

West Exmoor Federation Pay Policy



SEPTEMBER 2007

(This model pay policy is updated for September 2007 changes to teachers' pay and conditions.)

INTRODUCTION

The School Teachers' Pay and Conditions Document places a statutory duty on the federation to have a pay policy which sets out the basis on which to determine teachers' pay, and to establish procedures for determining appeals.

When taking pay decisions, the federation will have regard to the pay policy and to the member of staff's particular post within the staffing structure. A copy of the staffing structure – revised as appropriate following the recent review of school staffing - will be attached to the pay policy, together with the implementation plan for bringing in changes.

This model pay policy covers all key areas of pay discretion that schools need to consider. All procedures for determining pay will be consistent with the principles of public life - objectivity, openness and accountability. The pay and performance management policy will make clear the school's compliance with The Race Relations Act 1976, The Sex Discrimination Act 1975, The Equal Pay Act 1970, The Disability Discrimination Act 1995, The Employment Rights Act 1996, The Employment Relations Act 1999 and The Employment Act 2002, The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000, The Employment Act 2002 (Dispute Resolution) Regulations, The Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002, and The Employment Equality (Age) Regulations 2006.

Trade unions/professional associations have been consulted and staff will be consulted on the pay policy and it will be reviewed each year, or when other changes occur to the School Teachers' Pay and Conditions Document, to ensure that it reflects the latest legal position. The pay policy complies with the current School Teachers' Pay and Conditions Document and the accompanying statutory guidance. It will be used in conjunction with them, but, in the event of any inadvertent contradictions, the Document and guidance take precedence.

This policy also covers support staff pay issues.

TEACHERS' PAY FOR 1 SEPTEMBER 2007 TO 31 AUGUST 2008

BASIC PRINCIPLES

All teachers are paid in accordance with the statutory provisions of the School Teachers' Pay and Conditions Document (STPCD) as updated from time to time. A copy of the latest version may be found in the school office and is also on-line at <http://www.teachernet.gov.uk/pay/>.

All pay-related decisions are made taking full account of the school improvement plan. All pay related decisions are taken in compliance with The Race Relations Act 1976, The Sex Discrimination Act 1975, The Equal Pay Act 1970, The Disability Discrimination Act 1995, The Employment Rights Act 1996, The Employment Relations Act 1999 and The Employment Act 2002, as well as The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000, The Employment Act 2002 (Dispute Resolution) Regulations, The Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002, and The Employment Equality (Age) Regulations 2006.

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

Pay Reviews

The governing body will ensure that every teacher's salary is reviewed with effect from 1 September and no later than 31 October (except in the case of the head teacher, which shall be by 31 December) each year and will give him/her a written statement setting out his/her salary and any other financial benefits to which s/he is entitled by that date.

Reviews may take place at other times of the year to reflect any changes in circumstances or job description that lead to a change in the basis for calculating an individual's pay. A written statement will be given after any review and where applicable will give information about the basis on which it was made. A revised pay statement must also be given where there are any other changes in pay arrangements in the year.

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 and no later than one month after the date of the determination.

The Pay Committee

The governing body will establish a committee to make determinations of pay in accordance with the pay policy. Decisions will be communicated to each teacher by the head, in writing, in accordance with paragraph 4 of the STPCD. Decisions on the pay of the head will be communicated by the chair of the governing body, in writing, in accordance with paragraph 4 of the STPCD.

Appeals

The arrangements for considering appeals are as follows:

A teacher may seek a review of any determination in relation to his/her pay or any other decision taken by Pay Committee or individual acting with delegated authority that affects his/her pay.

The following list, which is not exhaustive, includes the usual reasons for seeking a review of a pay determination.

That the person or committee by whom the decision was made –

- a) incorrectly applied any provision of the STPCD;
- b) failed to have proper regard for statutory guidance;
- c) failed to take proper account of relevant evidence;
- d) took account of irrelevant or inaccurate evidence;
- e) was biased; or
- f) otherwise unlawfully discriminated against the teacher.

The order of proceedings is as follows:

1. The teacher receives written confirmation of the pay determination and where applicable the basis on which the decision was made.
2. If the teacher is not satisfied, s/he should seek to resolve this by discussing the matter informally with the decision-maker within ten working days of the decision.
3. Where this is not possible, or where the teacher continues to be dissatisfied, s/he may follow a formal appeal process.
4. The teacher should set down in writing the grounds for questioning the pay decision and send it to the Clerk to Governors, within ten working days of the notification of the decision being appealed against or of the outcome of the discussion referred to above.
5. The Pay Committee or person who made the determination should provide a hearing, within ten working days of receipt of the written appeal, to consider the appeal and give the teacher an opportunity to make representations in person. The teacher is entitled to be accompanied by a colleague or union representative. The timing and location of the formal meeting must be reasonable. Following the hearing the employee should be informed in writing of the decision and the right to appeal.
6. If a teacher wishes to appeal, s/he must notify the Clerk to the Governors in writing within ten working days of the decision being notified to him/her in writing. Any appeal should be heard by a panel of three governors who were not involved in the original determination, normally within 20 working days of the receipt of the written appeal notification. If there are not three governors available, two governors may conduct the appeal hearing.
The teacher will be given the opportunity to make representations in person. The teacher is entitled to be accompanied by a colleague or union representative. The timing and location of the formal meeting must be reasonable. Five working days notice should be given of the appeal hearing, which should normally be held within 20 working days of the receipt of a written appeal notification. The notification of the appeal hearing will include:
 - the date, time, place of the appeal hearing;
 - the name(s) of the person(s) who will hear the case;
 - who will respond to the appeal (the person or representative of the Committee who made the original decision);
 - who will be the Personnel adviser to the panel (if there is to be one);
 - copies of documents and any other written material or evidence that is relevant;
 - the names of any witnesses to be called;
 - the employee's right to be represented by a recognised trade union or professional association representative or work colleague and to call witnesses;

- the employee's right to submit any documentation within three working days of the appeal hearing, to the Clerk to the Governors;
- a copy of the school's Pay Policy;
- the fact that the appeal hearing may take place in the employee's absence if s/he is unable to attend without a satisfactory explanation. If s/he is unable to attend through illness, s/he should arrange representation at the appeal hearing and/or provide written submissions to the appeal hearing.

The appeal hearing should be conducted in accordance with good employee relations practice. It is advisable to seek guidance from the personnel adviser. No conclusion should be reached until representations from all parties have been taken into account.

A personnel adviser may accompany the person or governor representing the Committee which made the original decision. It is the responsibility of the Clerk to the Governors to ensure that an accurate account of the hearing is made. During the hearing, either side will be entitled to request an adjournment for consultation. Any reasonable request should be allowed. Witnesses will attend only for that part of the hearing where they are required to give evidence and answer questions. The decision of the appeal panel will be given in writing, and where the appeal is rejected will include a note of the evidence considered and the reasons for the decision.

USE OF DISCRETIONS IN BASIC PAY DETERMINATION

Pay range for head teachers

The relevant body will determine the Individual School Range (ISR) for head teachers when they propose to make a new appointment or at any time if they consider it necessary to retain a head. In limited circumstances (school causing concern, and substantial difficulties in recruiting or retaining a head teacher) the relevant body has discretion to move the pay range for a head teacher up by up to two school groups, and the possibility of exceeding the maximum of the spine (refer to paragraph 12.2.5 of the 2007 STPCD).

Pay range for deputy heads and assistant head teachers

The relevant body will determine the 5 point pay range for deputies and assistant heads when they propose to make new appointments or where there is a significant change in the responsibilities of serving deputy or assistant heads. They may determine the pay range as of 1 September 2007 or at any time of the year to reflect any changes in the circumstances or job description that lead to a change in the basis for calculating their pay, or at any time if they consider it necessary to retain a deputy or assistant head (Paragraphs 14 and 16 of the 2007 STPCD and paragraph 29 of the guidance on the 2007 STPCD).

Pay range for Advanced Skills Teachers (ASTs)

When determining an appropriate five point pay range for an AST, regard will be given to; the nature of the work to be done, including any work with teachers from other schools; the scale of the challenges; the professional competencies required; and such other criteria as considered appropriate (paragraph 30.3 of the 2007 STPCD and paragraphs 73 and 74 of the 2007 statutory guidance).

Details of the 'other criteria' considered appropriate for taking into account in determining the pay range of an AST are as follows.

[insert details]

Excellent Teachers

The governing body has determined that [x] excellent teacher posts are to be included in the school staffing structure (Appendix A).

A teacher may be appointed to an excellent teacher post if s/he has previously held such a post, or has been on UPS 3 for at least two years and –

- i. in accordance with 2004 STPCD or any previous STPCD, has been assessed as meeting the standards for ASTs applicable at the relevant time; or
- ii. has been certified by an assessor as meeting the standards set out in Annex 2 of the 2005 STPCD or of the 2006 STPCD; or
- iii. meets the appropriate standards in Annex 1 of the 2007 STPCD.

Discretionary experience points for classroom teachers

When placing a classroom teacher on the main scale, the governing body will consider awarding an extra point or points on the scale in recognition of other relevant experience that would not attract mandatory experience points in the following circumstances:

- One point on the main scale for each year of service as a qualified teacher in an Academy, a city technology college, a city college for the technology of the arts or an independent school.

- One point on the main scale for each period of one year of service as a qualified teacher in an overseas school outside the European Economic Area or Switzerland in the maintained sector of the country concerned.

- One point on the main scale for each period of one year of service teaching in further education, including sixth form colleges.

- One point on the main scale for each period of one year of service teaching in higher education.

The governing body will consider awarding on a case by case basis:

- One point on the scale for each period of five years spent outside teaching but working in a relevant area. This might include industrial or commercial training, and experience with children/young people.

Part-time teachers

Teachers employed on an ongoing basis at the school but who work less than a full working day or week are deemed to be part-time. The governing body will give them a written statement detailing their working time obligations and the mechanism used to determine their pay, subject to the provisions of the statutory pay arrangements.

The governing body will ensure that part-time teachers have a clear statement of the sessions and hours they will be required to work.

The STPCD requires that teachers in regular part-time service should be paid a “proportion of the remuneration that would be appropriate if they were employed full-time as school teachers” (This is also applicable to TLR payments). It goes on to say that the proportion shall correspond to the proportion of the school week that the Local Education Authority deems the teacher to be normally employed as a school teacher.

The LEA deems that the proportion should be calculated as follows.

A full-time teacher is in school for 100% of the session time as published in the school prospectus, i.e. the time between the school start time in the morning and the start of the lunch break, and also the start of the afternoon session and the finish time at the end of the day, as published in the school prospectus.

To work out the percentage of the full-time salary which a teacher should be paid is worked out as follows:

= number of hours session time which the part-time teacher works in one week
number of hours session time in one week

Short notice/supply teachers

Teachers who work on a day-to-day or other short notice basis have their pay determined in line with the statutory pay arrangements in the same way as other teachers.

Teachers will be hourly paid and will have their salary calculated by dividing the annual salary by 1265 to arrive at the hourly rate.

Teachers should be paid for all the hours they are required to be on the school premises. Allowance should be made for non-contact time. Before any supply teacher undertakes work in the school, the number of hours for which they are to be paid will be agreed with the teacher.

When a supply teacher is employed to cover the same post for a continuous period of 4 weeks or more, he or she will be paid on the basis of 6.5 hours per day and may be expected to undertake the full range of duties of the teacher who is being replaced.

The school will confirm with the supply teacher the hours to be worked and the teacher asked to sign to confirm for how many hours he or she will be paid and a written records maintained in case of a future query.

Unqualified teachers

The governing body, will, when determining on which point to place unqualified teachers on the unqualified teachers' pay scale when they are appointed, take account of any relevant qualifications and experience.

The governing body will pay an unqualified teachers' allowance to unqualified teachers when the governing body consider their basic salary is not adequate having regard to their responsibilities, qualifications and experience.

The governing body will pay an unqualified teacher on one of the employment based routes into teaching on the qualified/unqualified teachers' scale (delete as appropriate).

PERFORMANCE RELATED PAY PROGRESSION

The governing body agrees the school budget and will ensure that appropriate funding is allocated for performance pay progression at all levels. The Governing Body recognises that funding cannot be used as a criterion to determine progression.

Head teacher

The head teacher must demonstrate sustained high quality of performance, with particular regard to leadership, management and pupil progress at the school and will be subject to a review of performance against their performance objectives before any performance points will be awarded. The clarification of the application of the criteria (section 3 of the STPCD 2007: guidance) for Leadership Group progression will be taken fully into account.

Annual pay progression within the ISR for this post is not automatic. Any progression will normally be by one point, but the governing body may consider movement by two points in exceptional circumstances.

Deputies and assistant heads

Deputies and assistant heads must demonstrate sustained high quality of performance in respect of school leadership and management and pupil progress and will be subject to a review of performance against their performance objectives before any performance points will be awarded. The clarification of the application of the criteria (section 3 of the STPCD 2007: guidance) for Leadership Group progression will be taken fully into account.

Annual pay progression within the pay range for these posts is not automatic. Any progression will normally be by one point, but the governing body may consider movement by two points in exceptional circumstances.

Advanced Skills Teachers (ASTs)

ASTs must demonstrate sustained high quality of performance in the light of their agreed performance criteria and will be subject to a review of performance before any performance points will be awarded. Any work undertaken at other schools, in higher education facilities, at facilities of the LA and elsewhere will be taken into account. The clarification of the application of the criteria (section 3 of the STPCD 2007: guidance) for AST progression will be taken fully into account.

Annual pay progression within the pay range for these posts is not automatic. Any progression will normally be by one point, but the governing body may consider movement by two points in exceptional circumstances.

Post threshold teachers

Teachers do not have to apply for progression, there is an entitlement to be considered for progression.

Progression on UPS will be based on two successful consecutive performance management reviews, other than under the exceptional circumstances as provided for in the STPCD.

The clarification of the application of the criteria (section 3 of the STPCD 2007: guidance) for upper pay scale progression will be taken fully into account.

Where a teacher is a post-threshold teacher by virtue of paragraphs (b), (c), and (e) – (i) of the definition of post-threshold teachers in Section 2, Part I of the STPCD, the governing body may determine which point on the upper pay scale to place them, rather than being required to place them on to UPS1. When doing so, the governing body should consider any pay and progression which such teacher made in their previous employment which

was based on an assessment on standards and contribution comparable to the requirements for progression on the upper pay scale, and should not unreasonably withhold appointment at the equivalent point on the upper pay scale.

Threshold Assessment

Teachers who wish to do so should apply for threshold assessment to the head teacher.

The school will inform teachers of their eligibility to apply for threshold assessment one year ahead of their becoming eligible, along with both the mandatory deadline for applications. (31 August)

Classroom teachers on the main scale

Main scale classroom teachers will receive one extra point for each year of satisfactory performance.

Those subject to formal capability proceedings are usually deemed unsatisfactory performers, but the governing body still has discretion to determine that such a person receive a point.

A classroom teacher may be awarded an extra point on the main scale for excellent performance over the previous academic year, having regard to all aspects of their professional duties, but in particular classroom teaching.

At this school, this means **[insert details]**

DISCRETIONARY ALLOWANCES AND PAYMENTS

Safeguarded payments and allowances

Safeguarding will apply up to a maximum of three years whenever a teacher faces a reduction in salary through no fault of their own

Management allowances awarded before 1 April 2004 on a permanent basis may be retained for a safeguarded period of three years (subject to the provisions for cessation set out in the Document). See www.teachernet.gov.uk/pay for more information. Awards of management allowances between 1 April 2004 and 31 December 2005 could only be made for a fixed period not exceeding one year. A management allowance could have been awarded for a new fixed period not exceeding one year at any time up to 31 December 2005. In all cases the safeguarding period for management allowances began on 1 January 2006.

Teaching and Learning Responsibility Payments (TLRs)

TLRs are awarded to the holders of the posts indicated in the attached staffing structure.

TLRs cannot be awarded on a time limited basis.

TLRs will be introduced in this school from January 2007 as set out in the attached implementation plan.

The values of the TLRs to be awarded are set out below:

TLR2s will not be awarded.

TLR1s will be awarded to the following value:

£6,829 to the holder of Head of Teaching and Learning.

Criterion and factors for award of TLRs

Criterion

A Teaching and Learning Responsibility payment (“TLR”) may be awarded to a classroom teacher for undertaking a sustained additional responsibility in the context of the school’s staffing structure for the purpose of ensuring the continued delivery of high-quality teaching and learning for which he is made accountable. The award may be while the teacher remains in the same post or occupies another post in the temporary absence of the post-holder.

Factors

Before awarding a TLR, the relevant body must be satisfied that the teacher’s duties include a significant responsibility that is not required of all classroom teachers, and that -

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

Before awarding a TLR 1, the relevant body must be satisfied that the significant responsibility referred to in the previous paragraph includes in addition line management responsibility for a significant number of people.

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

TLRs may only be awarded in the context of the school’s staffing structure and pay policy.

Following the review of staffing structures, the implementation plan should be attached to the school’s pay policy.

Special educational needs allowances

SEN allowance 1 will be awarded:

- **[if a special school]** to all classroom teachers;
- **[if a mainstream school]** to all classroom teachers who are engaged wholly or mainly in taking charge of special classes of children who are hearing-impaired or visually impaired or who teach pupils with statements of special educational needs in designated special classes. In the case of mainstream schools, ‘wholly or mainly’ is defined as 51% or more of a teacher’s time and 51% or more of the group being taught.

- **[in a mainstream school]** SEN allowance 1 may also be awarded to classroom teachers who make a particular contribution to the teaching of pupils with special educational needs which is significantly greater than that which would normally be expected of a classroom teacher – **governing body to insert specific circumstances here**

SEN allowance 2 will be awarded to classroom teachers who qualify for SEN allowance 1 and who:

- Hold a recognised special educational needs qualification
- and/or
- Have recent experience which the relevant body consider relevant to the teacher's work.

OTHER PAYMENTS

Continuing professional development

Teachers (including the head teacher) who undertake voluntary continuing professional development outside the school day **will/will not** be entitled to an additional payment.

[NB: One possibility would be to determine an hourly rate as per short notice/supply teachers then multiply by a factor, e.g. x1.5, x2 etc to compensate for out of hours work. Another possibility would be a flat rate payment in line with the teacher's level of responsibility and size of the commitment.]

Initial teacher training activities

Teachers (including the head teacher) who undertake voluntarily school-based initial teacher training activities will/will not be entitled to a payment. If agreed the payment will be a flat rate allowance.

Activities that may attract payment include supervising and observing teaching practice; giving feedback to students on their performance and acting as professional mentors; and formally assessing students' competences; planning an initial teacher training course; preparing course materials; undertaking the marketing, finance and administration of the course; and taking responsibility for the well-being and tuition of initial teacher training students.

Teachers who undertake initial teacher training activities which are not seen as part of the ordinary running of the school will be given separate contracts of employment to cover areas of work that are not part of their substantive teaching job or contract of employment.

Out-of-school learning activities

Teachers (including the head teacher) who agree to provide learning activities outside of the normal school hours and whose salary range does not take account of such activity will be entitled to a payment of - **insert amount here**.

Activities that will attract payment include - **insert areas here**

[NB: One possibility would be to determine an hourly rate as per short notice/supply teachers then multiply by a factor, e.g. x1.5, x2 etc to compensate for out of hours work. Another possibility would be a flat rate payment in line with the teacher's level of responsibility and the size of the commitment. Some possibilities include: breakfast clubs, homework clubs; summer schools (study support, literacy and gifted and talented), sporting activities, other outdoor activities and clubs linked to curricular, arts and hobby interest areas.]

Recruitment and retention incentives and benefits

The governing body will pay recruitment awards for a maximum of three years.

Other benefits payable, such as support for travel costs, care of dependants etc, will not be paid.

The governing body will specify clearly the basis on which such incentives may be paid (e.g. to all teachers; to those in shortage subjects as defined by the school; or after one/two advertisements have failed to produce a suitable candidate for appointment).

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

Incentives may, for example, include a cash sum, a percentage uprating of salary, or defined benefits such as childcare costs of health care provision.

A review of rates will be necessary if the governing body intends to increase the level of these awards in line with general increases to salaries, or in other circumstances which the governing body may determine.

Residential duties

Teachers working in residential special schools are normally entitled to be paid for residential duties in accordance with national agreements reached by the Joint Negotiating Committee for Teachers in Residential Establishments

Honoraria

The governing body will not pay any honoraria to any member of the teaching staff for carrying out their professional duties as a teacher.

There is no provision within the School Teachers' Pay and Conditions Document for the payment of honoraria. Any such award to a teacher for their teaching work would be unlawful.

PAY POLICY ANNEXES

School's staffing structure – Appendix 1

School's staffing structure implementation plan – Appendix 2

Pay Policies Relating to School Support Staff

The Job Evaluation Project began in May 2003 and was implemented in Community and voluntary Controlled schools in April 2007.

Job evaluation has been carried out as a result of the national Single Status Agreement which required all local authorities to equal pay for work of equal value and to ensure that pay and grading are fairly and appropriately implemented.

To meet these requirements Devon County Council has used the GLPC (Greater London Provincial Council) Job Evaluation Scheme.

Further information regarding the Job Evaluation Project can be found at:

<http://staff.devon.gov.uk/jobevaluation.htm>

All new or changed posts within DCC (including those in Community and Voluntary Controlled Schools), which are under NJC 'Green Book' conditions of service, should be graded under the new Job Evaluation Scheme.

For advice and guidance on changes to existing posts or new positions schools should consult the Job Evaluation procedures at:

<http://staff.devon.gov.uk/ppgapjeevaluationofposts.htm>

A flowchart of this process is attached as Appendix B

Voluntary Aided and Foundation Schools governing bodies are the employers of their staff and will determine whether to implement job evaluation within their school.

