions of employment other than those provided for in the Document should be applied. It is most important that governing bodies make sure that teaching staff and governors know that the Document is available in school or from the DfES website (www.teachernet.gov.uk/pay) LAs should ensure that centrally employed staff also have access to the Document.

The pay policy impacts upon the contract of employment of all school staff and must be the subject of adequate consultation, allowing sufficient time for advice to be sought from trade unions/professional associations. A reasonable timetable for finalising pay policies should be set and adhered to, otherwise, consultation can become extremely protracted.

The pay policy should be periodically revised, again in consultation with all staff, and, in any event, must be amended to take account of changes each time a new Document is issued.

The Document is currently reviewed annually and therefore the policy must be reviewed annually.

2. DEFINITIONS

Pay powers are exercised in accordance with the Document by the "relevant body". The relevant body is:

- .1. **the governing body in a school with a delegated budget;**
- .2. **the LA for teachers employed in schools without delegated budgets and teachers employed within an LA's centrally provided service as an**



unattached teacher, e.g. as part of an LA's special needs service, a peripatetic teacher, in a Pupil Referral Unit, or in an Outdoor Education Centre.

10. For the definition of other terms used in the Document, see Section 2 Part 1 of the Document entitled "Commencement and Interpretation"

3. ROLES

The Pay Committee: The Staffing Regulations in both England and Wales now allow the relevant body to delegate pay decision-making powers to the head teacher or to a single governor. However, it is our advice that relevant bodies should only delegate such powers to a committee of the governing body, comprising three non-employee governors, who should carry out determinations of pay in accordance with the pay policy. The pay committee should have available at each of its meetings a copy of the School Teachers' Pay and Conditions Document, which includes the statutory guidance to the Document (section 3) and a copy of its pay policy. The section 3 guidance (paragraph 7) states that "Procedures for determining pay should be consistent with the principles of public life - objectivity, openness and accountability".

At Molescroft it is suggested that it is the same governors as have responsibility for the Head Teacher's Pay.

The head has a responsibility to advise the governing body and the governing body has a responsibility to take account of that advice in determining the pay of teachers. She/he should withdraw from that part of the meeting where the subject of consideration is his or her own pay. In addition, regulation requires the withdrawal of any relevant person where there is a conflict of interests or where there is doubt about the relevant person's ability to act impartially. Once pay determinations have been made, the pay committee should inform staff in writing of the outcome of those determinations in accordance with paragraph 4.4 of the Document. Should a member of staff be unhappy with a pay outcome, they have the right of appeal, which should be laid down in the pay policy. Relevant bodies must refer to the statutory provisions of the Document concerning pay appeals (paragraphs 3(b) of the Document and paragraphs 12-15 of the section 3 guidance). For detailed advice on pay appeals see paragraph 2.4 of the model pay policy and Annex A.

It is particularly important, in the NAHT's view, that the head should normally be responsible for agreeing and reviewing performance objectives for deputy and assistant heads and any advanced skills teachers as part of normal line management arrangements. The agreed performance objectives should be reported to the pay committee at its next meeting, as set out in the model pay policy below. This does not remove the right of those teachers to agree objectives directly with the pay committee where circumstances arise which necessitate such an approach.



The Role of the Head: Is to advise the pay committee in the exercise of its duties. This accords with both the head's statutory and contractual duties (see Part 9 of the Document) and the School Government Regulations.

The Role of the School Improvement Partner (SIP): Is to use available evidence to advise the governing body on agreeing the head's objectives and reviewing performance against those objectives. SIPs are being appointed to all schools on a rolling programme which began in September 2005. As the programme rolls out SIPs will take over the external advisor's role of providing external advice on head teacher performance management to governing bodies. DfES's contract with Cambridge Education for external advice on head teacher performance management has ended and the funding associated with the CE contract has been devolved in school budgets with effect from 1 April 2006. The phasing of SIP rollout means that many schools will not have a SIP for this round of performance management. Regulations require all schools to secure external advice. Governing bodies of schools that do not have SIPs will need to buy in appropriate external advice. Possible sources of external advice include education consultants, link advisors, former members of the inspectorate and, if the school has contact details, people who were employed by CE as external advisors.

The work of the SIP will include:

- reading, reviewing and analysing documents supplied, and giving written advice to the appointed governors, which reviews head's progress against objectives and suggests areas for future objectives;
- holding pre-review meetings with the head and with the appointed governors attending the review meeting and carrying out agreed functions ;
- carrying out any agreed post-review work.

Although the external adviser/SIP can give a professional judgement that, as a result of the performance review, it might be appropriate for the governors to award performance points, it is the governing body's responsibility to decide on the pay of the head teacher taking account of paragraph 7.3(b) of the Document. (see NAHT's guidance on Headteachers' Pay). It is not within the SIPs remit to advise the governing body on the determination of the Individual School Range, nor to advise on the pay of any other leadership group member.

- 17. Members should note the publication of new Performance Management regulations for England only. NAHT's advice is to carry on with their existing performance management arrangements, (governed by the Education (School Teacher Appraisal) (England) Regulations 2001), since the new regulations will not come into force until September 2007. NAHT will produce further advice in due course. Members should note that there are no new regulations in Wales.**



18. Regulation 6 of the existing Appraisal Regulations in England, and Regulation 7 in Wales, requires the governing body to appoint two or three governors to be appraisers for the head. In the past the DfES has suggested that these same governors should exercise delegated responsibility over the head's pay. Clearly, this could be separate from the pay committee, but for practical reasons, the NAHT advises that the pay committee should normally be responsible for the appraisal of the head. The pay committee should also take strategic responsibility for performance management and appraisal but must not, other than required under regulation, take part in either. Members are reminded that, as set out in the model pay policy, where targets are satisfactorily met, an increase in pay should be awarded and that agreement to pay should be set out in the written statement required under paragraph 4.4 of the Document.

4. A REVIEW OF SCHOOL STAFFING STRUCTURES

19. All relevant bodies, schools and LAs, in England and Wales were required to review staffing structures of schools and Pupil Referral Units by 31 December 2005 in England and 31 March 2006 in Wales. Paragraph 11 of the section 3 guidance states "Relevant bodies should keep their staffing structure under review." NAHT guidance on the review of school staffing structures can be found at www.naht.org.uk

NAHT members are asked to bear in mind that the following pay policy has been written in the form of general advice. For more specific advice on head, deputy head and assistant head pay, please see NAHT's specific and separate guidance issued in September 2006 on NAHT's website at www.naht.org.uk

For further information please contact Salaries, Pensions and Conditions of Service Department on:

EITHER: - Tel: 01444 472 477

OR: - Email: sals-and-pens@naht.org.uk

This guidance also appears on the [NAHT website](http://www.naht.org.uk) at www.naht.org.uk

5. GENERAL PROVISIONS

- **Equal Opportunities Policy**

The governing body will comply with relevant legislation: race relations; sex discrimination; age discrimination; disability discrimination; religion or belief; equal pay; employment relations; and the part-time workers and fixed term employee regulations. The governing body will promote equality in all aspects of school life, particularly as regards all decisions on advertising of posts, appointing, promoting and paying staff, training and staff development.



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ADVICE: Members should note that, in schools which have a religious character, discrimination on the grounds of religion may be permitted for certain posts. (The Employment Equality (Religion and Belief) Regulations 2003)

- **Provision and Means of Revising Job Descriptions**

The head will ensure that each member of staff 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 employee concerned in order to make reasonable changes in the light of the changing needs of the school. This would naturally form part of the annual performance management review meeting. Job descriptions will identify key areas of responsibility and may contain targets consistent with the school development plan. Job descriptions will show who is responsible for what, and who is responsible to whom; job descriptions will also make clear what responsibilities are common to all posts. All job descriptions will be reviewed annually as part of the performance management process.

- **Maintenance or Creation of Differentials**

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

- **Use of Discretions**

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

- **Support for Staff**

In accordance with the principles of contractual change and the remodelling agenda the governing body will fulfil its statutory duties consequent on the National Agreement and will endeavour to provide appropriate support for all staff, such as good working facilities. All members of staff will be told how the school's training and development policy affects them and will have the opportunity to review their training and development needs with their line manager. The governing body will observe all health and safety requirements, in particular, as regards working time.



- **Access to Records**

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

- **Performance Management/Appraisal**

In England the appraisal of teachers will take place in accordance with their contract of employment (statement of terms and conditions), the relevant regulations and the school's performance management policy. Appraisal statements will be taken into account by the head in advising the pay committee and by the committee in making a determination of performance pay.

ADVICE: This provision may also apply to support staff if there is an appraisal or performance management scheme in operation for them which has been adopted by the governing body after consultation with those affected. Members should note the publication of new Performance Management regulations for England only. NAHT's advice is to carry on with the existing performance management arrangements, (governed by the Education (School Teacher Appraisal) (England) Regulations 2001), since the new regulations will not come into force until September 2007. NAHT will produce further advice in due course. Members should note that there are no new regulations in Wales.

20. The governing body will fulfil its obligations under:

for teachers:

- the School Teachers' Pay and Conditions Document (the Document)
- the Conditions of Service for School Teachers in England and Wales (Burgundy Book);
- relevant legislation

for support staff:

- the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service (Green Book).

21. The pay policy will be reviewed from time to time in consultation with all staff affected. In any event, the policy will be reviewed each time a new School Teachers' Pay and Conditions Document comes into effect.



6. PROCEDURES

6.1. The governing body will determine the annual pay budget on the recommendation of the pay committee. The governing body has delegated its pay powers to the pay committee. Any person employed to work at the school, other than the head, must withdraw from a meeting at which the pay or performance appraisal of any other employee of the school, is under consideration. The head must withdraw from that part of the meeting where the subject of consideration is his or her own pay. A relevant person must withdraw where there is a conflict of interests or any doubt about his/her ability to act impartially.

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

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

6.2 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:

- 6.2.1 to achieve the aims of the whole school pay policy in a fair and equal manner;
- 6.2.2 to apply the criteria set by the whole school pay policy in determining the pay of each member of staff at the annual review;
- 6.2.3 to observe all statutory and contractual obligations;
- 6.2.4 to minute clearly the reasons for all decisions and report these decisions to the next meeting of the full governing body;
- 6.2.5 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 discretion. The pay committee will recommend that the governing body makes application for any additional funding available to support this process;
- 6.2.6 to keep abreast of relevant developments and to advise the governing body when the school's pay policy needs to be revised;
- 6.2.7 to carry out the appraisal of the head;



6.2.8 to appoint and work with the School Improvement Partner as applicable;

6.2.9 to work with the head in ensuring that the governing body complies with the Appraisal Regulations.

The report of the pay committee will be placed in the confidential section of the governing body's agenda and will either be received or referred back.

Reference back may occur only if, either the pay committee has exceeded its powers under the policy, or the budget allocated for pay has been exceeded without good reason.

Decisions will be communicated to each member of staff by the head in writing in accordance with paragraph 4 of the Document. Decisions on the pay of the head will be communicated by the chair of the governing body, in writing, in accordance with paragraph 4 of the Document. An instruction to amend pay from the relevant date will be issued immediately after the time limit for the lodging of an appeal has passed, or immediately after an appeal has been concluded.

6.3 **As required by the Document, all teaching staff salaries, including those of the head, deputy head(s) and assistant head(s) will be reviewed annually on or after 1st September to take effect from 1 September. The governing body will endeavour to complete teachers' annual pay reviews by 31 October and the headteacher's annual pay review by 31 December if circumstances allow. They will, however, complete the process without undue delay.** The award of a point on the upper pay spine will normally be considered two years after any previous award in accordance with paragraph 19.4 of the Document and paragraph 27 of the section 3 guidance.

The governing body will not exercise its discretion to award points on the upper pay spine at less than two year intervals.

6.4 **Appeal Procedure**

The relevant body has an appeals procedure in relation to pay in accordance with the provisions of paragraph 3(b) of the Document.

All staff will receive a written statement of the determination of their pay as set out in 2.3 above. The statement will advise teachers of the decision of the pay committee, the reasons for the decision and the teacher's right to make representations to the pay committee. If the teacher wishes to take advantage of this right he must write to the Chair of the pay committee within 10 working days. His letter must include a statement of the representation that he intends to make. The pay committee will arrange to meet with the teacher to receive representations. The pay committee will reconsider their decision and notify the teacher of the outcome and of the teacher's right of appeal.



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If the teacher wishes to take advantage of an appeal, he must write to the Clerk to the Governing Body within 10 working days. He must include a statement of the grounds for his appeal and some details of the facts on which he will rely. The Clerk to the Governing Body will convene a meeting of the Appeal Committee within 20 working days of receiving written notification from the teacher. The Appeal Committee will write to the teacher to advise him of their decision.

Any appellant has the right to see all relevant papers and to be accompanied/represented by a workplace colleague or trade union/association representative.

7. LEADERSHIP GROUP PAY

7.1 Head Teacher Pay

The governing body will, when a new appointment needs to be made, determine the pay range to be advertised and agree pay on appointment as follows and in accordance with paragraphs 7.3(d) and 7.3(f):

- 7.1.1 the pay committee will review the school's head teacher group and the head's Individual School Range (ISR) in accordance with paragraphs 8 and 9 (ordinary school), or paragraphs 8 and 10 (special school), and paragraph 12 of the Document;**
- 7.1.2 the pay committee will have regard to the provisions of paragraph 12.3** (formula for the calculation of the salary of the highest paid classroom teacher and will also take account of any other permanent payments, including the upper pay spine, made to staff within the school to ensure that appropriate differentials are created and maintained between posts of differing responsibility and accountability;
- 7.1.3** where the circumstances in paragraphs 12.2.5 and 12.2.6 of the Document apply, the pay committee will determine the ISR in accordance with the need of the school to attract and appoint an appropriate candidate, not in accordance with the group size of the school;
- 7.1.4** the pay committee will exercise its discretion under paragraph 7.3(d) of the Document, and pay on any of the bottom four points on the ISR, in order to secure the appointment of its preferred candidate.

For serving heads:

The governing body will determine the salary of a serving head teacher in accordance with paragraph 7 of the Document.



- 7.1.5** the pay committee will determine the head's ISR, in accordance with paragraph 12 when the provisions of that paragraph apply;
- 7.1.6** the pay committee may determine the head's ISR at any time in accordance with paragraphs 22-26 of Section 3 of the Document the DfES guidance and to maintain differentials;
- 7.1.7** the pay committee will determine the ISR in accordance with paragraph 12.2.5 and 12.2.6 of the Document where there is a need to retain a existing head;
- the pay committee will agree performance objectives with the head, taking account of the advice of the school improvement partner or external advisor. The objectives will be agreed as early as possible in the autumn term;
- 7.1.8** the pay committee is conscious of its duty to set performance objectives in default of agreement. (Paragraph 7.2 of the Document.) This power will only be exercised as a last resort, after the appeal procedure has been exhausted. The general pay appeals procedure will apply. The head is, additionally, entitled to submit a written statement, commenting on any objectives set, which will be taken into account at the time of the review;
- 7.1.9** the pay committee will review the performance of the head against the performance objectives and award up to two points where objectives are met (paragraph 7.3 (b) and (c))

Advice: It is NAHT's view that the provisions of paragraph 7.3 (b) of the Document are clear. There cannot be any movement up the pay spine unless two conditions are satisfied. Firstly, that there has been a review of the performance of the headteacher and secondly that there has been sustained high quality of performance taking account of the performance objectives agreed or set. Therefore, there is no other relevant reason why a pay rise should not be given.

7.2 Deputy Head Pay

The governing body will, when a new appointment needs to be made, determine the pay range to be advertised and agree pay on appointment as follows:

- 7.2.1** the pay committee will determine a deputy head pay range in accordance with paragraph 14 of the Document;
- 7.2.2** the pay committee will record its reasons for the determination of the deputy head pay range, in accordance with paragraph 25 of the section 3 guidance;



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7.2.3 the pay committee will exercise its discretion under paragraph 13.4 of the Document, and pay any of the bottom three points on deputy head pay range, in order to secure the appointment of its preferred candidate.

For serving deputy heads:

7.2.4 the pay committee will review pay in accordance with paragraph 13.2 and 13.3 of the Document and award up to two points where objectives are met;

7.2.5 the pay committee will determine the deputy head pay range in accordance with paragraph 27 of the section 3 guidance pursuant to the mandatory provisions of that paragraph;

7.2.6 the pay committee may determine the deputy head pay range at any time in accordance with paragraph 25 of the section 3 guidance pursuant with the discretionary provisions of that paragraph and to maintain differentials;

7.2.7 the pay committee delegates to the head the agreement of performance objectives for pay purposes for the deputy head. Objectives will be agreed and reported to the pay committee as early as possible in the autumn term. **The deputy head may agree objectives directly with the pay committee where agreement between the head and deputy head is not achieved;**

7.2.8 the pay committee is conscious of its duty to set performance objectives in default of agreement. (Paragraph 13.2.1 of the Document.) This power will only be exercised as a last resort, after the appeal procedure has been exhausted. The general pay appeals procedure will apply. The deputy head is additionally entitled to submit a written statement commenting on any objectives set, which will be taken into account at the time of the review;

ADVICE: Members should note that the Appraisal Regulations in England and Wales require the head to appoint an appraiser for every teacher (including deputy and assistant heads); the determination of pay is the responsibility of the governing body, however, so a clear statement delegating the agreement of objectives for pay purposes to the head is required. The deputy head is entitled, however, to agree objectives for pay purposes directly with the governing body if necessary. Members should also note the introduction of new Performance Management regulations for England with effect from 1st September 2007. These regulations can be found at

www.teachernet.gov.uk/management/payandperformance/performancemanagement

See also NAHT guidance on school pay policies (paragraph 17 above).

It is NAHT's view that the provisions of paragraph 13.3 (a) of the Document are clear. There cannot be any movement up the pay spine unless two conditions are satisfied. Firstly, that there has been a review of the performance of the deputy



headteacher and secondly that there has been sustained high quality of performance taking account of the performance objectives agreed or set. Therefore, there is no other relevant reason why a pay rise should not be given.

7.3 Assistant Head Pay

The governing body will, when a new appointment needs to be made, determine the pay range to be advertised and agree on appointment as follows:

- 7.3.1 the pay committee will determine an assistant head pay range in accordance with paragraph 16 of the Document;**
- 7.3.2 the pay committee will have regard to the provisions of paragraph 16.2.2** and will also take account of any other permanent payments, including upper pay spine, made to staff within the school to ensure that appropriate differentials are created and maintained between posts of differing responsibility and accountability;
- 7.3.3 the pay committee will record its reasons for the determination of the assistant head pay range, in accordance with paragraph 25 of the section 3 guidance;**
- 7.3.4** the pay committee will exercise its discretion under paragraph 15.4 of the Document, and pay any of the bottom three points of the assistant head pay range, in order to secure the appointment of its preferred candidate.

For serving assistant heads:

- 7.3.5 the pay committee will review pay in accordance with paragraph 15.2 and 15.3 of the Document,** and award up to two points where objectives are met;
- 7.3.6 the pay committee will determine the assistant head pay range in accordance with paragraph 25 of the section 3 guidance pursuant to the mandatory provisions of that paragraph;**
- 7.3.7 the pay committee may determine the assistant head pay range at any time in accordance with paragraph 25 of the section 3 guidance pursuant with the discretionary provisions of that paragraph and to maintain differentials;**
- 7.3.8** the pay committee delegates to the head the agreement of performance objectives for the assistant head. Objectives will be agreed and reported to the pay committee as early as possible in the autumn term. **The assistant head may agree objectives directly with the pay committee where agreement between the head and assistant head is not achieved;**
- 7.3.9 the pay committee is conscious of its duty to set performance objectives in default of agreement.** (Paragraph 15.2(a) of the Document.) This power will only be



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exercised as a last resort, after the appeal procedure has been exhausted. The general pay appeals procedure will apply. The assistant head is additionally entitled to submit a written statement commenting on any objectives set, which will be taken into account at the time of the review;

ADVICE: Members should note that the Appraisal Regulations in England and Wales require the head to appoint an appraiser for every teacher (including deputy and assistant heads); the determination of pay is the responsibility of the governing body, however, so a clear statement delegating the agreement of objectives for pay purposes to the head is required. The assistant head is entitled, however, to agree objectives for pay purposes directly with the governing body if necessary. Members should also note the introduction of new Performance Management regulations for England with effect from 1st September 2007. These regulations can be found at www.teachernet.gov.uk/management/payandperformance/performancemanagement See also NAHT guidance on school pay policies (paragraph 17 above).

It is NAHT's view that the provisions of paragraph 15.3 (a) of the Document are clear. There cannot be any movement up the pay spine unless two conditions are satisfied. Firstly, that there has been a review of the performance of the assistant headteacher and secondly that there has been sustained high quality of performance taking account of the performance objectives agreed or set. Therefore, there is no other relevant reason why a pay rise should not be given.

7.4 Acting Allowances

Acting allowances are payable to teachers who are assigned and carrying out the duties of head, deputy head or assistant head in accordance with paragraph 45 of the Document. **The pay committee will, within a four week period of the commencement of acting duties, determine whether or not the acting postholder will be paid an allowance.** In the event of a planned and prolonged absence, an acting allowance will be agreed in advance and paid from the first day of absence.

Any teacher who carries out the duties of head, deputy head, or assistant head, for a period of a half term or more, will be paid at an appropriate point of the head's ISR, deputy head range or assistant head range, as determined by the pay committee. Payment will be backdated to the commencement of the duties.

ADVICE: - It is the NAHT's view that any individual carrying out the responsibilities of either the head, deputy head or assistant head must have the full authority of the post from the outset and should, therefore, be paid the acting allowance from the commencement of those duties. Where the absence is planned, the determination after four weeks should be unnecessary, and payment should be made as soon as the duties are taken up. Members should note that only a deputy head may be required to carry out the responsibilities of the head in the absence of the head. Where the headship is vacant, the deputy may agree to serve as acting head, but cannot be required to do so. The



governing body must seek the agreement of any other teacher to taking on acting duties. It will, clearly, assist if appropriate payment is offered.

8. PAY SCALE FOR CLASSROOM TEACHERS

8 Classroom teachers will be paid in accordance with paragraphs 17 and 18 of the Document (pay scale for classroom teachers) or paragraph 19 (pay scale for post-threshold teachers) and, where applicable, paragraphs 23 (safeguarding management allowances) or paragraphs 24 (teaching and learning responsibility payments) , 28 (special educational needs allowances) and 56 (recruitment and retention incentive benefits).

8.1 Qualifications: - All newly qualified teachers, from 1 September 2002, will start at point M1, irrespective of degree qualifications.

8.2 Experience: - In accordance with paragraphs 18.1.1, 18.1.2, 18.1.3, 18.1.4 and 18.1.5 of the Document, teaching experience will be rewarded on the basis of one point for each year of service as defined in paragraph 18.1.1. The pay committee will also count as service any period of absence approved by the head and governing body during which experience relevant to teaching is acquired. (Paragraph 1.8 of the Document.)

The pay committee will not exercise its discretion to recognise experience, other than teaching experience. Where there are recruitment difficulties, recruitment and retention allowances will be payable as set out below.

ADVICE: - NAHT experience suggests that discretionary experience points are frequently used in order to recruit, rather than because the experience rewarded is genuinely relevant to teaching. In order to avoid grievances and possible equal pay claims, NAHT advises that it is preferable to make use of recruitment and retention incentive benefits (paragraph 54 of the Document), where recruitment difficulties exist. Where governing bodies wish to continue to reward experience other than teaching, NAHT believes strongly that there must be a limit on points available, since experience points, whether for teaching or other experience, determine eligibility for the threshold.

The pay committee recognises that a **classroom teacher who was employed before 1 September 2000 as a head teacher, deputy head teacher or assistant head teacher is entitled to be paid on the Upper Pay Spine. The pay committee shall determine the point on the upper pay spine that a classroom teacher, in these circumstances, shall be paid (paragraph 19.3.5 of the Document).**

In the case of a teacher who was first employed as a head teacher, deputy head teacher or assistant head teacher on or after 1 September 2000, he or she will have to occupy such a post for an aggregate period of 1 year or more in order to be paid on the Upper Pay Spine. Otherwise he/she will be entitled to be paid at point M6 of the classroom teacher pay scale. In the case of a teacher who was employed as an Advanced Skills Teacher,



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irrespective of the date of appointment to an AST post, he or she is entitled to be paid on the Upper Pay Spine.

ADVICE:- The pay committee should determine whether such a person be paid at UPS 1, UPS 2 or UPS 3. In light of the very high rate of progression to UPS 3 with effect from 1 September 2004 , NAHT advises that UPS 3 is appropriate.

Experience points: may be withheld in a year when a teacher has performed unsatisfactorily. The pay committee may exercise this discretion only in the context of a formal capability procedure. The pay committee will restore the withheld point at the conclusion of the capability procedure where satisfactory performance has been achieved.

Additional experience points: the pay committee has a discretion to award one additional experience point where the teacher's performance in the previous 12 months was excellent having regard to all aspects of his professional duties, but in particular classroom teaching, in accordance with paragraph 18.2(c) of the Document.

The pay committee does not intend to exercise this discretion but will keep the matter under periodic review.

Threshold and Upper Pay Spine: - The pay committee will pay teachers who are successful at the threshold in accordance with paragraph 19 of the Document.

In accordance with paragraph 19.4 to 19.6 of the Document, the pay committee will determine that one point be awarded to a teacher on the upper pay spine who, throughout the relevant period, has met the criteria set out at paragraph 19.4(b) of the Document and paragraph 27 of the section 3 guidance.

In reaching its decision, the pay committee will seek and take into account the advice and recommendations of the head. Teachers will be invited to provide supporting evidence through the performance management system.

Teaching and Learning Responsibility Payments:-

The pay committee may award a TLR to a classroom teacher in accordance with paragraph 24 of the Document and paragraphs 50 to 56 of the section 3 guidance. These payments will be for clearly defined and sustained additional responsibility in the context of the schools staffing structure for the purpose of ensuring the continued delivery of high quality teaching and learning. All job descriptions will be regularly reviewed and will make clear, if applicable, the responsibility or package of responsibilities for which a TLR is awarded, taking into account the criterion and factors set out at paragraph 51 of the section 3 guidance.



ADVICE:- The governing body should also decide whether any TLR awarded should be permanent or for a fixed term period. Members are reminded that such posts must be genuinely fixed term, must meet the provisions of the Document and must be carefully recorded. Members are strongly advised to read NAHT guidance on the Review of School Staffing Structures – Clarification on Permanent and Temporary TLR posts published in October 2005. This guidance is available on the members only part of the NAHT web site at www.naht.org.uk under the Salaries theme.

In England, consideration should also be given to the possibility of creating Advanced skills Teacher (AST) or Excellent Teacher Scheme (ETS) posts. (See in particular paragraph 61 to 89 of the section 3 guidance.) Members should note that in Wales, the AST and the ETS scheme have not been introduced.

The Pay Policy should be updated when the staffing structure and implementation plan are published to take account of TLRs if they are implemented during academic year 2006-07. The structure and the plan should be appended to the Pay Policy when ratified by the Governing Body.

Special Educational Needs: -

Payment for SEN is recognised through the awarding of a Management Responsibility.

ADVICE: - If the governing body intends to make use of discretionary special needs payments, the policy must make clear how they will be used. NAHT advises that the government's policy of inclusion is likely to mean that special needs payments will become more common in ordinary schools. Schools should note the additional guidance in paragraph 59 of the section 3 guidance.

The relevant body should consider whether, if teachers have responsibilities that meet the criterion and factors (paragraph 57 of the section 3 guidance) for the award of a TLR payment, it would not be more appropriate to award a TLR payment instead of the discretionary SEN allowance. At this stage, a discretionary SEN payment may only be replaced by the award of a higher value TLR. Members should refer to paragraph 5 of NAHT's guidance on the review of school staffing structures.

9. ADVANCED SKILLS TEACHERS

The Governing Body will consider the appointment of an Advanced Skills Teacher at the point of advertisement for a vacant position.

9.1 ADVICE: - The policy should contain a statement as to whether or not it is the intention of the governing body to employ Advanced Skills Teachers (AST). If such teachers are employed, the policy should state the following:

The pay committee will determine a five point range on the advanced skills teacher pay spine in accordance with paragraph 30 of the Document.



The pay committee may re-determine the five point pay range with effect from 1 September 2004, in accordance with paragraph 30.4 of the Document.

The pay committee delegates to the head the agreement of performance objectives for the AST. Objectives will be agreed and reported to the pay committee as early as possible in the autumn term. **The AST may agree objectives directly with the pay committee where agreement between the head and AST is not achieved.**

The pay committee will review the performance of the AST annually against the performance objectives and award one point where objectives are met.

ADVICE: - Schools should note the new AST pay spine with effect from 1 September 2006. Advice on assimilation to the new spine can be found at paragraphs 61 – 65 of the section 3 guidance.

10. FAST TRACK TEACHERS

The pay committee notes the Fast Track Teacher Scheme. The pay committee will, on the advice of the head, and in consultation with the staff of the school, determine a policy applicable to fast track teachers, if it is decided that the school intends to take part in the Scheme.

11. EXCELLENT TEACHERS

ADVICE: - The policy should contain a statement as to whether or not it is the intention of the governing body to employ teachers under the excellent teacher scheme.

The Governing Body has decided to employ an ‘Excellent Teacher’. This will be reviewed whenever the post becomes vacant.

12. UNQUALIFIED TEACHERS

The pay committee will pay any unqualified teacher in accordance with paragraph 41 of the Document. The pay committee will determine where a newly appointed unqualified teacher will enter the scale, having regard to any qualifications or experience s/he may have, which they consider to be of value.

13. SUPPORT STAFF

The pay committee notes its powers to determine the pay of support staff in accordance with paragraph 15 of the School Staffing (England) Regulations 2003.. The pay committee will determine the pay grade of support staff in accordance with the scale of grades, currently applicable in relation to employment with the LA, which the pay committee consider appropriate for the post. In reaching its determination, the pay committee will consider the advice of the LA, but will not consider itself bound by that advice. Appeal procedures are set out in paragraph 2.4 above.



ADVICE:- See further NAHT guidance at <http://www.naht.org.uk>

14. PART TIME EMPLOYEES

The pay committee will apply the provisions of this policy on a pro rata basis to all part-time employees. The pay committee will act in accordance with the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000.

ADVICE: - Advice on the application of these Regulations, and other statutory and regulatory guidance relating to employment is available from the DTI (website) at www.dti.gov.uk, the TUC (website) at www.tuc.org.uk and ACAS (website) at www.acas.org.uk

15. ADDITIONAL PAYMENTS

In accordance with paragraph 55 the relevant body may make payments as they see fit to a teacher, including a headteacher 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 relevant body.

The pay committee will make additional payments to teachers in accordance with the provisions of paragraph 55 of the Document where advised by the head.

Payment will be:

Calculated on a daily basis at 1/195th of the teacher's actual salary.

ADVICE: - The two formulae set out above were agreed between the six teacher unions and the National Employers' Organisation for School Teachers. NAHT advises that the actual salary calculation is the more acceptable.

ADVICE: - For the avoidance of doubt, overtime payments are not payable to reward voluntary additional cover, which is payable only by time. See further NAHT guidance at www.naht.org.uk

16. RECRUITMENT AND RETENTION INCENTIVES BENEFITS

The governing body can award lump sum payments, periodic payments, or provide other financial assistance, support or benefits for a recruitment or retention incentive (paragraph 56 of the Document and paragraphs 110 to 114 of the section 3 guidance).



The pay committee will consider exercising its powers under paragraph 56 of the Document where it is appropriate to do so.

ADVICE: Paragraph 56 of the Document provides considerable discretion to relevant bodies to pay recruitment/retention payments or provide other financial assistance, support or benefits where there is a general shortage of teachers, or to individual teachers in posts which are difficult to fill. The statements above are general and the governing body must be very clear about the basis for payments, which must be clearly stated and consistently applied.

Where the pay committee decides to pay periodic payments or provide other benefits over a period of time as a **recruitment** incentive, the payment can only be made for a fixed period not exceeding 3 years and must not be renewed (paragraph 56.2 of the Document). In the case of a similar periodic **retention** payment or benefit, the same provisions apply, except that they may, in exceptional circumstances be renewed (paragraph 56.3). Relevant bodies should be made aware that any monetary payments awarded under Paragraph 56 are pensionable.

17. WELCOME BACK BONUSES

As long as the scheme continues to be funded by the DfES, the pay committee will make appropriate payments to teachers eligible under the scheme.

Where a teacher has transferred from another school, having received the first part of the bonus payment the pay committee will pay the second part in accordance with the relevant provisions.

18. GENERAL TEACHING COUNCIL'S FEE ALLOWANCE

The pay committee will make payments in accordance with paragraph 57 of the Document.

19. SALARY SACRIFICE ARRANGEMENTS

Where the employer operates a salary sacrifice arrangement, a teacher may participate in any arrangement and his gross salary shall be reduced accordingly.

20. MODEL PROCEDURES FOR APPEALING AGAINST PAY DECISIONS

Context

These procedures are intended to comply fully with the requirements of Schedule 2 of the Employment Act 2002 and of the School Teachers' Pay and Conditions Document 2006. The procedures also comply with the spirit of the statutory guidance contained within the Document, at section 3.



Members should be aware that the detailed provision of the guidance on appeals is unrealistic, written as it was without the benefit of input from NAHT, in that it envisages informal representations to the decision maker after the pay decision has been taken, in addition to formal representations and then a final appeal stage. Where the decision maker is a Committee of the Governing Body, informal representations as envisaged are likely to be difficult to arrange and of doubtful value. The NAHT model therefore includes an informal representation stage that could be offered prior to the decision making. Including this stage would be in line with the spirit of the guidance but if it is omitted the procedure would still comply with the Employment Act and with the Document.

General Provisions

- The teacher is entitled to be accompanied by a friend or union representative at each formal stage. The head teacher may exercise his discretion and allow the teacher to be accompanied at any informal stage.
- The teacher must take all reasonable steps to attend meetings.
- Meetings should be arranged without undue delay. A maximum of about 10 working days between steps [e.g. between receipt of a request for an appeal hearing and that hearing being convened] is normally seen as reasonable.
- The timings and location of meetings must be reasonable.
- There is no further internal process available to the teacher once the appeal stage has been completed.

A. Decisions relating to Threshold applications

Assumptions

- The governing body have delegated receipt and assessment of the threshold application to the head teacher, as is required by the Document.
- The head teacher promptly notifies the pay committee of his decision on the application when it has been assessed and gives written feedback to the teacher within 20 school working days of informing the pay committee.
- The governing body have established an Appeal Committee, which consists of three governors, none of whom are employees nor have had previous involvement in the process.



Procedural Stages

20.1 . The head teacher returns the completed application form, thereby advising the teacher of the decision that he has communicated to the Pay Committee, and invites the teacher to a meeting to receive oral feedback on the assessment process, within 10 school working days. [Equivalent to the Informal Representations Stage described in Section 3, Paragraph 13 of the Document, though this stage is not required in order to comply with the Employment Act 2002] After this stage the head teacher could revise his decision in light of additional evidence of representations from the teacher.

20.2. If the decision is not revised, it should be confirmed to the teacher, in writing, that his application has been unsuccessful and that he has the right to appeal against the decision if he wishes. This notification should include a statement of any additional feedback provided to the teacher during the oral feedback, where this was not included in the assessed application form. Any appeal should be made in writing to the head teacher, within 10 working days. The teacher's letter must include a statement of his concerns about the decision. [Equivalent to the formal grievance process described in Section 3, Paragraph 14 of the Document and equivalent to a "step 2" meeting within the meaning of the Employment Act 2002].

20.3 . The head teacher must then arrange to meet with the teacher to receive detailed representations about his decision. The head teacher will then reconsider his decision and write to the teacher to notify him of the outcome of his fresh deliberations and of the teacher's right of appeal [equivalent to the appeal process described in Section 3, Paragraph 15 of the Document and to a "step 3 appeal hearing" within the meaning of the Employment Act]. If the teacher wishes to take advantage of this right, he must write to the Clerk to the Governing Body within 10 school working days. He must include a statement of the grounds for his appeal and sufficient details of the facts on which he will rely.

20.4. The Clerk to the Governing Body will convene a meeting of the Appeal Committee within 20 school working days of receiving written notification from the teacher. The head teacher will also be invited to attend this meeting.

20.5. The Chair of the Appeal Committee will invite the teacher to set out his case in detail. The teacher may also call witnesses in support of his case. The teacher and his witnesses, if any, may then be questioned in turn by the other parties, in order to clarify the evidence that has been presented.

20.6. The head teacher will then be invited to explain the basis for his decision and to present additional evidence in response to the evidence presented by the teacher. The head teacher may then be questioned in turn by the other parties, in order to clarify the evidence that he has presented.

20.7. The Appeal Committee, alone, will then consider the evidence and reach a decision.



20.8. The Appeal Committee will write to the teacher to advise him of their decision. The notification should include a note of the evidence that they considered and the reasons for the decision. The head teacher and the Pay Committee should each receive copies of this notification.

NOTE

This procedure may conveniently be modified for use for a head teacher who wishes to appeal against his pay determination, where that decision has been delegated to his Performance Management Appraisers.

Similar modifications could be made where the Governing Body have delegated the decisions on the pay progression of all teachers to the head teacher.

B/ Other Pay Progression decisions for teachers, including those paid on the leadership scale

Assumptions

- The governing body have delegated decision relating to pay progression to their Pay Committee.
- The Governing Body require the head teacher to make recommendations to this committee with respect to individual teachers.
- The Governing Body have established an Appeal Committee, which consists of 3 Governors, none of whom are employees nor have had previous involvement in the process.

Procedural Stages

1/ The head teacher advises the teacher, in writing, of the nature of the recommendation that he is intending to make to the Pay Committee and invites the teacher to a meeting to discuss the matter and to receive any additional argument/evidence, within 10 school working days. [Equivalent to the Informal Representations Stage described in Section 3, Paragraph 13 of the Document] This stage is not required in order to comply with the Employment Act 2002, so must be regarded as optional for the school and for the teacher. It must be set out in the Pay Policy, if it is to form part of the school's procedure.

2/ The head teacher makes his recommendations to the Pay Committee with respect to each individual teacher and gives an outline of the evidence that he has used to arrive at his



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recommendation, how this relates to the guidance in the Document and the Governing Body's Pay Policy. The members of the Pay Committee are entitled to read copies of the teacher's Performance Management Review Statements, if they wish.

3/ The Pay Committee reaches a decision and write to the teacher, advising him of their decision, the reasons for the decision and the teacher's right to make representations to the Committee [equivalent to the formal grievance process described in Section 3, Paragraph 14 of the Document and equivalent to a "step 2" meeting within the meaning of the Employment Act 2002]. If the teacher wishes to take advantage of this right, he must write to the Chair of the Committee within 10 school working days. His letter must include a statement in sufficient detail of the representations that he intends to make.

4/ The Pay Committee must then arrange to meet with the teacher to receive representations about their decision. The head teacher should be invited to attend the meeting, to respond to the teacher's representations and to clarify the basis for his original recommendation. If the head teacher does attend the meeting it will be in the role of a witness, as the representations are against the decision of the committee not against the head teacher's recommendation.

5/ The Pay Committee, alone, will reconsider their decision and write to the teacher to notify him of the outcome of their fresh deliberations and of the teacher's right of appeal [equivalent to the appeal process described in Section 3, Paragraph 15 of the Document and to a "step 3 appeal hearing" within the meaning of the Employment Act]. If the teacher wishes to take advantage of this right, he must write to the Clerk to the Governing Body within 10 school working days. He must include a statement of the grounds for his appeal and sufficient details of the facts on which he will rely.

6/ The Clerk to the Governing Body will convene a meeting of the Appeal Committee within 20 school working days of receiving written notification from the teacher. The Chair of the Pay Committee will also be invited to attend this meeting along with the head teacher. If the head teacher does attend the meeting it will be in the role of a witness, as any appeal is against the decision of the pay committee not against the head teacher's recommendation.

7/ The Chair of the Appeal Committee will invite the teacher to set out his case in detail. The teacher may also call witnesses in support of his case. The teacher and his witnesses, if any, may then be questioned in turn by the other parties, in order to clarify the evidence that has been presented.

8/ The head teacher will then be invited to explain the basis for his original recommendation to the Pay Committee and to present additional evidence in response to the evidence presented by the teacher. The head teacher may then be questioned in turn by the other parties, in order to clarify the evidence that he has presented.

9/ The Chair of the Pay Committee will then be invited to explain the procedure followed by the Pay Committee and the basis for their final decision. The Chair of the Pay Committee



may then be questioned in turn by the other parties, in order to clarify the evidence that he has presented.

10/ The Appeal Committee will write to the teacher to advise him of their decision. If the decision is to reject the appeal, the notification should include a note of the evidence that they considered and the reasons for the decision.

NOTE

This procedure may conveniently be modified for use for a head teacher who wishes to appeal against his pay determination, where his Performance Management Appraisers are required to make a recommendation to the Pay Committee, to whom the decision has been delegated.

C/ Teachers who have left employment of the school before registering a pay grievance [“modified procedure”]

Assumptions

- **The teacher may have initiated the informal stage of the relevant procedure, but has not registered a formal grievance prior to his last day of employment.**

Procedural Stages

1/ The teacher must set out a statement of his grievance in writing, including sufficient details of its basis.

2/ The teacher must send a copy of this statement to the Chair of the Governing Body, in his capacity as the representative of the employer.

3/ The Chair of the Governing Body will consult with the person or committee with delegated responsibility for the relevant pay decision and ensure that the teacher is provided with an appropriate written response, on behalf of the employer.