



# Pay Policy

## July 2010

(revised in consultation with North Tyneside Council)

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## CHILDREN, YOUNG PEOPLE AND LEARNING

### Pay Policy

#### 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 Improvement 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 DCSF: 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. Any deviation from the agreed structure must first be approved by the full Governing Body prior to appointment.

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.

### **Equal Opportunity/Equality Policy**

The Governing Body will comply with all relevant legislation and, in particular, will have regard to its adopted Equal Opportunities/Equality Policy and will not discriminate on grounds of race, sex, age, disability or part-time workers, sexual orientation or religious belief. The Governing Body will promote equality in all aspects of school life particularly with regard to all decisions on advertising of posts, appointing, 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 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: *a copy of which is included with this Policy at Appendix A.* 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 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. The LA will be provided with a copy of any Job Description during recruitment processes within school together with any subsequent revisions to ensure, where applicable, the appropriate grading of posts for equal pay purposes.

### **Use of Discretions**

Criteria for the uses 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 Committee, 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 Staffing 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 Staffing 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 Staffing 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 Staffing. 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 Staffing Committee outlining its decisions in relation to Staffing 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 Staffing Committee has exceeded its delegated powers under this Policy or the budget allocated for Staffing has been exceeded.

The Staffing 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 Summer Term: to take effect from 1<sup>st</sup> September.

The Headteacher will communicate decisions to each member of staff, in writing, through the provision of a "Staffing 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 Staffing 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 the determination of the Staffing Committee they may raise a grievance in accordance with the agreed procedure as laid down in this policy, requesting an initial Hearing with the Staffing Committee to review the decision. 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 Staffing 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 Staffing is enclosed as Appendix C.**

### **Performance Related Staffing**

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.

In applying the 2006 Regulations the Staffing Committee will have regard to the "Professional Standards for Teachers", together with any recommendations from the performance management "Reviewer", prior to making a determination on performance related staffing for all eligible teachers. In making any decision, they will consider the recommendation on staffing 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 Staffing progression is not automatic.

Where the Headteacher has delegated responsibility to other line managers under the school's Performance Management Policy, Reviewers' Staffing 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 Staffing Committee for determination.

In carrying out their responsibilities the Staffing Committee may seek to establish the robustness of the Reviewer's recommendation about performance Staffing 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 Staffing 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 Headteachers 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.**

## **Teaching Staff**

### **Headteacher Recruitment**

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
- will provide discretion to the Staffing 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 a sustained level of high quality performance in relation to leadership, management and pupil progress.

### **Leadership Group Recruitment**

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 staffing 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 staffing any of the bottom three points of the staffing range in order to secure the appointment of its preferred candidate

*For Serving Deputy and Assistant Headteachers:*

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

- review the Deputy or Assistant Headteacher’ staffing range in accordance with “the Document” and statutory guidance at any time
- will provide discretion to the Staffing 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 a sustained level of high quality performance in relation to leadership, management and pupil progress.

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 staffing roll changes and contracts are implemented expediently.

### **Acting 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 Staffing 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 Staffing 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 Staffing 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 Staffing purposes.

### **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 Staffing 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 Staffing Committee may exercise this discretion only in the context of a formal capability procedure. The Staffing Committee will restore the withheld point at the conclusion of the capability procedure where satisfactory performance has been achieved.

- *Experience (Discretionary)*

Will be rewarded at a rate of one point for every one years of experience deemed by the Staffing Committee to be of particular relevance to the job description and appointment criteria, to a maximum of five points. Where relevant experience may be defined as:

- a) Service, as a teacher in a City Academy, City Technology College or independent school, or
- b) Service, as a teacher in an overseas school, outside the European Economic Area or Switzerland, in the maintained sector of the country concerned, or
- c) Service, as a teacher in higher education

Will be rewarded at a rate of one point for every three years of experience deemed by the Staffing Committee to be of particular relevance to the job description and appointment criteria, to a maximum of six points. Where relevant experience may be defined as:

- Relevant industrial or commercial employment outside of the teaching profession.

- *Additional Experience Points (Discretionary)*

The Governing Body may award an additional experience point in any one year, where, through the school's Performance Management arrangements, the Staffing 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 Staffing Committee to exercise this discretion but will keep the matter under periodic review

### **Threshold and Upper Staffing Spine**

The Governing Body will determine that the receipt and assessment of threshold applications from eligible teachers must be delegated to the Headteacher. The Governing Body will move all successful applicants, whom the Headteacher has assessed as meeting the threshold standards, onto the first point of the UPS from the appropriate date. Staff will be informed of their eligibility to apply for threshold assessment one year ahead of their becoming eligible, along with any deadlines for receipt of applications. Eligible teachers are only permitted to make one application per academic year.

A member of staff will 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 a Advanced Skills Teacher.

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

In order to move up 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 Governing Body will take due account of the application of the criterion as set out in Professional Standards for Teachers guidance.

The Staffing Committee will determine that one point be awarded to a teacher on the Upper Staffing 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 Staffing 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 Staffing Spine at less than two-year intervals

### **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*

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

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

- *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. In doing so, the Governing Body will set the following monetary values to TLR posts (Insert/delete as appropriate)

TLR2	(1) £2,478	(2) £4,129	(3) £6,056	
TLR1	(1) £7,157	(2) £8,809	(3) £10,461	(4) £12,112

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 Teachers**

The Governing Body has

determined that is not its intention to have an Advanced Skills Teaching post within its existing or proposed staffing structure: this position will be under annual review

Newly appointed ASTs will start at the bottom of the agreed five point range as determined by the Governing Body. The Headteacher or appropriate Reviewer will agree performance criteria for the AST. These criteria will be agreed and reported to the Staffing Committee as early as possible in the autumn term.

The Staffing Committee will review the performance of the AST annually against the agreed criteria and award up to two points where they are met. When considering staffing progression, they will take full account of the application of AST staffing progression criteria as set out in “the Document” and any recommendations from the Performance Management Reviewer.

### **Excellent Teacher Scheme**

The Governing Body has

determined that is not its intention to have an Excellent Teacher post within its existing or proposed staffing structure: this position will be under annual review

The Governing Body will have due regard to “the Document” and relevant statutory guidance in the appointment to such posts, or the revision of existing posts, noting that the salary will be on a fixed point only within the salary range prescribed by “the Document”, having regard to

- (a) the nature of the work to be undertaken; and
- (b) the degree of challenge of the role.

### **Unqualified Teachers**

Upon appointment, an unqualified teacher will be placed onto the appropriate point within the Unqualified Teachers’ Staffing Scale: taking into account any previous staffing points awarded on a permanent basis. In assessing this initial salary, the Staffing 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, at this time, not to award additional points for qualifications and experience

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.

### **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

Payment will be as agreed at Staffing Committee.

Governing bodies should include the following paragraph to ensure flexibility in relation to projects they may participate in, for which external funding is provided to cover salary costs.

“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 exercise its discretion under “the Document”, where it is appropriate to do so, 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 which 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 £5,000 in any twelve month consecutive period.

### **Part time Teacher Staffing Arrangements**

Effective from September 2008 the Staffing Committee will 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.

For Staffing purposes the STTW for this school has been determined as \_\_\_\_\_ Hours  
\_\_\_\_\_ minutes

### **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 Staffing statement) and no later than one month after the date of the determination. **Details of safeguarding arrangements are enclosed in appendix D**

### **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 staffing 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 have implemented a new pay and grading structure provided through the authority’s Single Status Agreement, effective date of implementation being 1 April 2007.

Any appeals relating to the JE grading of existing and new support staff posts within school will be dealt with under the councils agreed grading appeals process. Any salary appeals outwith

the JE grading of a post will be dealt with under the school's Staffing 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 Staffing 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 Staffing 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.

### **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 LA on any proposed recommendations for change before they are forwarded to the Staffing Committee for its consideration as part of the annual salary review of support staff.

In reaching its determination, the Staffing Committee will

- consider the advice of the LA in respect of equal Staffing 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.

### **First Aid Allowance**

The Staffing 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 Staffing 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 Staffing 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 Staffing 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 (1<sup>st</sup> April to 31<sup>st</sup> 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**

### School Staffing Structure

- a) Teaching Staff Structure (current and revised) including Implementation Plan – including Sensory Support Team
- b) Support Staff Structure (current and revised) including Implementation Plan – including Sensory Support Team

### 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 Staffing Policy in a fair and equal manner
- To apply the criteria set by the Whole School Staffing Policy in determining the Staffing 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 Staffing, 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 Staffing 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 Staffing 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 Staffing 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 Staffing.
- To scrutinise temporary regradings or temporary discretionary payments referred by the Headteacher for ratification.

### **Procedure For Dealing With Disputes On Pay**

Staff may seek a review of any determination in relation to their Staffing or any other decision taken by the Governing Body (or those acting on behalf of the Governing Body) that affects their Staffing. 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 Staffing decision. This submission must be within ten working days following receipt of written notification of the salary assessment.

A member of staff can refer his/her dispute in relation to Staffing 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 Staffing/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 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 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 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 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 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 final.

### 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.

##### *Management Allowances*

This safeguarding will end at 31<sup>st</sup> December 2008 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 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 at 31<sup>st</sup> December 2005) equals or exceeds the safeguarded sum. (In such circumstances, the safeguarded sum does not erode and will continue in full until the increase is more than the safeguarded sum)
- the teacher’s employment ceases at the school concerned (unless as part of school reorganisation)
- the teacher, unreasonably, refuses to carry out additional duties appropriate to the safeguarded sum

The safeguarded sum will erode under the following circumstances:

- A teacher is awarded a TLR payment that is less than the original safeguarded sum. In such circumstances, the relevant sum will reduce accordingly and become a new safeguarding. This will become the new safeguarded sum that will end under the circumstances shown above.

##### *Teaching and Learning Responsibilities*

The Governing Body, as a result of a review of its Staffing 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 1<sup>st</sup> September to 31<sup>st</sup> December, the relevant date is 1<sup>st</sup> January
- between 1<sup>st</sup> January and 31<sup>st</sup> March, The relevant date is 1<sup>st</sup> April
- between 1<sup>st</sup> April and 31<sup>st</sup> August, the relevant date is 1<sup>st</sup> 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

#### *Leadership Group and ASTs*

The Governing Body, as a result of a review of its Staffing 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 Staffing 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 Staffing 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 Staffing 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 Staffing 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 under the following circumstances:

- at 31<sup>st</sup> August 2011
- 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, equals or exceeds the safeguarded sum.

### **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, they will remain protected on their original grading. This will remain in place until such time as they voluntarily move to another post or school, or a collective agreement is reached with recognised Trade Union/Professional Associations on the length of protection arrangements following such restructuring.