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Schools' Model Pay Policy 2023/24

This policy has been formally adopted by the Governing Body of
Annie Lennard Primary School on 10th January 2024

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SECTION 1: Teaching Staff

1. Introduction

The Statutory pay arrangements for teachers give significant discretion to Governing Bodies to make pay decisions. The School Teachers' Pay and Conditions Document (STPCD) places a statutory duty on schools to adopt a Pay Policy that sets out the basis on which they determine teachers' pay, and to establish procedures for determining appeals. This should ensure fair and equitable treatment for all teachers and minimise the prospect of disputes and legal challenge of pay decisions.

Schools when taking pay decisions must have regard both to their Pay Policy and to the teachers' particular post within the staffing structure. A copy of the school's staffing structure is attached to this Pay Policy (Annex 1).

This Model Pay Policy has been subject to consultation with all recognised teacher trade unions in Sandwell. It is a structure for schools to follow and covers all key areas of pay discretion that schools need to consider. The Local Authority recommends schools to adopt this policy with the example insertions. This Pay Policy is compliant with all appropriate employment legislation.

The Pay Policy complies with the current STPCD and the accompanying statutory guidance. It should be used in conjunction with them but, in the event of any contradictions, the STPCD and guidance take precedence.

All references to the STPCD in this policy relate to the School Teachers Pay and Conditions Document 2023 and accompanying statutory guidance. This Pay Policy will be updated and reissued on an annual basis.

All references to the Committee in this policy relate to the Resources Committee of the Governing Body. The Committee has been established in accordance with school governance regulations and has fully delegated powers.

Relevant bodies should attach a copy of the staffing structure to the published copy of the Pay Policy (Section 3, Paragraphs 4-6 of STPCD).

A copy of this policy will be made available to staff at the school via email and on the schools shared drive.

This model policy is also recommended by the Local Authority for Pupil Referral Units (PRUs) and Looked After Children in Education Service (Virtual School) to adopt. In these instances, where the policy refers to school consider this to mean the unit/setting.

2. Basic Principles

All teachers employed at this school are paid in accordance with the statutory provisions of the School Teachers Pay and Conditions Document (STPCD) as updated from time to time. A copy of the latest version may be found in the school office and is also on line at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/832634/School_teachers_pay_and_conditions_2022.pdf

In adopting this policy, the aim is to:

- Assure the quality of teaching and learning at the school
- Support recruitment and retention of high quality teachers
- Enable the school to recognise and reward teachers appropriately
- Ensure decisions on pay are managed in a fair, just and transparency way, considering equality of opportunity and equal value.

The process for making decisions on the pay of teachers at the school is as follows within this document.

3. Policy Statement

The Committee will award any recommended pay awards agreed nationally to all existing pay points and allowances for all teachers as summarised below for the September 2023 pay award:

- 6.5 per cent uplift to all pay points and allowances for both teachers and leaders, apart from:
- Higher uplift for M1 of 7.1 per cent (equating to a starting salary of £30,000).
- All pay uplifts will be back dated to 1 September 2023.

This Policy reflects the above.

The Committee 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.

With regard to reporting to the Governing Body, all information on which the Committee bases a decision on the pay of an individual will be confidential to the Committee. The decision on individual salary assessments should be reported in the minutes of the Committee by reference to each post and not named employees.

The Headteacher will attend the Committee in an advisory capacity other than when his/her own salary is reviewed when he/she will leave the meeting.

Any person, other than the Headteacher, employed to work at the school must withdraw from a meeting at which the pay or appraisal report of any other employee of the school is being considered.

3.1 Pay Policy and the Management of the School

The Committee will:

1. Be objective, open and accountable.
2. Work within employment legislation.
3. Work within National and Local agreements on Pay and Conditions of Service.
4. Base decisions on appraisal reports, or planning and review statements as appropriate.
5. Avoid practices and decisions which may be considered discriminatory.
6. Recognise the responsibility of the Governing Body to set and operate a balanced budget.
7. Provide clear and known criteria for salary assessment.
8. Ensure pay is consistent with job descriptions.
9. Formally record its decisions together with the rationale for reaching them.

10. Monitor the pay outcomes and impact of the policy to assess its effect and compliance to equality legislation.

The Headteacher will:

1. Develop clear arrangements for linking appraisal to pay progression.
2. Submit any updated appraisal and pay policies to the Committee for approval.
3. Ensure that effective appraisal arrangements are in place and that appraisers have the knowledge and skills to apply procedures fairly.
4. Ensure that pay recommendations are made and submitted to the Committee.
5. Be responsible for advising the Committee on its pay decisions.
6. Ensure staff are informed of the outcome of the decisions of the Committee and of the right to appeal.

3.2 Monitoring the impact of the policy

The Governing Body will monitor the outcomes and impact of this policy on a regular basis (yearly) in conjunction with trade union representatives. The Governing Body will monitor trends in progression across specific groups of teachers to assess the policy's effectiveness and the school's continued compliance with equality legislation.

4. Pay Reviews (STPCD, Section 2, Part 1, Para 3)

The Committee will ensure that every salary of every employee covered by the STPCD is reviewed annually with effect from 1 September and no later than 31 October (except in the case of the Headteacher for whom the deadline is 31 December), and that all teachers will receive a written statement setting out their salary and other financial benefits to which they are entitled by 31 October (except in the case of the Headteacher for whom the deadline is 31 December).

The timescales for appraisal planning and review meetings will be in accordance with the Education (School Teachers' Appraisal) (England) Regulations 2012 and the school's Appraisal Policy.

Reviews may take place at other times of the year to reflect any changes in circumstances or job description that lead to a change in the basis for calculating an individual's pay.

A written statement will be given after any review and where applicable will give information about the basis on which it was made. A revised pay statement will also be given where there are any other changes in pay arrangements during the year, this will be issued as soon as possible (and in any event within one month of the relevant bodies determination).

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

5. Pay Hearings and Appeals (STPCD, Section 2, Part 2, Para 2.1(b))

The arrangements for considering pay hearings and appeals are as follows (see flowchart Appendix 1):

Each teacher will receive written confirmation of the pay determination and the basis on which the decision was made. A teacher may seek a review of any decision in relation to his/her pay. The following list, which is not exhaustive, includes the usual reasons for seeking review of a pay determination. That the person or committee by whom the decision was made:

- Incorrectly applied the school's Pay Policy
- Incorrectly applied any provision of the STPCD
- Failed to have proper regard for statutory guidance
- Failed to take proper account of relevant evidence
- Took account of irrelevant or inaccurate evidence
- Was biased; or
- Otherwise unlawfully discriminated against the teacher.

Informal Discussion

Within 10 working days of receiving the pay determination, or written notice detailing the outcome of the Appraisal Review, if the teacher is not satisfied with the decision he/she should seek to resolve this by discussing the matter informally with the decision maker (usually the Headteacher, or the Appraiser in relation to performance related pay progression).

This discussion will:

- Give clarification on the reasons why the decision maker made the pay determination.
- Allow the teacher to produce further evidence for consideration.
- The decision maker will then re-consider the case and inform the teacher of the decision and confirm this in writing within 3 working days.

Where the teacher continues to be dissatisfied with the decision that has been reached, he/she may request a formal hearing. The teacher must submit in writing the grounds for questioning the pay decision.

Formal Hearing (see Appendix 2)

The teacher is given the opportunity to make representations at a formal hearing with the appropriate Committee that normally confirms pay decisions.

Appeal Hearing (see Appendix 3)

Should an agreed outcome not be reached at stage 2 the teacher can have an appeal hearing with the Appeals Committee. The Appeals Committee's decision is final; there is no recourse to the grievance procedure.

For any formal hearing or appeal the teacher is entitled to be represented by a work colleague or trade union representative.

6. Basic Pay Determination

6.1 Headteachers (STPCD, Section 2, Part 2, Para 9)

The Committee will determine the Headteacher pay range in accordance with STPCD Section 2, Part 2, Para 9. The Committee will only re-determine the pay range of a serving Headteacher if the responsibilities of the post changes significantly or if the Committee determines that this is required to maintain consistency with pay arrangements for other members of the leadership group.

Headteacher Group	Leadership Pay Range (£)	Range of Leadership Points (SMBC)
1	53,380 – 71,019	L6-18*
2	56,082 – 76,430	L8-21*
3	60,488 – 82,258	L11-24*
4	65,010 – 88,530	L14-27*
5	71,729 – 97,639	L18-31*
6	77,195 – 107,700	L21-35*
7	83,081 – 118,732	L24-39*
8	91,633 – 131,056	L28-43*

* These points (L18*, L21*, L24*, L27*, L31*, L35*, L39*) and point L43 are the maximum salaries for the 8 Head Teacher Group Ranges. These salary figures for Head Teachers at, or moving to, the top of the School Group Ranges only are different because they are a legacy of the 2015 STPCD which provided for no uplift to the maxima of the 8 Head Teacher Group Ranges.

The Committee has determined in accordance with STPCD, Section 2, Part 2, Paras 5-8 the relevant Headteacher Group to be L8 – L21.

The Headteacher's pay range will consist of seven consecutive leadership points, which will not normally exceed the maximum of the Headteacher Group.

The Committee may determine that Headteacher's pay range may exceed the maximum where they determine that circumstances specific to the role or candidate warrant a higher than normal payment. The Committee will record in writing the reasoning behind the decision to exceed the maximum of the Headteacher Group.

The total value of the salary and temporary payments made to the Headteacher will not exceed the maximum of the Headteacher Group by more than 25 per cent in any given year.

(The pay scale for leadership used by the Local Authority is shown in Appendix 4)

The Committee has determined that the Headteacher pay range, for the serving Headteacher is set at points L15 to L21 (7 point range)

The Committee will determine the Headteacher pay range when:

- a new Headteacher appointment is to be made
- if the Headteacher group changes (including where the Head becomes responsible and accountable for more than one school on a permanent basis)
- a significant change in responsibilities occurs

When determining the Headteacher pay range the Committee shall take into account:

- all permanent responsibilities of the role
- any challenges specific to the role
- all other relevant considerations (such as recruitment and retention difficulties)

The Committee will seek Local Authority advice, from a representative of the Director of Children and Education, prior to determining the Headteacher's pay range.

Where the Governing Body uses its powers of the Education Act 2002 (Section 11 or 27) to form or invest in a company, or to provide community facilities/services, and funding is not from the School Budget (e.g. a Children's Centre, Day Nursery), remuneration will be made outside of the School's Pay Policy.

6.1.1 Temporary Payments (STPCD, Section 2, Part 2, Para 10)

The Committee may determine that additional payments be made to the Headteacher for clearly temporary responsibilities or duties that have not previously been taken account of when setting the Headteachers pay range. The total value of the salary and temporary payments in any school year will not exceed 25 per cent of the amount that corresponds to the maximum of the appropriate Head-teacher Group.

6.2 Deputy Headteachers and Assistant Headteachers (STPCD, Section 2, Part 2, Para 9)

The Committee will determine the pay range for Deputy and Assistant Headteachers when it proposes to make new appointments, or where there is significant change in the responsibilities of serving Deputy or Assistant Headteachers. The Committee will take into account the responsibilities and challenges of the post and whether the post is difficult to fill.

The Deputy and Assistant Headteachers pay ranges will consist of five consecutive leadership points, which will not exceed the maximum of the appropriate Headteacher Group.

Only in exceptional circumstances can the Deputy/Assistant Headteachers pay range overlap with the Headteachers. The Committee will formally record the reasoning behind the determination of the pay ranges should an overlap with the Headteacher be considered necessary.

(The pay scale for leadership used by the Local Authority is shown in Appendix 4)

The Committee have determined that the pay range for the serving Deputy Headteacher(s) is set at;

L10 to L14 (5 point range inclusive)

The Committee have determined that the pay range for the serving Assistant Headteacher(s) is set at

L8 to L12 (5 point range inclusive)

6.3 Other Teachers

The Committee will not restrict the pay range advertised for a classroom teacher other than the minimum of the main pay range and the maximum of the upper pay range.

The Committee will apply the principle of pay portability when making pay determinations for all new appointees. When determining the starting salary for a classroom teacher who has previously worked in a Local Authority, Local Authority Maintained school or an Academy, the Committee will pay the teacher on the main pay range or upper pay range at a point which at least maintains the teacher's previous pay entitlement plus any pay progression, which they would have received had they remained in their previous post.

A newly appointed teacher (i.e. ETC's or unqualified teacher) will usually be appointed at the minimum of the main pay range, or the unqualified pay range as appropriate. They may be appointed at a higher point in the range taking into account the teacher's previous salary and/or relevant experience as determined by the Committee. An extra point or points on the scale may be awarded in the following circumstances:

- one point for three years of experience spent working in a relevant area, including industrial or commercial training, time spent working in an occupation relevant to the teacher's work at the school, and experience with children/young people;
- one point for each period of one year of service as a qualified teacher in countries outside England and Wales in a school in the maintained sector of the country concerned;
- one point for each period of one year of service as a qualified teacher in higher or further education.

Teachers will be appointed on the upper pay range where they have previously been paid on the upper pay range or where they have successfully been assessed as meeting the upper pay range/threshold criteria.

A teacher who was previously employed as Headteacher, Deputy Headteacher, Assistant Headteacher, leading practitioner teacher, advanced skills teacher or excellent teacher for an aggregate period of one year or more, before returning to the role of a classroom teacher, will be placed on the upper pay range at a point deemed as appropriate by the Committee.

6.3.1 Main Pay Range Teachers (STPCD, Section 2, Part 3, Para 13)

The Committee has established the following pay range for classroom teachers on main pay range:

Point 1	£30,000
Point 2	£31,737
Point 3	£33,814
Point 4	£36,051
Point 5	£38,330
Point 6	£41,333

6.3.2 Upper Pay Range Teachers (STPCD, Section 2, Part 3, Para 14)

The Committee has established the following pay range for classroom teachers on upper pay range:

Point 1	£43,266
Point 2	£44,870
Point 3	£46,525

6.3.3 Leading Practitioners Pay Range (STPCD, Section 2, Part 3, Para 16)

The Committee has established the pay range for leading practitioner teachers to be LP 1 to LP 5 (5 point range inclusive)

(The pay scale for Leading Practitioners used by the Local Authority are shown in Appendix 5).

Such posts may be established for teachers whose primary purpose is the modelling and leading improvement of teaching skills, where those duties fall outside the criteria for awarding a TLR payment.

The Committee will determine the pay scale for Leading Practitioners with reference to the responsibility of the post.

6.4 Unqualified Teachers (STPCD, Section 2, Part 3, Paras 17-18)

The Committee has established the following pay range for unqualified teachers employed as classroom teachers.

Point 1	£20,598
Point 2	£22,961
Point 3	£25,323
Point 4	£27,406
Point 5	£29,772
Point 6	£32,134

The Committee will pay an unqualified teacher who is on one of the salaried employment-based routes into teaching on the unqualified teachers' pay scale.

In the case of an unqualified teacher who becomes qualified the Committee will adhere to the STPCD (Section 2, Part 3, Para 18).

6.4.1 Unqualified Teachers Allowance (STPCD, Section 2, Part 4, Para 22)

The Committee may award an additional allowance to an unqualified teacher where the teacher has:

- (a) taken on a sustained additional responsibility which is:
 - i) focussed on teaching and learning
 - ii) requires the exercise of a teachers' professional skills and judgment;
- or
- (b) qualifications or experience which bring added value to the role being undertaken.

The value of any such allowance will be determined by the Committee on a case by case basis.

6.5 Short notice/Supply Teachers (STPCD, Section 2, Part 6, Para 44)

Teachers who work on a day-to-day or other short notice basis will have their pay determined in line with the statutory pay arrangements in the same way as other teachers. Teachers paid on a daily basis will have their salary assessed as an annual amount, divided by 195 and multiplied by the number of days worked.

Teachers who work less than a full day will be hourly paid and will also have their salary calculated as an annual amount which will then be divided by 195 then divided again by 6.48 to arrive at the hourly rate.

The factor used for the hourly calculation is 6.48, which calculated from 1265 divided by 195.

6.6 Part Time Teachers (STPCD, Section 2, Part 6, Paras 42-43)

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 arrangements and by comparison with the school's timetabled teaching week for a full-time teacher in an equivalent post.

The written statement should set out the expectations of the school, and the part-time teacher, regarding the deployment of directed time both within and beyond the school day in accordance with the professional duties as stated in Part 7 of the STPCD.

Part-time teachers must be paid the pro rata percentage of the appropriate full-time equivalent salary, in accordance with the "pro rata principle" STPCD (Section 2, Part 6, Para 42). The same percentage must be applied to any allowances awarded to a part-time teacher.

Any additional hours such a teacher may agree to work from time to time at the request of the Headteacher (or in the case where the part-time teacher is a Headteacher, the relevant body), should also be paid at the same rate.

A calculator is available on the virtual office to assist with this calculation:
Part Time Teachers Proportional Pay Calculator

http://www.sandwell.gov.uk/extranetforschools/downloads/file/1569/part_time_teachers_proportional_pay_calculator

7 Pay Progression linked to performance

The Governing Body agrees the school budget and will ensure that appropriate funding is allocated for pay progression at all levels.

In all cases pay progression will be in line with the school's Appraisal Policy and the Education (School Teachers' Appraisal) (England) Regulations 2012.

Decisions regarding pay progression will be made with reference to the teachers' appraisal/performance management reports and the pay recommendations they contain. Final decisions about whether or not to accept a pay recommendation will be made by the Committee, having regard to the appraisal/performance management reports and taking into account advice from the Headteacher and appraiser(s).

In the case of ECTs, pay decisions will be made by means of the statutory induction process.

It will be possible for a 'no progression' determination to be made without recourse to the capability procedure.

To be fair and transparent, assessments of performance will be properly rooted in evidence. In this school we will ensure consistency of treatment and fairness by moderation and quality assurance. This will be in accordance with the School's Appraisal Policy, i.e. the Headteacher will moderate all the planning statements to check that the plans recorded in the statements of the teachers at the school are consistent between those who have similar experience and similar levels of responsibility, and that they comply with the school's Appraisal Policy, regulations and the requirements of equality legislation.

The evidence used for assessing performance will be in accordance with the School's Appraisal Policy.

7.1 Leadership Pay Progression (STPCD, Section 2, Part 2, Para 11)

Appraisal of performance for the Headteacher, Deputy Headteachers(s), and Assistant Headteacher(s) will be assessed against the extent to which they have met their individual appraisal objectives, demonstrated sustained high quality of performance (with particular regard to leadership, management and pupil progress at the school), and met the relevant standards in accordance with the School's Appraisal Policy.

Teachers on leadership pay range will be awarded pay progression following a successful appraisal review. Reviews will be deemed to be successful unless concerns about standards of performance have been raised in writing with the teacher during the annual appraisal cycle and have not been sufficiently addressed through support provided by the school by the conclusion of that process.

The Governing Body will consider whether to award one or two pay progression points having regard to the most recent appraisals or reviews.

The circumstances in which two points may be awarded are as follows *the circumstances for this will be highly exceptional performance and more than exceeding all performance objectives.*

Examples: The circumstances for this will be highly exceptional performance and more than exceeding all performance objectives.

Where a teacher has been absent for some or all of the appraisal period, an assessment will be based on performance during any periods of attendance and prior performance.

N.B. Progression points may only be awarded within the appropriate leadership range confirmed in 6.1 and 6.2 of this Policy. The Committee will re-determine this range if there is a significant change in responsibilities.

7.2 Other Teachers Pay Progression (STPCD, Section 2, Part 3, Para 19)

Performance will be assessed against the extent to which teachers have met their individual objectives and the relevant standards in accordance with the School's Appraisal Policy.

Teachers will be awarded pay progression following a successful appraisal review on main pay range, leading practitioner pay range and unqualified pay range, or following two successful appraisal reviews on upper pay range.

Reviews will be deemed to be successful unless concerns about standards of performance have been raised in writing with the teacher during the annual appraisal cycle and have not been sufficiently addressed through support provided by the school by the conclusion of that process.

The Committee has chosen not to exercise its discretion to award two pay progression points or accelerated progression at this stage.

Progression will be within a pay range, there will be no progression to the next pay range until the criteria for that range has been fully met.

Where a teacher has been absent for some or all of the appraisal period, an assessment will be based on performance during any periods of attendance and prior performance. In making pay decisions absence solely would not normally prevent pay progression.

7.3 Application to be paid on the Upper Pay Range (STPCD, Section 2, Part 3, Para 15)

Teachers must evidence that they are highly competent in all elements of relevant standards and demonstrate achievements, and contributions the school are substantial and sustained. It is the responsibility of the teacher to decide whether they wish to apply to be paid on the upper pay range.

The school should, as part of the appraisal process, inform teachers of their eligibility to apply for assessment ahead of them becoming eligible, and inform them of the application process.

7.3.1 The Application

Applications may be made once a year. The closing date for application is normally [31 October](#)

Where teachers wish to be assessed they should notify their Headteacher in writing using the application form in Appendix 6.

All applications should include the results of the two most recent appraisals under the Appraisal Regulations 2012, including any recommendations on pay. Where such information is not available a written statement and summary of evidence designed to demonstrate that the applicant has met the assessment criteria must be submitted.

It is the teacher's responsibility to submit appraisal reviews that cover the two year relevant period in support of their application. Where a teacher is absent from work because of maternity, adoption, paternity or disability, the assessment will be based on performance during any periods of attendance rather than the full two-year period.

If a teacher is simultaneously employed at another school(s), they may submit separate applications if they wish to be paid on the upper pay range at that school(s). The school will not be bound by any pay decision made by another school.

7.3.2 The Assessment

The assessment will be made by the Headteacher within 10 working days of the conclusion of the appraisal process.

An application from a qualified teacher will be successful where the Committee is satisfied that:

- a) The teacher is highly competent in all elements of the relevant standards and;
- b) The teacher's achievements and contribution to the school are substantial and sustained.

The Committee will be satisfied that the teacher has met the expectation for progression to the upper pay range where the upper pay range criteria (see Appendix 7) have been satisfied as evidenced by two consecutive successful appraisal reviews.

7.3.3 Process and procedures

If successful, the teacher will move to the Upper pay range from 1 September following the years' appraisal reviews submitted.

Where the application is successful the teacher will start at the minimum of the upper pay range.

If unsuccessful, feedback will be provided by the Headteacher as soon as possible and at least 10 working days of the decision and will cover the reasons for the decision and the appeal arrangements available. Any appeal against the decision will be heard under the pay hearings and appeals procedure set out in this Pay Policy (Section 5).

Appendix 8 shows the application process.

8 Additional Allowances and Payments

8.1 Teaching & Learning Responsibility Payments (TLRs) (STPCD, Section 2, Part 4, Para 20)

The Committee will award a TLR1 or TLR2 payment to a Main Pay Range or Upper Pay Range teacher undertaking a sustained additional responsibility in the context of their staffing structure for the purpose of ensuring the continued delivery of high-quality teaching and learning and for which they are made accountable. The award may be while a teacher remains in the same post or occupies another post in the temporary absence of the post-holder.

With the exception of sub-paragraphs (c) and (e) which do not apply to the awarding of TLR3s, the Committee will apply the following factors for awarding TLR Payments:

They must be satisfied that the teacher's duties include a significant responsibility that is not required of all MPR or UPR 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.

Before awarding a TLR1, the relevant body must be satisfied that the significant responsibility referred to in the previous paragraph includes in addition line management responsibility for a significant number of people.

A teacher may not hold more than one TLR1 or TLR2 of any value, but a TLR1 or a TLR2 could be based on a job description that itemises several different areas of significant responsibility.

A TLR1 or a TLR2 is a payment integral to a post in the school's staffing structure and therefore may only be held by two or more people when job sharing that post.

TLR1 or TLR2 awarded to part-time teachers must be paid pro-rata at the same proportion as the teacher's part-time contract.

Where a teacher is no longer entitled to a TLR1 or TLR2 award, or where the value of the TLR1 or TLR2 award is of a lower value than entitled to immediately prior to the new determination, safeguarding will be applied.

TLR1/TLR2s are awarded to the holders of the posts indicated in the school's staffing structure which is attached to this policy (Annex 1).

The values of the TLRs to be awarded are set out in Appendix 9.

The TLR3 may only be awarded for clearly time limited school improvement projects or one-off externally driven responsibilities.

The relevant body should not award consecutive TLR3s for the same responsibility unless that responsibility relates to tutoring to deliver catch-up support to pupils on learning lost during the current pandemic, and where that tutoring work is taking place outside of normal directed hours but during the school day.

Where the Committee determines that a TLR3 payment should be made, it will set out in writing the proposed responsibilities/duties, level of payment and the duration of the payment.

Full consultation with trade union representatives will be undertaken with the aim of seeking agreement before the decision is made to make any such payments.

These responsibilities are not permanent or a structural requirement which should instead be awarded by means of a permanent TLR1/TLR2 payment. They should not be responsibilities for which a TLR is already awarded.

TLR3 awards are not subject to safeguarding.

8.2 Special Educational Needs Allowances (STPCD, Section 2, Part 4, Para 21)

The Committee will award a SEN allowance to a classroom teacher:-

- (a) in any SEN post that requires a mandatory SEN qualification (i.e. those specialist teachers working with the visual/hearing impaired);
- (b) in a special school;
- (c) who teaches pupils in one or more designated special classes or units in a school. In this respect, a designated special class is defined as **focussed provision**
- (d) in any non-designated setting that is similar to a designated special class or unit, where the post:-

- (i) involves a substantial element of working directly with children with special educational needs;
- (ii) requires the exercise of a teacher's professional skills and judgement in the teaching of children with special educational needs; and
- (iii) has a greater level of involvement in the teaching of children with special educational needs than is the normal requirement of teachers throughout the school or unit or service.

Where a SEN allowance is to be paid, the Committee will determine the spot value of the allowance (of no less than £2,539 and no more than £5,009), taking into account the structure of the school's SEN provision and the following factors:-

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

The Committee will set out the arrangements for rewarding classroom teachers with SEN responsibilities and the spot value of the allowance as **[Insert details]**

- ***Teachers who meet the statutory criteria will receive an SEN allowance equal to the minimum of the SEN range (£2,539)***
- ***Teachers who have two or more years' experience in the role where greater knowledge or expertise is required of the post holder will receive a SEN allowance equal to the mid-point of the SEN range (£3,775)***
- ***Teachers who teach a special class for which a mandatory qualification is required and who also have considerable experience and expertise will be paid at the top of the range. (£5,009)***

Where a teacher is no longer entitled to a SEN allowance, or where the value of the SEN allowance payable is of a lower value than entitled to immediately prior to the new determination, safeguarding will be applied.

SEN allowances may be held at the same time as TLRs.

8.3 Safeguarding Payments and Allowances (STPCD, Section 2, Part 5, Paras 31-39)

The Committee will ensure that payments and allowances will be safeguarded strictly in accordance with Part 5 of the STPCD.

8.4 Additional Payments (STPCD, Section 2, Part 4, Para 26)

The Committee will only award additional payments to teachers which are strictly in accordance with the STPCD (Section 2, Part 4, Para 26) and in the guidance contained in Section 3, Paras 59-68.

In the case of the head teacher, the Committee will only make additional payments where the activity or responsibility is temporary and has not already been taken account of in determining the Headteacher's base pay. Any such payments will be time limited and subject to the overall limits on Headteachers' pay (see section 6.1.1.).

N.B. There is no provision within the STPCD for payment of bonuses or honoraria (Section 3 Para 3). Any such award to a teacher for their teaching work would be unlawful. Therefore, under no circumstances will the Committee award such payment to any member of the teaching staff for carrying out their professional duties as a teacher.

8.4.1 Payment for continuing professional development (CPD) undertaken outside of the school day.

Teachers (including the Headteacher) who voluntarily undertake continuing professional development outside of the school day will be entitled to additional payment.

Payments so awarded will be calculated on a daily rate of 1/195th of the teacher's actual salary.

8.4.2 Activities relating to the provision of initial teacher training (ITT) as part of the ordinary conduct of the school.

The Committee will not exercise its discretion to pay any teaching staff for providing ITT except where sufficient funding for ITT is available. In these circumstances the Committee will award teachers (including the Headteacher), who undertake voluntarily school-based initial teacher training activities, payments calculated on a daily rate of 1/195th of the teacher's actual salary.

8.4.3 Participation in out-of-hours learning activity agreed between the teacher and the Headteacher or, in the case of the Headteacher, between the Headteacher and the Committee.

Teachers who voluntarily agree to provide learning activities outside of the normal school hours (not part of the 1265 hours of directed time), and whose salary range does not take account of such activity will be entitled to this payment.

Some possible activities that attract this payment include: revision/booster sessions, breakfast clubs, homework clubs; summer schools (study support, literacy and gifted and talented), sporting activities, other outdoor activities and clubs linked to curricular, arts and hobby interest areas.

Where the activity requires the professional responsibilities and duties of a teacher (i.e. development of the curriculum, assessment, monitoring or delivering classes) the activity will be paid at the teacher's hourly rate calculated with reference to the teacher's actual spine point on the pay scale.

Where the activity requires the professional responsibilities and duties of a teacher and in addition requires the teacher to undertake duties and responsibilities for which they have a TLR payment (such as the management of timetabling, co-ordination and evaluation), the activity will be paid at the teacher's hourly rate calculated with reference to the teacher's actual spine point on the pay scale and the TLR element.

Where the activity does not require a qualified teacher, such as it is not part of the teacher's substantive contractual duties and could be undertaken by an instructor or support member of staff, the activity will be paid at the correct rate of pay for the role and will be evaluated through the normal job evaluation process.

For example:

- a teacher undertaking an activity which could be led by a dance instructor will be paid at the appropriate dance instructor rate;
- a teacher working in a breakfast club undertaking the same duties as other non-teaching staff will be paid at the appropriate rate for an out of school club worker.

The rate of payment will be determined before the activity takes place, and the teacher notified of the rate.

Further information on payments to teachers who voluntarily undertake work outside of their normal working week can be found in the "Out of Hours Learning Activities Additional Payment Guidance."

8.4.4 Service Provision

The Committee has discretion to make payments to Headteachers who provide an external service to one or more additional schools, e.g. as a National Leader of Education/Local Leader of Education, where they are not ultimately accountable for the outcomes in the school, but for the quality of service being provided (see STPCD, Section 3, Paras 64-67).

The Committee also has discretion to make payments to any of the school's teachers whose post accrues additional responsibility as a result of the Headteacher's activities. An increase in remuneration should only be agreed where the post accrues additional extra responsibilities as a result of the Headteacher's enlarged role; it is not automatic.

The Committee will seek Local Authority advice, from a representative of the Director of Children and Education, prior to making any decision in respect of

payments to the Headteacher and other teachers, where payments are to be made for responsibilities undertaken by the Headteacher in respect of other schools.

8.5 Recruitment and Retention Incentives and Benefits (STPCD, Section 2, Part 4, Para 27)

The Committee will consider the award of recruitment and retention payments against the background of any national guidance or advice, teacher supply and demand, curriculum areas and the retention of experienced staff. In particular where awarding a recruitment and retention allowance enables the school to recruit and retain teachers of the quality required to ensure school improvement.

Payments may only be made for recruitment and retention purposes, not for carrying out specific responsibilities or to supplement pay for other reasons.

Headteachers, deputy headteachers and assistant headteachers may not be awarded payments under Para 27, other than as reimbursement of reasonably incurred housing or relocation costs. The Committee will take into account recruitment and retention incentives and benefits for the head teacher when determining the head teacher's pay range (subject to the overall limit on salary and temporary payments).

The Committee will pay recruitment awards in the following circumstances *The Governing Body has chosen not to exercise its discretion to award recruitment/retention awards at this time.*

The Committee will pay retention awards in the following circumstances *The Governing Body has chosen not to exercise its discretion to award recruitment/retention awards at this time.*

The Committee will make clear at the outset, in writing, the payment amount and whether it is to be paid monthly or as a one-off lump sum, the expected duration of any such incentive or benefit, and the review date after which they may be withdrawn. All recruitment and retention payments will be reviewed annually by the Committee.

The Committee will award such payments in accordance with the STPCD (Section 2, Part 4, Para 27) and the guidance contained in Section 3 (Paras 69-71).

8.6 Acting Allowances (STPCD, Section 2, Part 4, Para 23)

The Committee will award acting allowances in accordance with the STPCD (Section 2, Part 4, Para 23).

8.7 Salary Sacrifice Arrangements (STPCD, Section 2, Part 4, Para 29)

For the purposes of this paragraph "salary sacrifice schemes" means any arrangement under which the employee gives up the right to receive part of

his/her gross salary in return for the employer's agreement to provide him/her with a benefit in kind, which is exempt from income tax.

Teachers who voluntarily participate in any such arrangement have their gross salary reduced accordingly for the duration of the arrangement. The salary sacrifice arrangement shall have no effect upon the determination of any safeguarded sum to which the teacher may be entitled under any provision of the STPCD.

From the salary sacrifice arrangements permitted under Paragraph 29 of the STPCD the school currently operates a child care voucher scheme.

SECTION 2: Non-Teaching Staff

9. Pay and Grading

The Committee will determine the pay and grading of non-teaching employees in line with:

- Local Authority Single Status approved pay bands (Appendix 10) and rates of pay (from 1 January 2010).
- Local Authority agreed standard job descriptions where available.
- There may be exceptional circumstance whereby the Committee considers the post to be submitted for an HAY evaluation (Appendix 10).

This Model Pay Policy has been subject to consultation with all recognised trade unions in Sandwell.

10. Single Status – Pay Determination and Standard Hours

With effect from 1 January 2010 the Committee will accept the pay and grading recommendations of the Local Authority on completion of the job evaluation process and ensure future posts, both new and revised, are graded in accordance with the agreed Single Status evaluation process.

Circular 136 (1 May 2009) informs Headteachers and Governing Bodies of the process for reconciling Single Status, Equal Pay and School Staffing Regulations in Community and Voluntary Controlled Schools where there is disagreement between the Governing Body and the Local Authority on the pay and grade of a post (see [Appendix 11](#)).

The Single Status arrangements will supplement or amend the provisions of the National Joint Council (NJC) for Local Government Services (Green Book) and will override any previous collective and or local agreements in place in relation to pay and conditions of service.

In accordance with the School Staffing (England) Regulations 2009, Governing Bodies have a specific responsibility to ensure that the pay and grading of staff employed in schools complies with equal pay legislation.

Where Governing Bodies have signed up to the Single Status Agreement they are obliged to remain within the pay framework of the Local Authority Single Status Scheme.

10.1 Increments

Each employee will be granted one additional increment from 1 April each year, until the maximum of the pay band is reached.

Employees with less than six months' service in the pay band by 1 April in any year will not be granted their first increment until six months after their appointment, promotion or move to the pay band. Thereafter increments are applicable from 1 April each year until the employee reaches the maximum pay for their band.

National Terms and Conditions may be applied regarding unsatisfactory performance.

10.2 37-hour week

The standard working week for full-time employees is 37 hours per week and 52 weeks per year. When entering into a contractual relationship with an employee the Governing Body determine the number of hours and when they want staff to work, and whether they wish to make any provisions in a contract to vary when the hours are actually worked.

11. Upgrading for Non-Teaching Staff

Every employee has the right to apply to have their post upgraded.

- 1 - The Employee must complete Section 1 of the Personal Application (HR5s) for Grading/Evaluation Review and submit this to their Headteacher.
- 2 - Within 5 working days of receipt of the application, the Headteacher must arrange a meeting with the Employee.
- 3 - The Headteacher must discuss the application at the meeting, allowing the employee to make representations about the claims being made. The current job description and personnel specification must be referred to in order to identify any amendments or additions that are agreed. The Head teacher must indicate whether or not the support the claim made by the Employee on each point raised and why. Where claims are not supported, the employee can choose to accept the decision of the Head teacher or to take the claim to appeal with the appropriate Committee of Governors (see below).
- 4 - Within 10 working days of the meeting, the Headteacher must complete a new job description/personnel specification. The new job description/personnel specification must include both duties/responsibilities that remain unchanged and those that were agreed as amendments/additions at the meeting. Completed documents should be emailed to the school's HR Consultant.
- 5 - Once the job evaluation process has been completed the grade relating to the amended job will be established. The Headteacher will be notified on the outcome by the school's HR Consultant. The Headteacher must notify the Employee of the outcome.
- 6 - In this process, it should be recognised that the grade for the post will be determined by the evaluation points score. This may result in a higher, lower or same grade outcome. The new grade, if any, will apply from the date of the application was submitted by the employee.

Unsupported Applications

Where at the meeting with the Headteacher they are unable to reach agreement with the employee on all or part of the application made, the Head teacher must notify the Employee within 5 working days with details of points that are unsupported and the reasons why and inform them of their right to appeal.

If the Employee wishes to appeal they must write to the Clerk to Governors within 5 working days of notification stating the grounds for their appeal. A meeting with the appropriate Committee of Governors must be arranged within 20 working days of receipt. Support may be obtained from a HR Job Analyst by contacting HR (0121 569 3300).

Within 10 working days of the appeal meeting the Committee will notify the Employee of the result of the appeal, detailing which, if any, of the unsupported points are upheld and are to be included in a revised job description for evaluation.

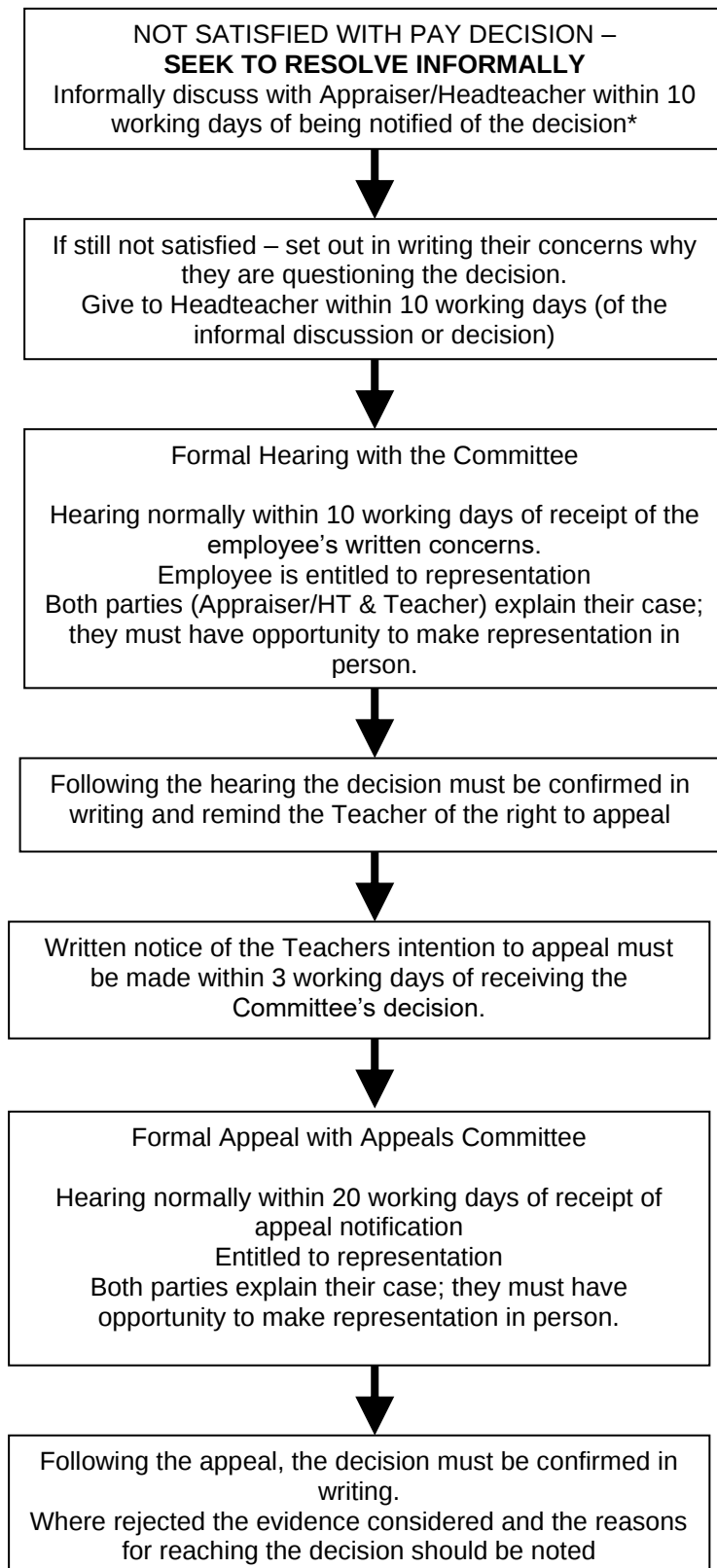
If the appeal is upheld and points are supported the process follows points 4 to 6 above.

A flowchart for the Personal Application for Grading/Evaluation Review process is available in Appendix 12.

12. Additional Payments

Employees allowances will be paid in accordance with the NJC Green Book Pay and Conditions of Service, Sandwell Councils Single Status Agreement (2010) or any preceding agreements (if not included).

Appendix 1: Pay Hearings and Appeals Procedure for Teaching Staff including the Headteacher



**If the appellant is the Headteacher then where it refers to Headteacher above it will be the relevant Governor responsible for the Headteacher's appraisal, and the teacher becomes the Headteacher.*

Appendix 2: Formal Hearing

At any formal hearing the teacher will be entitled to be represented by a work colleague or trade union representative.

If the teacher cannot informally resolve their grievance, this procedure provides a right of a formal hearing if they continue to be dissatisfied with his/her salary assessment/review.

To exercise this right the teacher must set down in writing the grounds for questioning the pay decision and give it to the Headteacher within 10 working days of the informal discussion or decision.

In normal circumstances the formal hearing shall be heard within 10 working days of receipt of the teacher's written notification of dissatisfaction.

The formal hearing will be heard by the Committee.

Both parties (Appraiser/Headteacher and Teacher) will explain their case. They must have the opportunity to make representation in person.

Following the formal hearing the decision must be confirmed in writing and the teacher reminded of their right to appeal.

Records

In order that comprehensive records are maintained, copies of all notes/minutes and correspondence arising out of the operation of this procedure shall be retained on the employee's personal file.

Notes and minutes of all proceedings to be kept together with the outcome of all decisions.

Procedure for the Formal Hearing

The Committee shall hear the case in accordance with the following procedure:

- i. The Appraiser/Headteacher shall put the case in the presence of the teacher and his/her representative*.
- ii. The teacher (or his/her representative) shall have the opportunity to ask questions of the Appraiser/Headteacher.
- iii. The Committee shall have the opportunity to ask questions of the Appraiser/Headteacher.
- iv. The teacher (or his/her representative) shall put his/her case in the presence of the Appraiser/Headteacher.

- v. The Appraiser/Headteacher shall have the opportunity to ask questions of the teacher (or representative).
- vi. The Committee shall have the opportunity to ask questions of the teacher (or representative).
- vii. The Appraiser/Headteacher and the teacher (or his/her representative) shall have the opportunity to sum up their cases if they so wish.
- viii. The Appraiser/Headteacher and the teacher and his/her representative shall withdraw.
- ix. The Committee, with the Clerk to the Governors present, shall deliberate in private only recalling the Appraiser/Headteacher and the teacher (and his/her representative) to clear points of uncertainty on evidence already given. If recall is necessary, both parties shall return notwithstanding only one is concerned with the point giving rise to doubt.
- x. The Chair of the Committee shall announce the decision to the Appraiser/Headteacher and the teacher (and his/her representative) personally.
- xi. The decision of the Committee shall be notified in writing to the teacher by the Clerk to the Governors and a copy of the letter shall be retained on the appropriate employee's personal file. The teacher will be informed of the right of appeal.
- xii. Written notification of the teacher's intention to appeal must be made within 3 days of receiving the Staffing Committee's decision.

**If the appellant is the Headteacher then where it refers to Headteacher above it will be the relevant Governor responsible for the Headteacher's appraisal, and the teacher becomes the Headteacher.*

Appendix 3: Appeals

At the appeal the teacher will be entitled to be represented by a work colleague or trade union representative.

To exercise the right to appeal the teacher must set down in writing the grounds for questioning the pay decision and send it to the Clerk to Governors, within 3 days of receiving the decision from the formal hearing.

The purpose of the appeal is not to reconsider the whole case, only the aspects which are identified as the grounds for the appeal.

In normal circumstances the appeal shall be heard within 20 working days of receipt of the teacher's written appeal notification.

The appeal will be heard by the Appeals Committee. No person involved in the previous discussions or making the decision at the formal hearing shall be involved in the Appeal Committee.

Both parties (the teacher and decision maker from the formal hearing) will have an opportunity to explain their case. They must have the opportunity to make representation in person.

Following the appeal, the decision must be confirmed in writing, including the reasons for reaching the decision. The Appeals Committee's decision is final; there is no recourse to the grievance procedure.

Records

In order that comprehensive records are maintained, copies of all notes/minutes and correspondence arising out of the operation of this procedure shall be retained on the employee's personal file.

Notes and minutes of all proceedings to be kept together with the outcome of all decisions.

Procedure for the Appeals Panel

The Appeals Committee shall hear the case in accordance with the following procedure:

- i. The teacher (or his/her representative) shall put his/her case in the presence of the Chair of the Committee*.
- ii. The Chair of the Committee, which heard the formal hearing, shall have the opportunity to ask questions of the teacher (or representative).
- iii. The Appeals Panel shall have the opportunity to ask questions of the teacher (or representative).

- iv. The Chair of the Committee which heard the formal hearing shall put the case in the presence of the teacher and his/her representative.
- v. The teacher (or his/her representative) shall have the opportunity to ask questions of the Chair of the Committee.
- vi. The Appeals Panel shall have the opportunity to ask questions of the Chair of the Committee.
- vii. The Chair of the Committee and the teacher (or his/her representative) shall have the opportunity to sum up their cases if they so wish.
- viii. The Chair of the Committee and the teacher and his/her representative shall withdraw.
- ix. The Appeals Panel, with the Clerk to the Governors present, shall deliberate in private only recalling the Headteacher and the teacher (and his/her representative) to clear points of uncertainty on evidence already given. If recall is necessary, both parties shall return notwithstanding only one is concerned with the point giving rise to doubt.
- x. The Appeals Panel shall announce the decision to the Headteacher and the teacher (and his/her representative) personally.
- xi. The decision of the Appeals Committee shall be notified in writing to the teacher by the Clerk to the Governors and a copy of the letter shall be retained on the teacher's personal file. If the Appeal is rejected reasons for this decision must be included in the letter. There shall be no further right of appeal under this procedure.

**If the appellant is the Headteacher then where it refers to teacher above it will be the Headteacher.*

Appendix 4: SMBC Recommended Leadership Pay Scale

Spine point	Annual Salary (£)
L1	47,185
L2	48,366
L3	49,574
L4	50,807
L5	52,074
L6	53,380
L7	54,816
L8	56,082
L9	57,482
L10	58,959
L11	60,488
L12	61,882
L13	63,430
L14	65,010
L15	66,628
L16	68,400
L17	69,970
L18*	71,019
L18	71,729
L19	73,509
L20	75,331
L21*	76,430
L21	77,195
L22	79,112
L23	81,070
L24*	82,258
L24	83,081
L25	85,146
L26	87,253
L27*	88,530
L27	89,414
L28	91,633
L29	93,902
L30	96,239
L31*	97,639
L31	98,616
L32	101,067
L33	103,578
L34	106,138
L35*	107,700
L35	108,776
L36	111,470
L37	114,240
L38	117,067

[IL0: UNCLASSIFIED]

L39*	118,732
L39	119,921
L40	122,912
L41	125,983
L42	129,140
L43	131,056

* These points (L18*, L21*, L24*, L27*, L31*, L35*, L39*) and point L43 are the maximum salaries for the 8 Head Teacher Group Ranges. These salary figures for Head Teachers at, or moving to, the top of the School Group Ranges only are different because they are a legacy of the 2015 STPCD which provided for no uplift to the maxima of the 8 Head Teacher Group Ranges.

Appendix 5: SMBC Recommended Leading Practitioner Pay Scale

Spine point	Annual Salary (£)
LP1	47,417
LP2	48,606
LP3	49,819
LP4	51,058
LP5	52,230
LP6	53,642
LP7	55,088
LP8	56,357
LP9	57,765
LP10	59,250
LP11	60,785
LP12	62,187
LP13	63,741
LP14	65,331
LP15	66,956
LP16	68,737
LP17	70,314
LP18	72,085

Appendix 6: Upper Pay Range Application Form

Eligibility Criteria

In order to be assessed you must be a qualified teacher and need to be able to evidence that you are:

- 1. highly competent in all elements of the relevant standards; and*
- 2. that your achievements and contribution to the school have been substantial and sustained.*

Also see the Schools' Pay Policy, Appendix 7: Upper Pay Range Progression Criteria

Teacher's Details

Name: _____

Post: _____

Appraisal Details:

Years covered by review statements _____

Schools covered by review statements _____

Please provide an explanation why, in your judgement, your achievements and contribution to the school has been substantial and sustained.

Declaration:

I confirm that at the date of this request for assessment to be paid on the Upper Pay Range I meet the eligibility criteria and I submit appraisal review statements covering the relevant period.

Teacher's signature _____ Date _____

Appendix 7: Upper Pay Range Progression Criteria

Professional Attributes

1 – Contribute significantly, where appropriate, to implementing workplace policies and practice and to promoting collective responsibility for their implementation.

Professional Knowledge and Understanding

2 – Have an extensive knowledge and understanding of how to use and adapt a range of teaching, learning and behaviour management strategies, including how to personalise learning to provide opportunities for all learners to achieve their potential.

3 – Have an extensive knowledge and well-informed understanding of the assessment requirements and arrangement for the subjects/curriculum areas they teach, including those related to public examinations and qualifications.

4 – Have up to date knowledge and understanding of the different types of qualifications and specification and their suitability for meeting learners' needs.

5 – Have a more developed knowledge and understanding of their subjects/curriculum areas and related pedagogy including how learning progresses within them.

6 – Have sufficient depth of knowledge and experience to be able to give advice on the development and wellbeing of children and young people.

Professional Skills

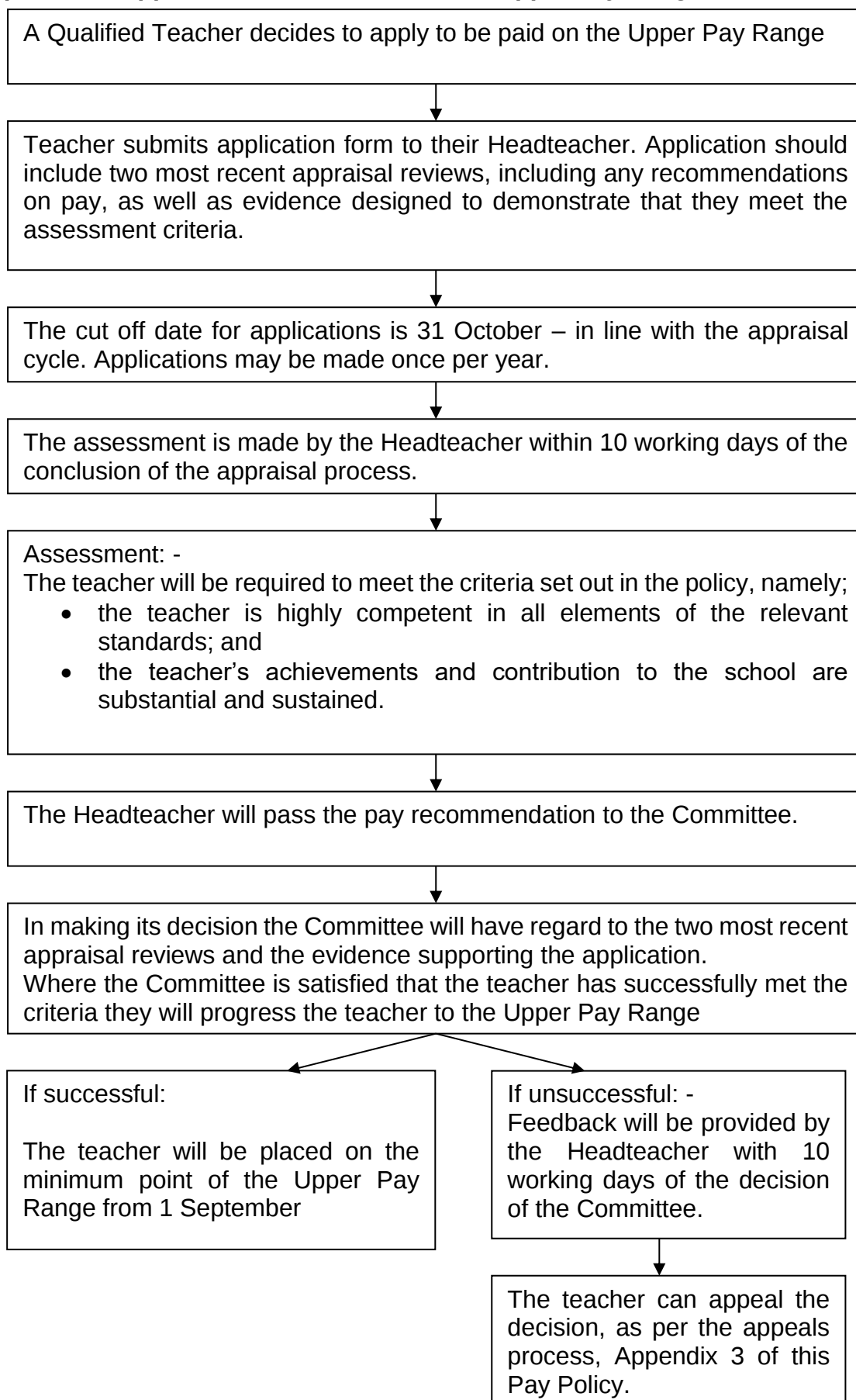
7 – Be flexible, creative and adept at designing learning sequences within lessons and across lessons that are effective and consistently well-matched to learning objectives and the needs of learners and which integrate recent developments, including those relating to subject/curriculum knowledge.

8 – Have teachings skills which lead to learners achieving well relative to their prior attainment, making progress as good as, or better than, similar learners nationally.

9 – Promote collaboration and work effectively as a team member.

10 – Contribute to the professional development of colleagues through coaching and mentoring, demonstrating effective practice, and providing advice and feedback.

Appendix 8: Application Process to move to Upper Pay Range



Appendix 9: TLR values

TLRs will be awarded with the values below [insert details]:

Permanent TLRs

Teaching & Learning Responsibility	Annual Payment (£)
TLR2a	3,214
TLR2b	5,351
TLR2c	7,847

TLR1a	9,272
TLR1b	11,412
TLR1c	13,552
TLR1d	15,690

Time Limited TLRs

Teaching & Learning Responsibility	Annual Payment (£)
TLR3a	639
TLR3b	1,263
TLR3c	1,889
TLR3d	2,515
TLR3e	3,169

Appendix 10: Single Status Pay Bands & HAY Spinal Column points – 01 April 2023

Pay Band	Spinal Column Point
A	1
	2
B	2
	3
	4
C	5
	6
	7
	8
D	9
	11
	12
	13
	14
	15
	16
E	17
	18
	19
	20
	21
	22
	23
F	24
	25
	26
	27
	28
G	29
	30
	31
	32
	33
H	34
	35
	36
	37
	38
I	39
	40
	41
	42
J	43
	44
	45
	46
	47
	48
	49
	50
	51

Hay Spinal column point
Spinal Point 870
Spinal Point 871
Spinal Point 872
Spinal Point 873
Spinal point 901
Spinal point 902

Appendix 11: Circular 136: Friday, 1 May 2009:

A Process for Reconciling Single Status, Equal Pay and School Staffing Regulations in Community and Voluntary Controlled Schools

This process will be used in the **very small number of cases** where there is a disagreement between a Governing Body (**Community and Voluntary Controlled Schools**) and the LA on the pay and grade of non-teaching posts – it will apply to the grading of vacant posts to be advertised and to regrading's for existing postholders.

Background: The Issue

- The Single Status process is essentially a review of pay and grading structures to identify and address pay inequalities. Groups of jobs deemed to be of 'equal value' are given comparable pay and grades. This provides a fair and transparent pay and grade structure. It also protects the employer against equal pay claims, particularly when inequalities between job groups of equal value impact disproportionately on one gender.
- However, there are potential tensions between the Single Status concept and process, and the flexibilities given to individual school governing bodies under the 2003 School Staffing Regulations.
- Under these regulations, in relation to determining the pay and grade for a post: "Governors must consider the representations made by the LA, and in particular the risks and implications of any legal action which might arise if they [the governors] do not change their recommendation. If they conclude that their recommendation should stand, they must provide in writing to the LA an explanation confirming the reasons why they considering the recommendation to be appropriate. This explanation should be provided before the candidate is appointed to the post. On receipt of either such an explanation or a revised recommendation, the LA must appoint the recommended person - on the terms proposed unless he or she does not meet the staff qualifications for the post" (5.11)
- Rejection of the LA's advice as it applies to the individual school clearly has the potential to generate equal pay claims from Council employees in other Community and Voluntary Controlled schools, and the wider Council.

Appendix 11: Circular 136: Friday, 1 May 2009..... continued

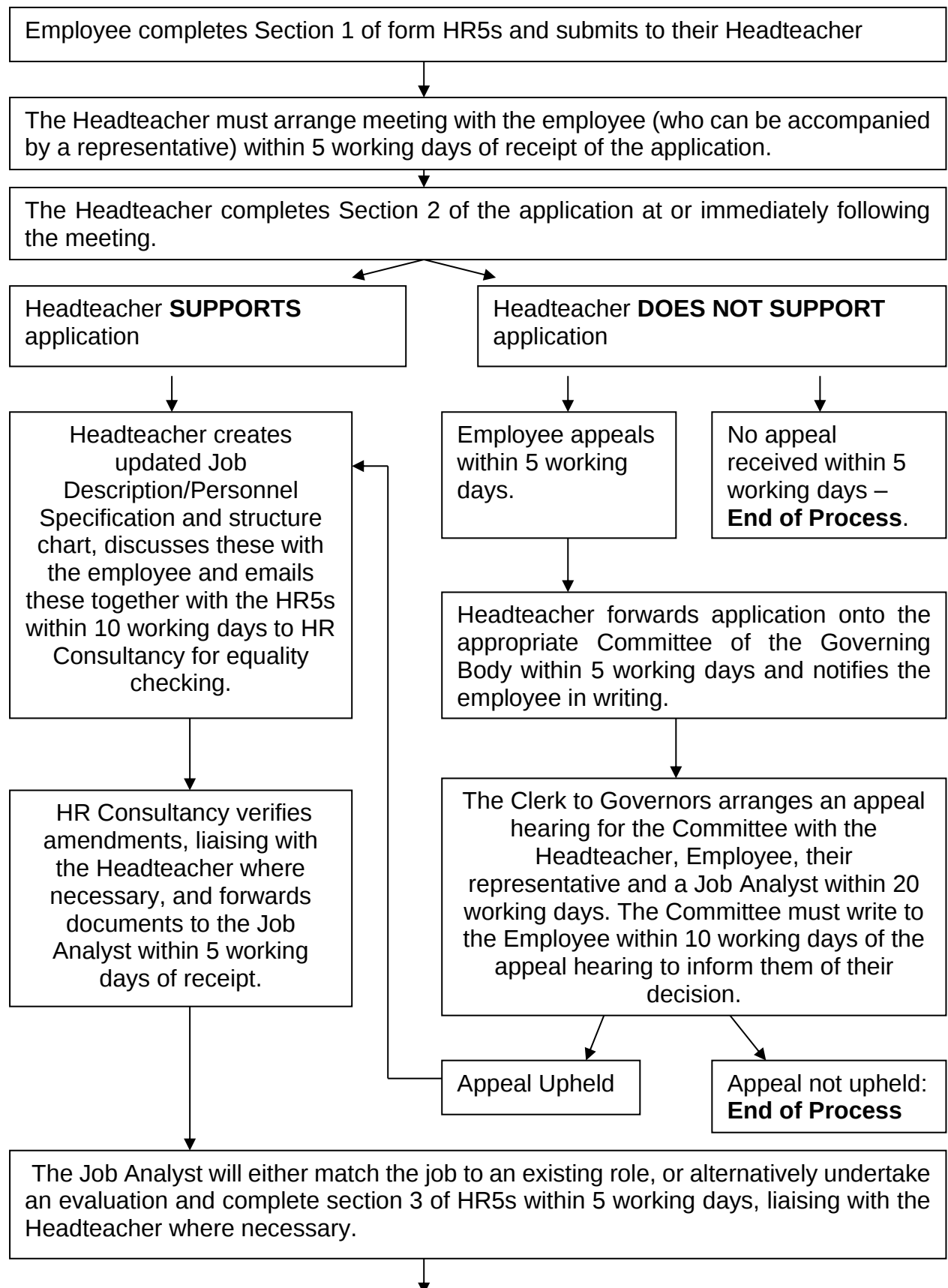
The Process for Reconciling these Tensions

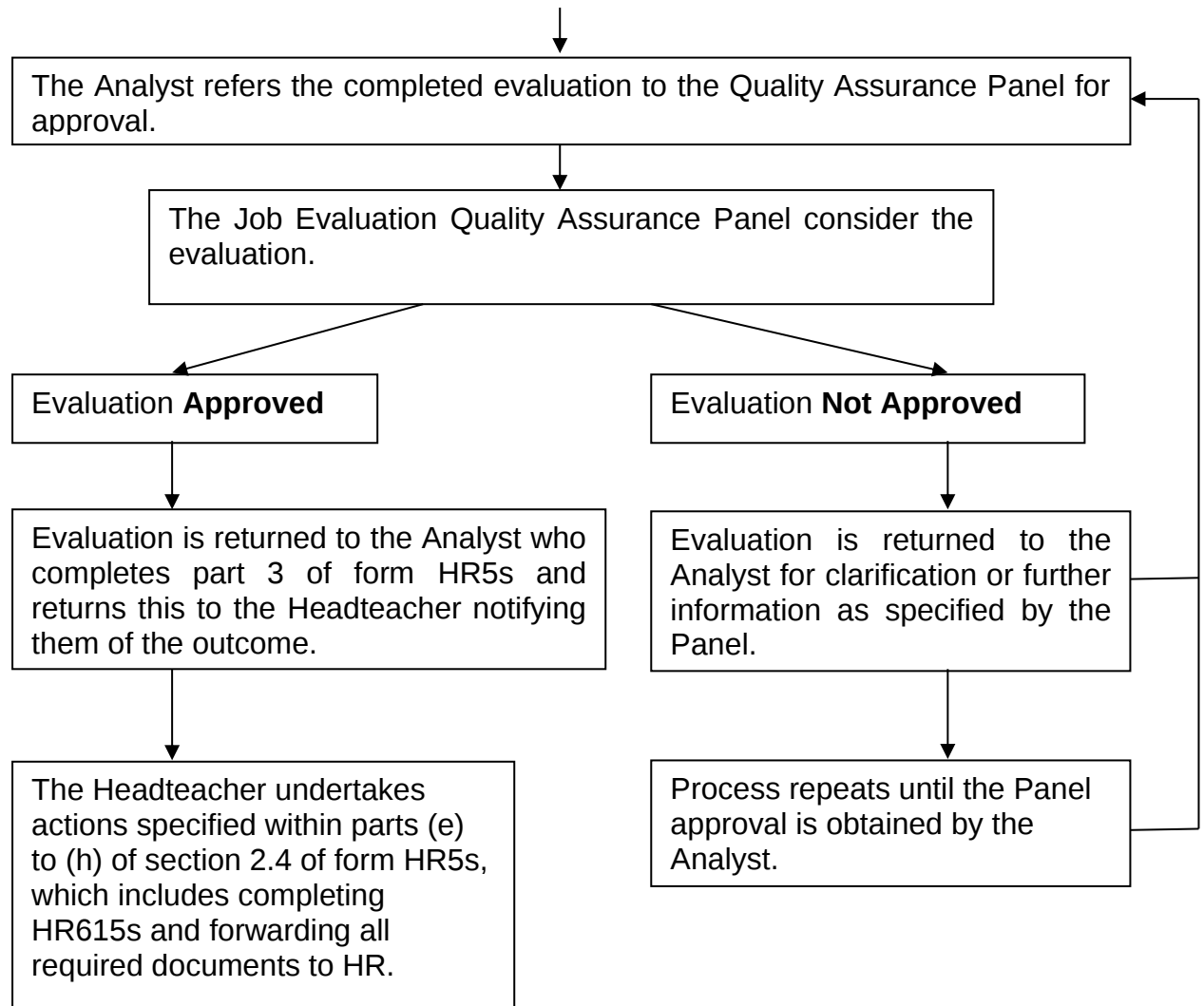
A range of escalating measures are proposed, in this sequence. It must be stressed again that at each stage the emphasis is on **consensus** and **avoiding escalation**. It is incumbent on HR to produce clear evidence and a rigorous risk assessment to justify not implementing a governing body's decision. Such instances will be rare.

1. If the governing body of a Community or VC school is challenging the LA's advice on the pay and grade of a post, the LA will ensure that its written and verbal advice clearly spells out the equal pay implications for other schools and the Council.
2. The LA will propose a meeting between HR, workforce development and school representatives with the objective of reaching a consensus view on aligning the job description and the grade.
3. If the governing body continues to reject the LA's advice, it must set out its reasons in writing, including its response to the wider equal pay implications for other schools and the Council.
4. The LA will respond to this, ensuring there is close liaison between its HR and Legal services.
5. At this point, the exchange of correspondence (see 1-4 above) will be brought to the attention of the Schools' Forum, along with an assessment of the risks to other schools and Council services. On a case-by-case basis, the Forum will then consider whether it wishes to make representations to the governing body.
6. If the governing body rejects the final representations of the LA and/or Schools' Forum, the LA will confirm whether it still had good grounds to believe that implementing the governing body's decision could generate equalities based claims in other schools or the wider Council.
7. If that were the case, the LA would not implement the governing body's decision. Its grounds would be two-fold:
 - (a) Implementation would create unlawful inequalities.
 - (b) Other schools and the wider Council would become vulnerable to significant financial consequences.
8. In the unlikely event that the process reached stage 7, it should be noted that the Council would vigorously defend its action by all means at its disposal.

Paul Cox
Head of Planning, Performance and Business Services

Appendix 12: Process for Non-Teaching School Employees - Personal Application for Grading/Evaluation Review





Annex 1: Staffing Structure

To be inserted by school