



Pay Policy Guidance For School Governing Bodies September 2010

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Pay Policy Guidance For School Governing Bodies

Introduction

The Governing Body, in accepting its role as the relevant statutory body for dealing with matters relating to pay, have adopted this Pay Policy, following consultation with staff and school based trade union/professional association representatives.

This policy will be applied to the pay of all staff employed to work in school excluding any staff whose pay is not directly determined by the Governing Body. In carrying out this policy the Governing Body is reminded of its prime statutory duty, as set out in paragraph 21 (2) of the Education Act 2002 to

“...conduct the school with a view to promoting high standards of educational achievement at the school”

The production of this school Pay Policy is intended to support this statutory duty by ensuring it has been written in conjunction with the school's Performance Management Policy as well as School Progress Plan.

In enacting this Policy, the Governing Body will act with integrity, objectivity and honesty in the best interest of the school: will be open about decisions made and actions taken and will be prepared to explain decisions and actions. This will not normally require the disclosure of material relating to any employee or anyone proposed to be employed at the school nor to any matter which, by reason of its nature, the Governing Body is satisfied should remain confidential. However, through the Freedom of Information Act 2000, there is a requirement upon the Governing Body to produce, on demand, a copy of this Policy, if requested. Advice may be sought from the Local Authority (LA) in relation to requests for information on the decisions taken in implementing this Policy.

Scope of the Policy

The Governing Body will abide by the relevant pay provisions in the Conditions of Service appropriate to staff and will use any salary discretions where appropriate and practicable.

Full details of:

- salary awards for teaching staff are contained in the School Teachers' Pay and Conditions Document (**referred to in this Policy as “the Document”**), published each year by the DFE: a copy of which is available for teaching staff upon request.
- nationally agreed guidelines for Support Staff are contained within the NJC Green Book: a copy of which is available upon request

All appointments will be in line with the published school staffing structure and accompanying Implementation Plan (inclusive of job outlines of all posts) as approved by the Governing Body: **a copy of which will be found at Appendix A**. This

structure will be reviewed annually or when a vacancy arises within school. The full Governing Body prior to appointment must first approve any deviation from the agreed structure.

The Pay Policy will be reviewed annually in consultation with all appropriate staff and local trade union/professional association representatives based in school to whom this document applies, with amendments considered in the light of comments received. In any event, the Policy will be reviewed each time a new School Teacher's Pay and Conditions Document comes into effect.

Equality and Diversity Policy

The Governing Body will comply with all relevant legislation and, in particular, will have regard to its adopted Equality and Diversity Policy and Single Equality Scheme. This Policy will therefore be applied fairly and consistently regardless of a person's gender or gender identity, marital status, employment status, sexual orientation, race, language, ethnic or national origins, faith or religion, disability age, trade union/professional association membership or activity.

The Governing Body will promote equality in all aspects of employment cycle as part of this adopted single equality scheme, inclusive of decisions on recruitment to posts, appointing (except where a genuine Occupational Qualification (GOQ) applies), promoting and paying staff, training and staff development. In doing so, it will pay particular regard to legislation in relation to equal pay and regulations governing the treatment of part time/fixed term employees.

Part-time Employees

The Governing Body will act in accordance with the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 in applying the provisions of this Policy on a pro rata basis to all part-time employees, together with providing them with a written statement detailing their working time obligations calculated on the proportion of time a part time teacher works against the school's timetabled teaching week.

Provision and Means of Revising Job Descriptions

The Headteacher 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 both when a vacancy arises but, also, as part of the Governors' annual review of its staffing structure in consultation with the individual employee(s) concerned. They will show who is responsible for what: who is responsible to whom and will also make clear what responsibilities are common to all posts.

Where a new post is created (or an existing one is amended) the Local Authority will be consulted prior to recruitment (where applicable), to ensure an appropriate assessment of the post's grading and responsibilities has been undertaken for equal pay purposes.

Use of Discretions

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

Support for Staff

The Governing Body will endeavour to provide appropriate support for all staff such as good working environment and the guaranteed planning, preparation and assessment time for teaching staff. All members of staff will have the opportunity to review his/her training and development needs with his/her line manager as part of the school's Performance Management arrangements. The Governing Body will observe all health and safety requirements, in particular, with regard to working time.

Access to Records

The Headteacher will ensure reasonable access for individual members of staff to his/her own employment records.

Pay Procedure in Operation

The Governing Body will determine the annual pay budget on the recommendation of the Staffing Committee¹, having delegated its powers relating to pay to this Committee in accordance with the Education (School Government)(England) Regulations 1999. In undertaking its responsibilities through these delegated arrangements the Pay Committee will have regard to this budget and be mindful of future financial consequences of any decision. The power to make temporary regradings and temporary discretionary payments within this policy is delegated to the Headteacher, with such decisions referred to the Staffing Committee at its next meeting for ratification. **A copy of the remit for the school's Pay Committee can be found in Appendix B.**

The Governing Body, in reviewing membership and standing orders for conducting meetings of the Staffing Committee, will ensure that any person employed to work at the school, other than the Headteacher, must withdraw from a meeting at which the pay of any other employee of the school is under consideration. However, the Headteacher must withdraw from that part of the meeting where the subject of consideration is his or her own pay. Governors also note that a relevant person must withdraw where there is a conflict of interest or any doubt about his/her ability to act impartially.

The report of the Pay Committee outlining its decisions in relation to pay matters 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 the Pay Committee has exceeded its delegated powers under this Policy or the budget allocated for pay has been exceeded.

¹ The Governing Body may determine from time to time to review its delegation arrangements, noting that the pay committee referenced here may be a separate committee of the Governing Body or its powers subsumed within that of another such as staffing or personnel committee

The Pay Committee will review staff salaries whenever a new appointment is taken up or when the duties of an existing post are amended or when changes in relevant terms/conditions require such a review to take place. In addition, teaching staff salaries will be reviewed annually in the Autumn Term no later than 31st October of each year (31st December for the Headteacher) to take effect from 1st September.

The Headteacher will communicate decisions to each member of staff, in writing, through the provision of a “pay statement” showing a breakdown of salary (inclusive of any allowances and/or safeguarding). The Chair of the Governing Body will communicate the decision on the pay of the Headteacher to him/her. Where a salary review takes place outside of the normal cycle, a written statement will be provided to staff concerned within one month of such a review.

Where a member of staff is not satisfied with a decision relating to pay they can raise such concerns in accordance with the agreed procedure as laid down in this policy, requesting an initial Hearing with the person (or Chair of the appropriate committee i.e. Pay Committee) who made the original determination. The member of staff will have a right to further appeal any decision arising from this hearing to the Governing Body Appeal’s Committee, whose decision will be final. Thus, any instruction to amend pay from a relevant date will only be issued after the time limit for the lodging of a Hearing/Appeal has passed or immediately following the conclusion of this process.

The procedure for dealing with disputes on pay is enclosed as Appendix C.

Teaching Staff

Professional Standards for Teachers

To access each career stage a teacher will need to demonstrate they have met the relevant professional standards. Once their induction year has been completed they will be expected to meet all core professional standards. A continuum of expectations relating to the level of engagement in professional development will ensure clarity and differentiation for each career stage. In developing this within school – in all cases – Governors recognise that performance management is the key process, through providing the context for regular discussion about teachers career aspirations and continued professional development to meet these standards.

Performance Management and Pay

The Governing Body will ensure that robust Performance Management arrangements are in place through its adopted Performance Management Policy. In doing so it will ensure that the Education (School Teacher Performance Management) (England) regulations 2006 are applied in relation to the setting of objectives and ongoing performance of teachers.

To determine the success of a performance review, as prescribed within the 2006 regulations, the reviewer(s) will take account of the following criteria.

- performance objectives
- classroom observation (where relevant)

- other evidence

In developing these criteria, the reviewer – in the Performance Management planning meeting with a member of staff - must discuss and take account of the teacher's professional aspirations and any requirement to provide evidence relevant to pay progression criteria (where applicable) in the production of their planning statement. The Professional Standards for Teachers provide a backdrop about how a teacher's performance should be reviewed in relation to their current career stage and the career stage they are approaching. Within this framework the standards are designed to be cumulative and progressive.

In circumstances where performance related pay is applicable to teachers the Pay Committee will have regard to these "Professional Standards for Teachers", prior to making a determination for all eligible teachers. In making any decision, they will consider the recommendation on pay progression made by the teacher's Reviewer, (or in the case of the Headteacher all the Reviewers following advice from the school improvement partner), under the performance management regulations, in the context that pay progression is not automatic for staff where performance related pay is applicable.

Where the Headteacher has delegated responsibility to other line managers under the school's Performance Management Policy, Reviewers' pay recommendations will be submitted to the Headteacher as part of the planning and review statement and the Headteacher will pass these recommendations on to the Pay Committee for determination.

In carrying out their responsibilities the Pay Committee may seek to establish the robustness of the Reviewer's recommendation about performance pay progression and may access the teacher's planning and review statement upon request. They may also seek verbal evidence from the Reviewer. However, members of the Pay Committee will not make professional judgements about the effectiveness of individual teachers as that is the responsibility of performance management reviewers in the school.

At specified points in the performance management process teachers and Headteacher's have the right to appeal any of the entries in their planning and review statements. **Where a reviewee wishes to appeal, they should refer to the procedure for dealing with disputes in appendix C.**

Headteacher Pay Arrangements

Headteacher Appointment

At such a time as the Governing Body is required to appoint a Headteacher, it will, having regard to "the Document", carry out the following

- review the school's Individual School Range (ISR) in accordance with the relevant paragraphs of "the Document"; recording its reasons for the determination of the ISR
- upon appointment, determine whether a minimum point within the range is to be offered or any of the bottom four points on the ISR in order to secure the appointment of its preferred candidate

For Serving Headteachers:

The Governing Body, in determining the salary of a serving Headteacher, will:

- review the school' ISR in accordance with “the Document” at any time where there is a need to retain an existing Headteacher or they become the Headteacher of more than one school.
- will provide discretion to the Pay Committee to determine, if appropriate, the award of up to two points on the leadership scale. In doing so they will have regard to a report from the Performance Management Committee, outlining performance against agreed objectives, demonstrating the Headteacher has grown professionally by developing and sustaining a level of high quality performance in relation to leadership, management and pupil progress.

Leadership Pay Arrangements

Leadership Group Appointment

At such a time as the Governing Body is required to appoint a member of staff to the Leadership Group, it will, having regard to “the Document”, carry out the following

- determine the pay range of the vacancy i.e. for Deputy or Assistant Headteacher, in accordance with “the Document”: taking account of any other permanent payments made to staff within the school to ensure that appropriate differentials are created and maintained between posts of differing responsibility and accountability
- upon appointment exercise its discretion within “the Document” and pay any of the bottom three points of the pay range in order to secure the appointment of its preferred candidate

For Serving Leadership Group Members:

The Governing Body, in determining the salary of a serving member of the Leadership Group, will:

- review the Deputy or Assistant Headteacher' pay range in accordance with “the Document” and statutory guidance at any time
- will provide discretion to the Pay Committee to determine, if appropriate, the award of up to two points on the leadership scale. In doing so they must have regard to a report from the appropriate Reviewer relating to the agreed performance objectives, demonstrating the Teacher has grown professionally by developing and sustaining a level of high quality performance in relation to leadership, management and pupil progress

Acting Up Allowances

Acting allowances are payable to those who are assigned and carrying out the duties

of Headteacher, Deputy and Assistant Headteacher in accordance with “the Document”. The Pay Committee will, within a four-week period of the commencement of acting duties, determine whether or not the acting post holder will be paid an allowance. In the event of a planned and prolonged absence, an acting allowance will be agreed in advance and paid from the first day of absence.

The Governing Body will determine that any teacher who carries out the duties of Headteacher, Deputy or Assistant Headteacher, for a period of 4 weeks or more, will be paid at an appropriate point of the school’s ISR, Deputy or Assistant Headteacher range as determined by the Pay Committee. Payment will be backdated to the commencement of the duties.

Teachers who are paid an acting allowance on top of their substantive salary should be considered for movement through the Upper Pay Scale in the normal way. Any teacher employed on the leadership group for one year or more will be deemed to be a threshold teacher for pay purposes.

Main Pay Scale for Classroom Teachers

Classroom teachers will be paid in accordance with “the Document” with the effect that salary upon recruitment will be determined under the following criteria:

- *Qualifications*

All newly qualified teachers will start at Point M1

- *Experience (Mandatory)*

One point to be awarded for each year of teaching experience as defined by “the document”. The Pay Committee will also count, as service, any period of absence in accordance with “the Document”. 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.

- *Experience (Discretionary)*

One point will be awarded for every 3 years of non qualifying teaching experience deemed by the Staffing Committee to be of particular relevance to the job description and appointment criteria, to a maximum of 3 points; and

One point will be awarded every 3 years of industrial or commercial employment outside of the teaching profession deemed by the Staffing Committee to be of particular relevance to the job description and appointment criteria, to a maximum of 3 points; and

One additional experience point may be awarded in any one year, where, through the school’s Performance Management arrangements, the Pay Committee determined performance was “excellent, having regard to all aspects of his/her professional duties but, in particular, classroom teaching”. Such points will become a permanent entitlement.

The Governing Body has determined not to allow its Pay Committee to exercise this discretion but will keep the matter under periodic review

Threshold and Upper Pay Scale

Moving Through The Threshold

The Governing Body has determined that the headteacher be delegated to deal with requests by teachers who elect to be assessed under threshold criteria. Staff will be informed by the Headteacher of their eligibility to apply for threshold assessment at least one year ahead of becoming eligible, along with any deadlines for receipt of applications. Eligible teachers are only permitted to make one application per academic year.

In assessing any threshold application regard must be taken of the results of the two most recent performance management reviews. These reviews must clearly demonstrate that the teacher has worked at the level indicated by the post threshold standards. The member of staff and their reviewer will – through their Performance Management planning meetings – ensure appropriate planning statements are prepared to generate evidence to assess against these post threshold standards.

The Headteacher, prior to assessing the application, must be satisfied that the applicant meets the core standards as set out within the Professional Standards for Teachers. Where they are not satisfied that the application meets core standards it is rejected at this point and the applicant informed of the reasons within 20 standard working days.

Where they are satisfied that core standards have been met then an assessment will be made against the post threshold teacher standards. When carrying out this assessment the Headteacher will:

- For staff subject to 2006 regulations undertake an assessment based on the results of their performance Management reviews covering the two-year period preceding the date of application.
- For staff not covered by these regulations evidence as cited in their application.

The Headteacher must be satisfied that the applicant meets the post threshold standards as set out within the Professional Standards for Teachers. Where they are not satisfied that the application meets these standards it is rejected at this point and the applicant informed of the reasons within 20 standard working days.

The Governing Body will move all successful applicants, whom the Headteacher has assessed as meeting the threshold standards, onto the first point of the Upper Pay Scale (UPS) from the appropriate date.

Advancement Through Upper Pay Scale

In order to further move through the UPS, post-threshold teachers will need to demonstrate that they have met the criterion of ‘sustained and substantial performance and contribution to the school’ and to have had two consecutive successful reviews of overall performance. The reviewer must discuss and take account of the teacher’s professional aspirations and any requirement to provide such evidence relevant to upper pay scale progression criteria.

Performance reviews will be deemed successful in the following circumstances:

- (a) In the case of proposed advancement to UPS2 the teacher has been assessed as:
- continuing to meet post – threshold standards
 - grown professionally by developing their teaching expertise, post – threshold.
- (b) In the case of proposed advancement to UPS3 the teacher has been assessed (in addition to (a) above) as:
- playing a critical role in the life of the school through being a role model for teaching & learning, making a distinctive contribution to the raising of pupil standards and contributing to the work of the wider team within school
 - taking advantage of opportunities for professional development and linking these to improvement in pupils learning.

The Staffing Committee will determine that one point be awarded to a teacher on the Upper Pay Spine who, throughout the relevant period, has met the relevant professional standards set out within “the Document” and accompanying statutory guidance. In reaching its decision, the Staffing Committee will seek, and take into account, the advice and recommendations from the appropriate Reviewer. The award of a point on the Upper Pay Spine will normally be considered two years after any previous award.

The Governing Body will not exercise its discretion to award points on the Upper Pay Spine at less than two-year intervals

A member of staff will also be treated as being a post threshold teacher if at any time prior to their employment as a teacher

- they were previously employed as a member of the Leadership Group and where this appointment was on or after September 2000 occupied such a post for at least one year
- they were previously employed as an Advanced Skills Teacher.

In such circumstances the Pay Committee will determine a point on the upper pay scale to place them, having taken account of any pay progression in their previous employment based on an assessment of standards and contribution comparable to the requirements of a teacher on the upper pay scale.

Allowances

The Governing Body authorises the Headteacher to arrange for the payment of a number of allowances in accordance with the needs of the School Improvement Plan and the published staffing structure of the school. Any departure from the published framework will need to be ratified by the Governing Body.

- *Special Educational Needs*

The Governing Body have agreed to an SEN allowance payable to members of staff, as part of the published school staffing structure, in the following circumstances:

This is a special school and all teachers will receive the special needs allowance.

Where a SEN allowance is payable, the governing body have delegated to the pay committee responsibility for determining the spot value of the allowance as prescribed by "the Document", 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.

Governors recognise that any differentiation in SEN payments between posts must be justified using the above criteria and relevant statutory guidance and regulation, assessed against the published job outline(s) *as contained within Appendix A* of this Policy. In doing so, the Governing Body will set the following monetary values to posts with an SEN allowance

Post A £2001

Post B £3954

- *Teaching and Learning Responsibility (TLR)*

Such payments will accord with the agreed published staffing structure of the school.

A TLR payment should be paid to a teacher accountable for a significant specified responsibility, focussed on teaching and learning that is not required of all classroom teachers, being clearly defined in the job description of the post in question. Such a post should have sustained responsibility in the context of the school's staffing structure needed to ensure continued delivery of high quality teaching and learning.

TLR2 will be assigned to designated posts where the following conditions are met:

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

TLR1 will be assigned to designated posts where, in addition to the above criteria, the following conditions are met:

- a) the post has a clear line management responsibility for a significant number of people

The Governing Body will refer to relevant statutory guidance and regulation, as appropriate, in determining the range of TLR spot payments within the agreed staffing structure.

Governors recognise that any differentiation in TLR payments between posts must be justified via the published job outline(s) *as contained within Appendix A* of this Policy.

Changes in the spot value of TLR payments, as agreed by the Governing Body, can occur in the following circumstances:

- to accommodate future amendments in “the Document” regarding ranges for TLR allowances
- as part of a review of the staffing structure in which the responsibilities of a post assigned to a TLR allowance have materially changed

Advanced Skills Teacher

The Governing Body has determined that it is not its intention to have an Advanced Skills Teaching post within its existing or proposed structure : this position will be under annual review.

Excellent Teacher Scheme

The Governing Body has determined that it is not its intention to have an Excellent Teacher post within its existing or proposed structure : this position will be under annual review.

Unqualified Teachers

Governors have determined that unqualified teaching staff will be only appointed under the following exceptional circumstances:

- They are trainees working towards QTS
- They are overseas trained teachers that have not exceeded the four years teaching they are allowed before obtaining QTS
- They are employed as instructors due to having a particular skill and who can be used for so long as a qualified teacher is not available.

Upon appointment, an unqualified teacher will be placed onto the appropriate point within the Unqualified Teachers’ Pay Scale: taking into account any previous pay points awarded on a permanent basis. In assessing this initial salary, the Pay Committee is required, as per “the Document”, to have regard to any qualifications or experience deemed to be of particular relevance to the job description and appointment criteria.

The Governing Body has determined :-

- 1 point for each 3years of experience deemed relevant to the subject area

Discretionary points will only be awarded where such experience/qualifications have not been the subject of a previous discretionary award by another appropriate body. Where an unqualified teacher remains in the same post on 1 September (and have completed a year of employment) they shall in each year be entitled to an increment until the maximum of the scale is reached.

Governors may make an additional payment of an unqualified teachers' allowance when it is considered that their basic salary is not adequate, having regard to their responsibilities, qualifications and experience. In determining the value of the allowance account will be taken of any sustained additional responsibility which is focused on teaching and learning and requires the exercise of a teachers' professional skills and judgment; or where this is not the case have qualifications or experience that bring added value to the role they are undertaking. Where this allowance is adjusted due to changes in responsibility or to this pay policy then appropriate safeguarding arrangements will apply where necessary.

Additional Payments

In accordance with "the Document", the Governing Body has determined to make payments as it sees fit to a teacher, including a Headteacher, in respect of

- continuing professional development undertaken outside the school day
- participation in out of school hours learning activity agreed between the teacher and the Headteacher or, in the case of the Headteacher, between the Headteacher and the Governing Body
- Activities relating to the provision of initial teacher training as part of the ordinary conduct of the school
- Services provided by staff within school to another school or educational establishment as part of their extended schools provision. Any salary uplift being proportionate to the level of responsibility and accountability being undertaken.

Payment will be determined having regard to advice provided by the local authority on appropriate rates of pay for staff engaged in such activities.

"However, where the Governing Body agree to participate in externally funded out of school hours projects we will have regard to advice provided by the Local Authority, prior to adopting an appropriate rate of pay for staff engaged in this activity."

Recruitment and Retention Payments

The Governing Body may award lump sum payments, periodic payments or provide other financial assistance, support or benefits to a teacher as it considers necessary

as an incentive for the recruitment of new teachers and the retention in its service of existing teachers. In this respect, the Governing Body will determine that it will not exercise its discretion under “the Document” but will periodically review this provision of the Policy

Where a teacher is given such an incentive, he/she will be provided with written notification at the time of the award that will identify:

- Whether the award is for recruitment or retention
- The nature and value of the award (cash sum, travel, housing etc)
- When and how it will be paid

The Governing Body will determine that any award made under this provision will not exceed £ 5000 in any twelve month consecutive period.

Part time Teacher Pay Arrangements

The Governing Body are required to determine pro rata arrangements for the proportion of time both existing and future part-time teachers work within school, based on the School Timetabled Teaching Week (STTW). The STTW of a full-time classroom teacher within school will be used as the figure for calculating the percentage for any part-time teachers at the school, through the use of the following formula:

- the time taken for school session hours timetabled for teaching, including PPA time and other non-contact time but specifically excluding;
 - break times;
 - registration; and
 - assemblies (where applicable)

For pay purposes the STTW for this school has been determined as 22 hours and 5 minutes. Sensory Support Service STTW has been determined as 28 hours and 45 minutes.

Governors note that part time teachers cannot be required to work or attend non – pupil days, parts of days, on days they do not normally work.

Overtime/Honorarium

Teachers will not be eligible for “overtime” or honorarium payments other than the additional payments outlined above.

Safeguarding Arrangements

Where a pay determination leads, or may lead, to the start of a period of safeguarding, the Governing Body will give the required notification as soon as possible (through a revised pay statement) and no later than one month after the date of the determination. **Details of safeguarding arrangements are enclosed in appendix D**

Implementing changes relating to Pay

The Governing Body agrees to provide full details of all new teaching appointments, job outlines and any subsequent amendments to the Council's Business Support Service: this should happen as soon as possible in order that payroll changes and contracts are implemented expediently.

Support Staff

Job Evaluation

The national Single Status Agreement of 1997 required all authorities to conduct pay and grading review to fully implement equal pay legislation and modernise pay structures. North Tyneside Council adopted the approach recommended by the National Joint Council to provide a fair and transparent grading system based on job evaluation.

The Governing Body are supportive of the aims and objectives of the above actions and have agreed to implement a pay and grading structure in line with the authority's Single Status Agreement , effective date of implementation being 1 April 2007.

The Governing Body has agreed to adhere to the council agreed grading appeals process when dealing with JE grading of existing and new support staff posts within school. Any salary appeals not connected with JE grading of a post will be dealt with under the school's pay appeals process, copy of which is contained in **Appendix C** of this policy.

Recruitment of Support Staff

Where a vacancy arises within school an assessment will be undertaken by the Headteacher to determine whether there is a need to revise the existing job outline for the post, taking account of the existing and future needs of the school. Where there is a need to review the job outline the Headteacher will assess existing generic job outlines that have been evaluated for JE purposes to determine a suitable alternative.

Where no such alternative exists the revised post should be treated as unique, in which case the Pay Committee will approve a draft job outline to be forwarded to the LA to determine the appropriate grading. Where necessary a full job evaluation exercise will be undertaken with the appropriate manager/JE analyst prior to recruitment. In exceptional circumstances a post JE assessment may also be required to ensure the school fully meets its obligations in relation to equal pay legislation.

The Pay Committee will normally appoint new support staff to the minimum of the appropriate scale unless he/she has existing unbroken local government service. However, discretion is provided to award additional increments upon recruitment to ensure attraction of a suitable candidate.

Where the total reward package determined by the LA's pay and grading system can be shown to be inconsistent with reward packages offered for comparable posts in the wider labour market, the Pay Committee may consider the usage of Market Supplements. In doing so it will follow advice from the School Link HR Advisor on assessing the appropriate nature of such payments.

Full details of all new appointments, including job outlines, will be forwarded to the LA business Support Service as soon as possible in order that contracts can be issued.

Annual Review of Support Staff

While taking into account the appropriate Conditions of Service, the Headteacher will annually review the duties and responsibilities of support staff to ascertain whether

- the job outline is still current or requires modification
- the salary scale or rate is still appropriate
- honoraria are appropriate in view of any additional tasks or responsibilities undertaken
- Market supplements or accelerated increments are appropriate

Advice will be sought from the school Link HR Advisor on any proposed recommendations for change before they are forwarded to the Pay Committee for its consideration as part of the annual salary review of support staff.

In reaching its determination, the Pay Committee will

- consider the advice of the LA in respect of equal pay and consider, where appropriate, a re-evaluation of a post by a JE analyst from the LA
- ensure that details of changes including, where appropriate, amendments to job outlines, are forwarded to the LA Business Support Service as soon as possible in order that payroll changes are implemented expediently.

Incremental progression

Subject to the maximum of the grade being reached, the next increment will be payable on 1 April. This is subject to a minimum of six months' service in the grade. For new appointments and regradings between 1 October and 31 March, the first increment will be payable after six months' service in the new post.

Support Staff Allowances

The Governing Body have agreed to implement the collective agreement relating to terms and conditions reached between North Tyneside Council and recognised Trade Unions/ Professional Associations as contained within **Appendix E**. In addition, the Governing Body agree to adhere to future collective agreements reached between these parties, relating to terms & conditions of employment for support staff in school.

The Governing Body recognise the following allowances are subject to ongoing negotiations between North Tyneside Council and recognised Trade Union/Professional Associations. Governors agree to follow the advice received from the LA relating to such allowances and note they may be subject to change.

First Aid Allowance

The Pay Committee will note that the North Eastern Provincial Council identified an additional allowance to be payable, on a personal basis, to an employee who is designated as being responsible for First Aid and, as such, it will not be attached to any specific post. The allowance will not be paid to an employee who undertakes First Aid as part of the duties of his/her normal job.

In order to attract the allowance, an employee designated for First Aid must hold one of the following qualifications

- Certificate of the St John Ambulance Association
- Certificate of the Institute of Certified Ambulance Personnel
- Elementary Certificate of the British Red Cross Society
- Any other acceptable qualification

It will be expected that the holder of this allowance maintain a valid Certificate.

Life Saving Certificate

The school recognises that the possession of this certificate is useful to the school and its achievement requires a commitment of personal time from staff. The school will therefore pay all staff who hold this certificate and who support pupils in swimming the same amount payable to those with the first aid certificate.

Additional Payments for Caretaking Staff

The Pay Committee recognises the payments determined in local collective agreements in connection with the following areas of work for Caretaking Staff – lettings, duties outside normal hours and payment for unsocial hours.

Acting Allowances and Honoraria

Acting Allowances are at the discretion of the Governing Body and may be payable to staff who are assigned and are carrying out duties at a higher level. The Pay Committee will, within a four-week period of the commencement of acting duties, determine whether or not the acting post holder will be paid an allowance. In the event of a planned and prolonged absence, an acting allowance will be agreed in advance and paid from the first day of absence.

Where a member of support staff is requested by his/her line manager to undertake the full duties and responsibility of a higher graded post for a continuous period of at least four weeks, he/she will be entitled to receive a salary in accordance with the grading of the post temporarily occupied.

The salary to be paid will be that which would apply were the staff member promoted to the higher graded post: normally, the minimum point of the scale. Once the qualifying period of four weeks has been satisfied, the higher salary will be paid with effect from the first day on which the higher duties were undertaken.

This provision will apply only where a member of staff is required to undertake the full duties and responsibilities of a higher graded post. It will not apply where the duties and responsibilities are shared between more than one member of staff.

Where the above provision does not apply, the Governing Body may consider the payment of an honorarium to a member of staff who performs duties outside the scope of his/her post over an extended period. The amount of the honorarium to be paid will depend upon the circumstances of each case.

Annual Leave

The Pay Committee will note that:

- Support Staff, working on a 46/52 contract, will be entitled to all school holidays although he/she can be required to attend outside of the normal school term for up to eight 'call in' days: this reduces to three 'call in' days once he/she has five years' continuous service.
- Support Staff, working on a 52/52 contract, will be entitled to annual leave of twenty three (23) days per year (1st April to 31st March): rising to twenty eight (28) days' leave in the year that he/she has accrued five years' service.
- Annual leave entitlement of employees leaving or joining is proportionate to his/her completed service during the leave year.
- Staff under Nursery Nurse terms and conditions are not subject to annual holiday entitlement but are required to be available for work in school for one hundred and ninety five (195) days.

.A member of staff who leaves may be entitled to a payment of holiday pay for any holidays not taken to which he/she was entitled. The Governors may also recover any holidays exceeded. The details of these will be forwarded to the LA Business Support Service for administering.

A school administration system will operate to record and monitor Support Staff leave: these records are required for audit purposes.

Safeguarding Arrangements

Where a pay determination leads, or may lead, to the start of a period of safeguarding, the Governing Body will give the required notification as soon as possible (through a revised pay statement) and no later than one month after the date of the determination. **Details of safeguarding arrangements are enclosed in appendix D**

Appendix A: School Staffing Structure

- a) Teaching Staff Structure (current and revised)
including Implementation Plan

- b) Support Staff Structure (current and revised)
including Implementation Plan

Appendix B: Staffing Committee Delegated Powers

The Governing Body will determine the terms of reference for the Staffing Committee from time to time.

The current terms of reference are:

- To achieve the aims of the Whole School Pay Policy in a fair and equal manner
- To apply the criteria set by the Whole School Pay Policy in determining the pay of each member of staff at their annual review
- To observe all statutory and contractual obligations
- To minute, clearly, the reasons for all decisions and report a summary of these decisions to the next meeting of the Governing Body as a confidential item

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.

- To keep abreast of relevant developments and to advise the Governing Body when the school's Pay Policy needs to be revised
- To work with the Headteacher in ensuring that the Governing Body complies with the Performance Management Regulations
- To review individual pay decisions in light of representations made by staff within the timescales set by this policy.
- Any person employed to work at the school, other than the Headteacher, must withdraw from a meeting at which the pay of any other employee of the school is under consideration. The Headteacher must withdraw from that part of the meeting where the subject of consideration is their own pay.
- To scrutinise temporary regradings or temporary discretionary payments referred by the Headteacher for ratification.

Appendix C: Procedure For Dealing With Disputes On Pay

Staff may seek a review of any determination in relation to their pay or any other decision taken by the Governing Body (or those acting on behalf of the Governing Body) that affects their pay. Where the matter has not been resolved through informal procedures the member of staff should write to the person (or Chair of the appropriate Committee i.e. Staffing Committee) who made the original determination, setting out the FULL grounds for questioning the pay decision. This submission must be within ten standard working days following receipt of written notification of the salary assessment.

A member of staff can refer his/her dispute in relation to pay to a Hearing/Appeal on the grounds that

- the provisions within this Policy, “the Document” or “Green Book” were not applied correctly
- there was insufficient regard given to statutory guidance or
- procedures were not applied correctly in relation to consultation on a school Staffing Review and associated Implementation Plan

that those making the pay/performance award decisions

- failed to take account of relevant evidence or
- took into account irrelevant or inaccurate evidence or
- were biased or
- discriminated unlawfully against the member of staff

The person (or Chair of the appropriate committee i.e. Staffing Committee) who made the original determination should arrange a Hearing with the member of staff, to take place within ten working days of the formal request being received. The member of staff will be given at least five standard working days notice of the date, time and place of the Hearing, being advised of the right to be represented by either a recognised Trade Union/Professional Association representative or a work colleague.

The decision will be announced verbally at the close of the Hearing whenever possible, being confirmed, in writing, within five standard working days of the decision. If the employee’s case is not upheld then the letter should inform the individual of his/her right to appeal within ten standard working days of written confirmation of the decision and the mechanism for this appeal.

Appeal to Governing Body Appeals Committee

Where the member of staff concerned wishes to formally challenge the decision arising from the initial Hearing then he/she should submit, in writing, to the Clerk to the Governors, his/her wish to do so including the FULL reasons for his/her request for an

Appeal. This submission must be within ten standard working days following receipt of the written notification of its decision.

The purpose of an Appeal is for the employee to put forward their comments / arguments concerning why the decision reached at the earlier stage was unacceptable. It is then for the Appeal Committee to consider the comments raised by the employee, reviewing the outcomes heard at the earlier stages and again attempt to resolve the matter.

Such a meeting of the Appeal Committee will take place within twenty standard working days of the formal request being received. The Clerk to the Governors will advise both parties, in writing, of the date, time and place of the Appeal, giving ten working days' notice. The employee should be advised of the right to be represented by either a recognised Trade Union / Professional Association Representative or a work colleague.

The decision will be announced verbally at the close of the Appeal Hearing whenever possible, being confirmed, in writing, within five working days of the decision. The decision of the Appeal Committee is final².

² As this Hearing/Appeal procedure performs the function of grievance procedure on pay matters, such decisions should not be reopened under the schools general grievance procedures.

Appendix D: Safeguarding Arrangements

Teaching Staff

Existing Safeguarding Arrangements

The Governing Body will take due regard to arrangements for teachers covered by existing general safeguarding arrangements as defined by “the Document” (for example, through a previous school closure, reorganization or redeployment) and, where appropriate, will continue to award the safeguarded sum identified. Where this protection is greater than £500 the Governing Body will review the teacher’s assigned duties and allocate such additional duties it considers appropriate and commensurate with this safeguarded sum.

Teaching and Learning Responsibilities

The Governing Body, as a result of a review of its Pay Policy or staffing structure or for another reason, may make a determination that a teacher’s duties no longer include significant responsibility for which a TLR is awarded or merit a TLR of a lower monetary value. In such circumstances, a safeguarded sum will be paid from a ‘relevant date’ for a period of three years. The relevant date being

- between 1st September to 31st December, the relevant date is 1st January
- between 1st January and 31st March, The relevant date is 1st April
- between 1st April and 31st August, the relevant date is 1st September

This safeguarding will end three years from the relevant date as defined above or prior to this date where one of the following conditions are met:

- the teacher ceases to be a classroom teacher
- the teacher is awarded, at a later date, a TLR point that is higher or equals the protected sum

the teacher is placed on a higher point on the main/upper scale (including threshold) where the difference in the salary, due to incremental progression, (compared to the original salary as immediately prior to the relevant date) equals or exceeds the safeguarded sum.

- the teacher’s employment ceases at the school concerned (unless as part of school reorganization)
- the teacher, unreasonably, refuses to carry out additional duties appropriate to the safeguarded sum

SEN Allowances

Implementation of new SEN allowances from September 2010 may result in the following safeguarding arrangements for staff affected - The teacher must be paid the safeguarded sum until whichever of the following is first to apply-

- 31st August 2013;
- the date on which the teacher is awarded a SEN allowance as a result of a subsequent determination by school that equals or exceeds the combined value of the new allowance (if any) and the safeguarded sum;
- the teacher ceases to be a classroom teacher;
- the teacher is awarded a TLR as a result of a subsequent determination by the school that equals or exceeds the value of the safeguarded sum;
- the teacher is placed on a higher point on their current pay scale, or successfully apply to the upper pay spine and the combined value of that point (or move through threshold) and any allowances equals or exceeds the combined value of the original salary, the new allowance (if any) and the safeguarded sum; or
- the date on which the teacher's employment at the school ends.

(b) Payment of the safeguarded sum must be-

- discontinued in the case where the teacher occupies a post-
- as a member of the leadership group,
- as an advanced skills teacher,
- as an excellent teacher; or
- which attracts a TLR which is equal to or exceeds the value of the safeguarded sum,
- in the temporary absence of the post-holder; and
- reinstated thereafter unless, in the meantime, any of the events specified in (a) above.

Where the school in future (other than the instance above) makes a change in its pay policy or to the school's staffing structure, such that the SEN criteria and factors cease to be met or now merit the payment of a lower allowance, this could result in the value of the allowance being reduced or withdrawn. In these cases, the general safeguarding rules within the STPCD will apply. Advice will be sought from the school link HR Advisor in such cases.

Leadership Group and ASTs

The Governing Body, as a result of a review of its Pay Policy or staffing structure or for another reason, may make a determination to

- reduce the number of staff on the leadership group – teacher will be paid a safeguarded sum comprising the difference between his/her salary prior to determination of the Governing Body and the new point on which he/she is to be paid minus any TLR or SEN allowance awarded
- end the designation of AST post –as above
- reduce the school ISR/AST range – the relevant Headteacher, Deputy or Assistant Headteacher or AST will receive a safeguarded sum comprising the difference between the old salary prior to the change and the value of the new point on which he/she is placed on the new range

This safeguarding will end three years from the relevant date (date of determination/change) or prior to this date where one of the following conditions are met:

- in the case of a teacher affected by a reduction in the number of posts in the leadership group or by the number of AST posts in the school, he/she ceases to be a classroom teacher
- as a result of a subsequent determination by the relevant body, he/she is placed on a higher point on the main or upper pay scale and the value of that point combined with any TLR or SEN allowance awarded to the teacher exceeds his/her original salary
- if the teacher is awarded a TLR, either at that time or later, which exceeds the combined value of the safeguarded sum and any TLR or SEN allowance awarded before the safeguarded sum was notified
- in the case of a teacher affected by a reduction in the pay scale for Headteachers, Deputy or Assistant Headteachers or ASTs, when the value of his/her point on the leadership or AST spine exceeds his/her original salary
- the teacher's employment ceases at the school except in cases such as school reorganisations
- if the teacher, unreasonably, refuses to carry out the additional duties that the relevant body considers are reasonable for the teacher to carry out to enable him/her to continue receiving the safeguarded sum

In all the above instances, the 'original salary' means the value of the point on either the leadership or AST spine to which the teacher was entitled immediately before the new determination: taking into account any September pay determination.

Excellent Teachers

Where the salary of an excellent teacher is reduced following a re-determination under this policy the teacher must be paid the safeguarded sum, this being the difference between the value of the salary to which the teacher was entitled

immediately before the determination (“original salary”) and the value of the new salary.

in the case where the salary is reduced the date on which the safeguarded sum will cease to be payable will be three years from date of implementation, or sooner if the following apply:

- the period of any fixed-term contract has come to an end
- suspended during cover for absent member of the Leadership group/AST
- salary is increased following a further review under this policy.
- the teacher’s employment ceases at the school except in cases such as school reorganisations

Part time Teacher Pay Arrangements

Where a part time member of teaching staff has a reduction in salary following their assimilation onto the new statutory formula for determining pro rata working arrangements from September 2008, they will be entitled to a period of safeguarding.

This safeguarding will end where one of the following conditions are met:

- at 31st August 2011
- the salary is increased following a subsequent determination and the increase in salary equals or exceeds the safeguarded sum.
- The teacher ceases to be a part time teacher

Support Staff

Job Evaluation Safeguarding

Where, through ongoing Job Evaluation reviews a post within school is re-evaluated to a lower grade then a period of cash protection will be put in place for the member of staff concerned for a period of up to three years from the implementation of the revised grading.

Staffing Restructure Safeguarding

Where, through a formal restructure a post is deleted and a member of staff is redeployed to a suitable alternative post within school, but on a lower salary, the following pay protection will apply:

The difference in the pay between the original employment and the new employment will be paid to the employee (in addition to the pay for the new job) for a maximum period of 3 years from commencement of the new job³;

³ For the avoidance of doubt, the above pay protection is on the basis of actual cash earned at the point that protection is implemented rather than protection of the employee’s grade.

Appendix E: Support Staff Collective Agreements

1. The new terms and conditions and changes to Council policies introduced by this Agreement will take effect from 4 May 2010.

Protection Arrangements

2. The Retraining, Relocation and Redeployment Strategy For All Non-Teaching Employees be amended on the basis that the current lifetime protection arrangements on redeployment following restructure or redundancy will end and be replaced in general terms with the following:
 - a) 3 years pay protection for all employees;
 - b) redeployment searches within a range of 2 grades of the Council's Pay and Grading Structures to help widen the opportunities for redeployment, within the parameters of a financial cap of £6000 per annum; and
 - c) improvements to the redeployment process and work with employees to place them in suitable vacancies where possible.

The detailed amendments to the Retraining, Relocation and Redeployment Strategy For All Non-Teaching Employees are attached at Appendix 1.

The parties acknowledge that the Retraining, Relocation and Redeployment Strategy For All Non-Teaching Employees is not a part of an employees terms and conditions of service. It is a policy. The amendments to this policy are included in this collective agreement for the sake of completeness.

Changes to enhancements linked to working additional hours

7. Paragraph 2.3 a) of Part 3 of the National Agreement on Pay and Conditions of Service be amended to reflect the new levels of enhancements that employees will be entitled to receive for working voluntary additional hours beyond their working week. The inclusion of changes to enhanced payments for voluntary overtime provides a contribution to the efficiency savings required with the effect on employees being minimal.

This paragraph will read as follows:

(a) Additional Hours

Employees who work voluntary additional hours beyond their working week are entitled to receive enhancements on the following basis:

SCP 28 and below

Monday to Saturday	Time and a Third
Sundays	Time and a half
Public and Extra Statutory holidays	Double time (min 2 hours)

Above SCP 28

Plain time for any work in excess of the normal working week or time off in lieu. The choice between the payment of additional hours or grant of time off in lieu shall be a matter for the Council.

Part-time employees are entitled to these enhancements only at times and in circumstances in which full-time employees in the establishment would qualify. Otherwise a full working week for full-time employees shall be worked by a part-time employee before these enhancements apply.

Car Allowances

8. The Council has reviewed the current car mileage scheme and conducted a review of all essential and casual car users. From this review the Council is removing all Essential Car User Allowances and replacing them with Casual Car User Allowances.

It is also removing essential car mileage rates.

All employees who use their vehicles will be paid at the current casual mileage rate of 42.9 p per mile (451 – 999cc band) or 47.7p per mile (1000 – 1199c band). Any future changes to mileage rates will be in accordance with the National Agreement on Pay and Conditions of Service Part 3 Para 6 in line with the Council's current restriction to the first two bands based on the cubic capacity of the car engine size.

Removal of Payments incorporated into Job Evaluated Grades

9. This proposal will affect 241 employees as detailed in Appendix 2 within schools and involves the ending of allowances (also detailed in Appendix 2) previously paid in addition to pay which have now been incorporated into job evaluated grades.

The parties have agreed that those allowances identified in Appendix 2 previously paid in addition to pay to the employees identified in Appendix 2 that have now been incorporated into job evaluated grades will cease to be paid from the date of this Agreement.

Training and Development

10. The Council will adopt the following approach to training and development for employees ensuring it is fair and consistently applied, ensuring equality of access to training:

Workforce Development Strategy

- 10.1 Development of a Workforce Strategy with specific emphasis on development of the Council's employees. This is expected to be in place by June 2010 and the trades unions will be part of the consultation process which is about to commence.

IPR Process

- 10.2 Revisions to the Council's IPR (Individual Personal Review Process) to improve the current process and link individual learning and development to service plans. The new process will also include criteria around prioritising training and development needs into short, medium and long term.
- 10.3 Central collation of all training and development needs will ensure fairness and transparency and ensure training and development identified is actioned appropriately.
- 10.4 The structure of training and development will include induction; job specific training; legislative training; employee development; skills development; management development; basic skills development and qualification based learning. The Council will also be introducing new initiatives around succession planning and talent management.

Time off and Equality of Access

- 10.5 A new policy statement will include principles around appropriate time off to attend training and development appropriate and relevant to the role an individual undertakes and equality of access and opportunity.

External courses

- 10.6 The Council will consider applications for external courses in line with the requirements of the individual's role and learning and development needs.

Criteria for funding

- 10.7 The Council will review the current procedure and will develop key criteria which will be used in decision making around funding for qualifications or other external courses.
11. This Agreement does not affect any rights of any Relevant Employees in relation to any claim arising out of his/her contract of employment or the termination thereof or affect the rights of any Relevant Employees to present equal pay claims in the Employment Tribunal under the Equal Pay Act 1970;

Status of Agreement

12. In accordance with Section 179(1) of the 1992 Act this Agreement shall not be a legally enforceable contract between the Council, UNISON, the GMB and UNITE;

Appendix 1

Amendments to the Retraining, Relocation and Redeployment Strategy For All Non-Teaching Employees

Paragraph 2.04

Deletion of Paragraph 2.04 in full and replacement with the following revised wording:

2.04 The table below explains factors that will be taken into account in identifying suitable alternative employment for an employee who is displaced due to redundancy, restructure or ill health.

Pay	<i>Where possible earnings should be protected against a significant fall in the current rate of pay</i>
Status/ Grade	<i>Where possible employees should be redeployed to a similar post within the same status and grade.</i>
Location	<i>Consideration to be given to the degree of disruption</i>
Working Environment	<i>May be an issue for those with a disability or ill health</i>
Hours of work	<i>Should be similar and take account of the individual's circumstances</i>
Skills/ Knowledge/ Experience	<i>The individual should have the skills, knowledge and experience to carry out the role immediately or with a reasonable amount of training/development. What is reasonable will depend upon individual circumstances and the needs of the service.</i>

- (a) Where possible redeployment should be to a post at a similar status/ grade to the previous post the employee occupied.**
- (b) There may be exceptions where this is not possible and redeployment is to a post of lower grade, within the parameters of two grades difference. In these circumstances the Council⁴ would continue to consider the employee for suitable vacancies should they arise.*
- (c) Where an employee has been redeployed to a post of a lower grade and a suitable vacancy has been advertised, which the employee applies for in the future, the Council will guarantee an interview so long as the individual meets the essential criteria for the post.*
- (d) The Council will review the redeployment protection list on an annual basis or in the event of a large-scale recruitment campaign.*
- (e) Generally, there will be an ongoing commitment to facilitate employees receiving protection into posts more appropriate to their protected earnings. Whilst managers will provide support and assistance, it is expected that employees will actively participate in this process.*

⁴ Where the school are the employer, they will take on the responsibilities of the council as outlined in appendix 1 of this collective agreement.

(f) Pay protection will cease when the new salary reaches or exceeds the old salary or where the period of protection has ended.

(g) Where the full period of protection is required, at the end of the period the employee will revert to the top of the spinal column point of the new grade.

Paragraph 8.01

Deletion of Paragraph 8.01 in full and replacement with the following revised wording:

8.01 Protection of pay

(a) Changes in pay, conditions or hours of work will be subject to the employee receiving notice of the change equivalent to the minimum notice which would need to be given in the event of dismissal.

(b) If an employee's pay in the new job is less than in the original employment the following pay protection will apply:-

(a) the difference in the pay between the original employment and the new employment will be paid to the employee (in addition to the pay for the new job) for a maximum period of 3 years from commencement of the new job;

For the avoidance of doubt, the above pay protection is on the basis of actual cash earned at the point that protection is implemented rather than protection of the employee's grade.

Paragraph 8.02(a)

Deletion of Paragraph 8.02(a).