



Lindow Community Primary School

School Policies

Control Sheet

Policy:	Teachers' Pay
Policy Type:	Statutory
Author:	based on Cheshire East Council Model Pay Policy
Owner:	Headteacher
Reviewed by:	Finance & Resources Committee
Approved by:	Governing Body
Reviewed:	Annually <i>(or when Cheshire East publishes an updated Teachers' Pay Policy)</i>

Policy: Teachers' Pay

Lindow Community Primary School adopts Cheshire East Council's Model Teachers' Pay Policy (effective from 1 September 2020). Please address any enquiries to the Headteacher or Chair of Governors.

1. Introduction

This policy sets out the framework for making decisions on teachers' pay. It has been developed to comply with current legislation and the requirements of the School Teachers' Pay and Conditions Document (STPCD), and has been consulted on with staff and/or the recognised trade unions. A copy of this policy is published on the school's web site or can be obtained from the Headteacher or the Chair of Governors.

In adopting this pay policy the aim is to:

- to maintain and improve the quality of education provided for pupils in the school by having a school teachers' pay policy that supports the school's development plan;
- to have a staffing structure related to the school's development plan, bearing in mind workforce remodelling and, in particular, greater recognition of support staff;
- to recruit, retain, motivate, develop and support staff;
- to demonstrate to all staff that the Governing Body is managing and applying its pay policies in a fair, sensitive and responsible way;
- to meet the statutory requirements of the School Teachers' Pay and Conditions Document (STPCD).

Pay decisions at this school are made by the Governing Body via Finance & Resources committee meetings and ratified at full governing body meetings.

All teachers are paid in accordance with the statutory provisions of the STPCD.

2. Pay Reviews

The Governing Body will ensure that each teacher's salary is reviewed annually, with effect from 1 September, and that all teachers are given a written statement setting out their salary and any other financial benefits to which they are entitled. Where a teacher is on long-term absence at the relevant time consideration will be given to adjusting the timing on a case-by-case basis.

Within one month of the determination, the Governing Body will provide the teacher with an individual written statement setting out their salary and any allowances to which they are entitled, and advising where a copy of this policy (including the staffing structure) may be inspected.

Pay reviews for all teachers, including the Headteacher, will be based on performance, as recorded through staff appraisal. Every appraisal report will contain a pay recommendation. Final decisions about whether or not to accept a pay recommendation will be made by the Governing Body, having regard to the appraisal report and taking into account advice from the senior leadership team. Judgements on pay decisions will be made against the extent to which teachers have met their individual objectives and the relevant standards and how they have contributed to pupil progress; wider outcomes for pupils; specific elements of practice; and have made a wider contribution to the work of the school. Full details of the arrangements for teacher appraisal are set out in the school's Teacher Appraisal policy and can be obtained from the Headteacher.

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.

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.

3. Pay Range for Teachers

3.1 Pay Range for Headteacher

The Governing Body will ensure that the process of determining the remuneration of the Headteacher is fair and transparent.

The Headteacher's pay will be handled directly by the appointed governors for the Headteacher's Performance Review, informed by performance review information.

The pay range for the Headteacher at Lindow Community Primary School is L11 – L17.

The pay range is not an incremental scale and there is no automatic right to pay progression. Any movement up the pay range will only be made where there has been 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 performance objectives before any performance points will be awarded.

The circumstances in which the Governing Body will consider awarding a pay point are where their appraisal outcome confirms:

- the Headteacher has met their individual objectives and is meeting all headteacher standards;
- pupil progress is improving;
- there has been positive impact on wider outcomes for pupils;
- improvements can be evidenced in specific elements of practice, such as behaviour management or lesson planning;
- evidence exists of positive impact on the effectiveness of teachers or other staff and they are making a wider contribution to the school.

The circumstances in which the Governing Body will consider awarding additional pay points are:

- where their appraisal outcome confirms the Headteacher has made a specific exceptional contribution to school life that exceeded their individual objectives and has had a demonstrable impact on pupil progress outcomes;
- on the quality of teaching and learning across the school and applications for places are increasing.

Determination of temporary payments to Headteachers

Temporary payments in addition to the salary arising from the Headteacher's point on the pay range will be made in accordance with the current STPCD.

The total sum of the temporary payments made to a headteacher in any school year (with the exclusion of residential payments and/or relocation expenses) will not exceed 25% of the annual salary that is otherwise payable to the Headteacher. Furthermore, the total sum of salary and other

payments made to a headteacher will not exceed 25% above the maximum of the headteacher group unless there are wholly exceptional circumstances, external independent advice has been sought and with the agreement of the Governing Body.

The Headteacher is not eligible for teaching and learning responsibility payments or recruitment and/or retention allowances.

3.2 Pay Range for the Deputy Headteacher

The Governing Body has determined that one Deputy Headteacher post is to be included in the school's staffing structure.

The professional duties of deputy headteachers are set out in the STPCD.

The pay range for the Deputy Headteacher at Lindow Community Primary School is L6 – L10.

The Deputy Headteacher ranges are not incremental scales and there is no automatic right to pay progression. Decisions regarding pay progression will be made annually with reference to the most recent performance appraisal report, and the pay recommendation they contain. Any movement up the pay range will only be made where there has been sustained high quality of performance in respect of school leadership and management and pupil progress.

The circumstances in which the Governing Body will consider awarding one point are where their appraisal outcome confirms the Deputy Headteacher:

- has met their individual objectives;
- is meeting all of the Teacher Standards for their career position;
- pupil progress is improving and they have had a positive impact on wider outcomes for pupils;
- improvements can be evidenced in specific elements of practice, such as behaviour management or lesson planning;
- evidence exists of positive impact on the effectiveness of teachers or other staff and they are making a wider contribution to the school.

The circumstances in which the Governing Body will consider awarding more than one point in one year are:

- where their appraisal outcome confirms the Deputy Headteacher has made a specific exceptional contribution to school life that exceeded their individual objectives and has had a demonstrable impact on pupil progress outcomes;
- on the quality of teaching and learning across the school and applications for places are increasing.

The pay range will be determined on 1 September each year or at any other time of year to reflect changes in circumstances or job description that lead to a change in the basis for calculating pay.

In making any decision to exercise its discretion in this respect, the Governing Body will ensure that to action such an increase will offer the school value for money in the services it is able to provide in relation to the costs incurred and will require evidence to support any such case.

The Deputy Headteacher is not eligible for teaching and learning responsibility payments or recruitment and/or retention allowances.

3.3 Pay Range for the Other Classroom Teachers

Basic pay determination on appointment

The Governing Body will determine the pay range for a vacancy prior to advertising it. On appointment it will determine the starting salary within that range to be offered to the successful candidate. In making such determinations, the Governing Body may take into account a range of factors, including the following:

- matching the pay point of a teacher;
- the nature of the post;
- the level of qualifications, skills and experience required;
- market conditions;
- the wider school context;
- always appointing to the bottom of the relevant pay range;
- recognising other teaching or non-teaching experience; and/or,
- delegating the decision on a case by case basis to the appointing panel.

There is no assumption that a teacher will be paid at the same rate as they were being paid in a previous school or academy.

Pay progression based on performance

At Lindow Community Primary School, all teachers will receive regular, constructive feedback on their performance and are subject to annual appraisal that recognises their strengths, informs plans for their future development, and helps to enhance their professional practice. Full details of the arrangements for teacher appraisal are set out in the school's Teacher Appraisal policy available from the Headteacher.

Decisions regarding pay progression will be made with reference to the teachers' appraisal reports and the pay recommendations they contain. In the case of NQTs, whose appraisal arrangements are different, pay decisions will be made by means of the statutory induction process. It will be possible for a 'no progression' determination to be made without recourse to the capability procedure.

To be fair and transparent, assessments of performance will be properly rooted in evidence. At Lindow, we will ensure fairness by judging all teachers' performance by the same set of criteria; ensuring the SLT works together when monitoring to ensure cohesion and continuity; providing appropriate CPD; ensuring open and honest dialogue, as well as clear written feedback, is provided for all teachers

The evidence used will include self-assessment, tracking pupil progress, lesson observations, the views of pupils and parents and performance management sessions.

Teachers' appraisal reports will contain pay recommendations. Final decisions about whether or not to accept a pay recommendation will be made by the Governing Body, having regard to the appraisal report and taking into account advice from the Senior Leadership Team. The Governing Body will consider its approach in the light of the school's budget, and ensure that appropriate funding is allocated for pay progression at all levels.

At Lindow, judgements on performance and eligibility for pay progression will be based on the criteria in Appendix B.

Main pay range (MPR)

Qualified teachers who are not entitled to be paid on any other pay range will be paid in accordance with the school's main pay range. The MPR minimum for the academic year 2020/21 is £25,714 and the maximum pay is £36,961. The school MPR is as below:

M1 – M6

The professional responsibilities of classroom teachers are set out in the STPCD.

The main pay range is not an incremental scale and there is no automatic right to pay progression. Decisions regarding pay progression will be made annually with reference to the most recent performance appraisal report and the pay recommendation they contain.

In the case of NQTs, whose appraisal arrangements are different, pay decisions will be made by means of the statutory induction process. A decision not to award pay progression may be taken whether or not the teacher is subject to capability proceedings.

Upper Pay Range (UPR)

Qualified teachers who have been assessed by this school as meeting the standards for payment on the upper pay range will be paid in accordance with the school's upper pay range. The UPR minimum for the 2020/21 academic year is £38,690, and the maximum pay is £41,604. The school UPR is as below:

UPR 1 – 3

Decisions regarding pay progression will be made annually with reference to the most recent performance appraisal report and the pay recommendation they contain. The circumstances in which the Governing Body will consider awarding a pay increase within the upper pay range (including the rate of progression) will be on the basis of the teacher making appropriate progress in accordance to their level of pay and performance management.

Any points awarded on the upper pay range are permanent, while the teacher remains in the same post or takes up another post in this school.

A decision not to award pay progression may be taken whether or not the teacher is subject to capability proceedings.

3.4 Pay Range for the Unqualified Teachers

An unqualified teacher is either a trainee working towards qualified teacher status, an overseas trained teacher who has not exceeded the four years they are allowed without obtaining qualified teacher status, or an instructor with a particular skill.

An unqualified teacher will be paid such salary in accordance with the school's unqualified teacher pay range. The UQT range minimum for the academic year 2020/21 is £18,169, and the maximum pay is £28,735.

UTPR 1 – 6

Decisions regarding pay progression will be made annually with reference to the most recent performance appraisal report and the pay recommendation they contain. Any movement up the pay range will only be made where there has been sustained high quality of performance.

The circumstances in which the Governing Body will consider awarding one pay point are when the teacher has made appropriate progress in accordance to their level of pay and performance management.

A decision not to award pay progression may be taken whether or not the teacher is subject to

capability proceedings.

Any pay increases awarded to unqualified teachers are permanent, while the teacher remains in the same post or takes up a new one at this school.

Unqualified teachers are not eligible for teaching and learning or special educational needs allowances. The Governing Body will not under any circumstances determine a salary for an unqualified teacher outside of the unqualified teacher pay range.

The Governing Body has the discretion to award an additional allowance to an unqualified teacher where it considers that, in the context of its staffing structure, the teacher has taken on a sustained additional responsibility which is focused on teaching and learning and requires the exercise of a teachers' professional skills and judgement, or where the teacher holds qualifications or experience that bring added value to the role being undertaken.

3.5 Part-time Teachers

Teachers employed on an ongoing basis at the school but who work less than a full working week are deemed to be part-time. The Governing Body will give them a written statement detailing their working time obligations and the standard mechanism used to determine their pay (and allowances as appropriate), subject to the provisions of the statutory pay and working time arrangements and by comparison with the school's timetabled teaching week for a full-time teacher in an equivalent post.

Part time teachers who wish to / are requested to attend more INSET days than they are required to do under their contract will be paid for these extra days work.

3.6 Supply (or Short Notice) Teachers

Teachers employed on a day-to-day or other short notice basis will be paid on a daily basis calculated on the assumption that a full working year consists of 195 days; periods of employment for less than a day being calculated pro-rata.

4. Movement to Upper Pay Range

4.1 Applications and evidence

Any qualified teacher may apply to be paid on the upper pay range and any such application will be assessed in line with this policy. It is the responsibility of the teacher to decide whether or not they wish to apply to be paid on the upper pay range, and any progression is deemed permanent.

Applications may be made at least once a year.

Applications should be submitted in writing to the Headteacher between 1 September and 31 October in any year and, if successful, will take effect from 1 September in the year of application, applying particular attention to ensuring every teacher is treated fairly.

All applications should include the results of reviews or appraisals, under the 2011 or 2012 regulations, including any recommendation on pay (or, where that information is not applicable or available, a statement and summary of evidence designed to demonstrate that the applicant has met the assessment criteria). Applications will usually contain evidence from the previous performance management period.

4.2 The assessment

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

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

For the purposes of this pay policy:

- 'highly competent' means performance that is not only good but also good enough to provide coaching and mentoring to other teachers, give advice to them and demonstrate to them effective teaching practice and how to make a wider contribution to the work of the school, to help them meet the relevant standards and develop their teaching practice;
- 'substantial' means of real importance, validity or value to the school; play a critical role in the life of the school; provide a role model for teaching and learning; make a distinctive contribution to the raising of pupil standards; take advantage of appropriate opportunities for professional development and use the outcomes effectively to improve pupils' learning;
- 'sustained' means maintained continuously over a long period e.g. at least one full school year.

To ensure robustness, transparency and equity, the application will be assessed initially by the Headteacher who will then refer the assessment to the Finance and Resources Committee with the full Governing Body making the final determination.

4.3 Processes and procedures

The assessment will be made within 10 working days, before the applicant will receive a response to their application, or if there is a single deadline for applications, whether there will be a single date for applicants to be informed of the outcome.

If successful, applicants will move to the upper pay range from 1st September of that academic year.

If unsuccessful, written feedback will be provided by the Headteacher within 10 working days of the decision.

Any appeal against a decision not to move the teacher to the upper pay range will be heard under Appendix C of this policy.

5. Allowances and Payments for Classroom Teachers

5.1 Teaching and learning responsibility (TLR) payments

TLR payments are awarded at the discretion of the Governing Body. A TLR1 or TLR2 payment, when assigned, will last for the duration of the post.

The Governing Body will award a fixed-term third TLR (TLR3) to a classroom teacher for clearly time-limited school improvement projects, or one-off externally driven responsibilities. The duration of the fixed term will be established at the outset and payment will be made on a monthly basis for the duration of the fixed term. TLR3s are not subject to safeguarding.

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

- the annual value of a TLR1 must be no less than £8,291 and no greater than £14,030;
- the annual value of a TLR2 must be no less than £2,873 and no greater than £7,017; and
- the annual value of a TLR3 must be no less than £571 and no greater than £2,833.

TLR3s payments will be determined on a case by case basis, taking account of the additional responsibilities required by the teacher.

A TLR1 or TLR2 payment will only be awarded if the Governing Body is satisfied that the duties of the post 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 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.

In addition, before awarding a TLR1, the Governing Body must be satisfied that the significant responsibility referred to above includes an additional line management responsibility for a significant number of people.

A teacher may not hold more than one TLR1 or TLR2 of any value concurrently. A TLR is a payment integral to a post in the school's staffing structure and may therefore only be held by two or more people when job-sharing that post. Holders of a TLR1 or TLR2 will also be eligible to receive a TLR3.

5.2 Special Education Needs allowances (SENs)

The Governing Body of the school will award an SEN allowance to a classroom teacher –

- in any SEN post that requires a mandatory SEN qualification;
- who teaches pupils in one or more designated special classes or units in a school or, in the case of an unattached teacher, in a local authority unit or service;
- in any non-designated setting (including any PRU) that is analogous to a designated special class or unit, where the post:
 - involves a substantial element of working directly with children with special educational needs;
 - requires the exercise of a teacher's professional skills and judgement in the teaching of children with special educational needs; and
 - has a greater level of involvement in the teaching of children with special educational needs than is the normal requirement of teachers throughout the school or unit within the school or, in the case of an unattached teacher, the unit or service.

The SEN allowance is determined as a spot value, taking into account the structure of the school's SEN provision and the following factors:

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

The SEN allowance will be paid to the holder indicated in the attached staffing structure. The values of the SEN allowances to be awarded are set out below:

The values of SEN allowances payable to a classroom teacher for 2020/21 must be no less than £2,270, and no more than £4,479 per annum in accordance with the current STPCD.

6. Other Payments to Teachers

6.1 Acting allowance

Where a teacher is assigned and carries out duties of the Headteacher or Deputy Headteacher but has not been appointed as an acting Headteacher or Deputy Headteacher, the Governing Body will, within the period of four weeks beginning on the day on which such duties are first assigned and carried out, determine whether or not an 'acting allowance' will be paid in accordance with the following provisions.

Where the Governing Body determines that an acting allowance will not be paid but the relevant duties continue, then the Governing Body may review this decision and make a further determination at a future date as to whether or not an acting allowance may be paid.

Where a teacher is assigned and carries out duties of a head teacher or deputy head teacher in relation to where a pay range has been determined, remuneration will not be lower than the minimum of that range.

For as long as an acting allowance is being paid, the teacher will be expected to undertake the professional responsibilities applicable to the Headteacher or Deputy Headteacher and work to the relevant teachers' standards.

6.2 Continuing Professional Development (CPD)

Teachers (including the Headteacher) who undertake voluntary continuing professional development outside the school day may request an additional payment. The Governing Body will consider each request on its specific merits.

6.3 Initial Teacher Training (ITT)

Teachers who undertake voluntarily school or academy based initial teacher training activities outside the school day may request an additional payment. The Governing Body will consider each request on its specific merits.

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.

6.4 Out of school learning activities

Teachers who agree to provide learning activities outside of the normal school hours and whose salary range does not take account of such activity may be entitled to a payment at the discretion of the Governing Body.

6.5 Recruitment and retention incentive and benefits

The Governing Body may make such payments or provide such other financial assistance, support or benefits, to a teacher as it considers being necessary as an incentive for the recruitment of new teachers and retention in their service of existing teachers.

Where the Governing Body is making one or more such payments, the Governing Body will conduct a regular formal review of all such awards.

Payments will not be made under the 'recruitment and retention' criteria for additional work undertaken, for specific responsibilities or to supplement pay for other reasons. Nor will any recruitment and retention payment be made to a headteacher or deputy headteacher other than as reimbursement of reasonably incurred housing or relocation costs. All other recruitment and retention considerations in relation to a member of the leadership group, including non monetary benefits, will be taken into account when determining the pay range and is subject to the overall 25% limit on salary and payments as contained in the current STPCD.

In the case of retention, a recommendation to offer incentives or benefits would be made by the Headteacher to the Finance & Resources Committee

In the case of recruitment difficulties, a recommendation to offer incentives or benefits would be made by the Chair of the selection panel to the Finance & Resources Committee, unless authority in respect of this function has been delegated to the selection panel itself.

In either case, before a recruitment and retention incentive or benefit is agreed, a business case with supporting evidence will be constructed by the Headteacher, or the selection panel, for consideration by the Finance & Resources Committee. Recommendations and authorisations will be recorded.

The Governing Body may pay recruitment or retention awards under certain circumstances at its own discretion. The Governing Body will review the level of payment/benefits annually.

6.6 Salary Sacrifice

The Governing Body supports certain salary sacrifice arrangements as endorsed by Cheshire East Local Authority. Arrangements will be made to enable staff to participate in these schemes should they wish to do so.

7. Appeals by Teachers (see Appendix C for Appeals Procedure)

Any teacher (including the Headteacher) may appeal against any decision of the Governing Body in relation to his/her pay or any other decision taken by it under the STPCD that affects his/her pay, provided that the appeal is made in accordance with the procedure established by the Governing Body.

The following list includes the usual reasons for seeking a review of a pay determination. That the person or committee by whom the decision was made:

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

This appeals procedure also applies where, under the school's Appraisal Policy, a teacher wishes to appeal against any of the entries in their planning and review statements. Where a reviewee wishes to appeal on the basis of more than one entry this would constitute one appeal hearing.

This procedure performs the function of the school's grievance procedure on teachers' pay and appraisal matters and therefore decisions will not be reopened under the school's grievance procedure. Decisions made under this procedure do not affect teachers' statutory employment rights.

8. Pay Increases Arising from Changes to the Document

All teachers are paid in accordance with the statutory provisions of the STPCD as updated from time to time.

9. Overpayments

Cheshire East Council is entitled to make deductions from an employee's salary for any sums (properly) owed to the school pursuant to section 14 of the Employment Rights Act 1996 (as amended).

Deductions will be made at a rate equivalent to the time period of the overpayment, e.g. if the overpayment covered two months, then the recovery period will be two months, unless the employee agrees to a quicker rate of recovery.

Where an employee is repaying an overpayment but leaves the school before the full overpayment is recovered, the balance will be deducted from the final salary payment. Where the amount outstanding exceeds the final salary payment, an invoice for the outstanding amount will be raised and sent to the employee.

10. Equality

Lindow Community Primary School will ensure that, when implementing the Pay Policy for Teaching Staff, no employee will be disadvantaged on the basis of their gender or transgender, marital status or civil partnership, racial group, religion or belief, sexual orientation, age, disability, pregnancy or maternity, social or economic status or caring responsibility. This means that the Policy may need to be adjusted to cater for the specific needs of an individual including the provision of information in alternative formats where necessary.

11. Monitoring and Review

The Governing Body will monitor the outcomes and impact of this policy on a yearly basis, including trends in progression across specific groups of teachers, to assess its effect and the school's continued compliance with equalities legislation.

The policy will be reviewed in the light of operating experience and/or changes in legislation.

Appendix A – School Teaching Staff Structure 2020/21

Name	Position
Zoe Wilson	Headteacher
Amelia Lomas	Deputy Headteacher / Classroom Teacher
Fran Holmes	Teacher of the Deaf, Manager of HIRB
Rachel Pengelly	Classroom Teacher
Dawn Cranshaw	SENCo (Part time)
Michelle Coventry	Classroom Teacher
Lisa Oakes	Classroom Teacher
Victoria Lightfoot	Classroom Teacher
Chloe Smith	Classroom Teacher
Patti Crossen	Part-time Teacher
Sarah Wilson	Part -time Teacher
Sarah Duncan	Part -time Teacher
John Thornton	Unqualified Teacher

Appendix B - Pay Progression Criteria

Performance measures

At Lindow Community Primary School, judgments of performance will be made against the extent to which teachers have met their individual objectives and the relevant standards and how they have contributed to:

- impact on pupil progress;
- impact on wider outcomes for pupils;
- improvements in specific elements of practice, e.g.behaviour management or lesson planning;
- impact on effectiveness of teachers or other staff;
- wider contribution to the work of the school.

The rate of progression will be differentiated according to an individual teacher's performance and will be on the basis of absolute criteria.

Teachers will be eligible for a pay increase if they meet all their objectives, are assessed as fully meeting the relevant standards and all teaching is assessed as at least good with some teaching being assessed as outstanding.

Teachers who fail to meet all their objectives and are deemed not to have met the relevant standards and all teaching is not assessed as at least good may not receive any pay progression.

The highest performing teachers may be able to make quicker progress up the pay range, for example, if they exceed all their objectives, are assessed as fully meeting the relevant standards and all of their teaching is assessed as outstanding.

Appendix C – Teachers’ Appeals Procedure

Model Appeals Procedure for School Teachers Dissatisfied with a Decision Relating to Pay

Background

The School Teachers’ Pay & Conditions Document (STPCD), requires each school Governing Body (GB) to have a Pay Policy, and that Policy must contain a procedure to permit a teacher (including the Headteacher) to appeal against any decision of the GB in relation to his/her pay or any other decision taken by it under the STPCD that affects his/her pay, provided that the appeal is made in accordance with the procedure established by the GB.

The following list includes the usual reasons for seeking a review of a pay determination. That the person or committee by whom the decision was made -

- (1) incorrectly applied any provision of the STPCD;
- (2) failed to have proper regard for statutory guidance;
- (3) failed to take proper account of relevant evidence;
- (4) took account of irrelevant or inaccurate evidence;
- (5) was biased; or
- (6) otherwise unlawfully discriminated against the teacher.

This appeals procedure also applies where, under the school’s Teacher Appraisal Policy, a teacher wishes to appeal against any of the entries in their planning and review statements. Where a reviewee wishes to appeal on the basis of more than one entry this would constitute one appeal hearing.

This procedure performs the function of the school’s grievance procedure on teachers’ pay and Performance Appraisal matters and therefore decisions will not be reopened under the school’s grievance procedure. Decisions made under this procedure do not affect teachers’ statutory employment rights.

The Procedures

The Model Procedures below fulfil the requirements of the STPCD and are adopted by Lindow’s Governing Body.

The panel that hears pay appeals will comprise three governors who were not involved in previous discussions regarding the teachers’ pay determination.

Teachers making representation at stage two and making an appeal at stage three may be accompanied by a colleague or representative from a professional organisation or trade union.

Pay appeals will be formally clerked and a note of proceedings will be produced.

Teachers will receive written confirmation of pay decisions and, where applicable, the basis on which the decision was made.

Stage one – information discussion with the appraiser or Headteacher prior to confirmation of pay recommendation

A teacher who is dissatisfied with a pay recommendation has the opportunity to discuss the recommendation with the appraiser or Headteacher before the recommendation is actioned and confirmation of the pay decision is made by the school. The decision will be communicated to the teacher.

Stage two – a formal representation to the person or governors’ committee making the pay determination

If, having had an informal discussion with the person making the pay recommendation, the teacher believes that an incorrect recommendation has been made, he/she may make representation to the person (or governors’ committee) making the decision. To begin the process, the teacher should submit a formal written statement (within 5 working days of the decision arising from the informal discussion at stage one) to the person (or governors’ committee) making the determination, setting down in writing the grounds for not agreeing with the pay recommendation.

The teacher is given the opportunity to make representations, including presenting evidence, calling witnesses and the opportunity to ask questions, at a formal meeting with the person (or governors’ committee) who will make the pay determination. Following this meeting the person (or governors’ committee) will make a pay determination that will be communicated to the teacher in writing.

Stage three – a formal appeal hearing with an appeals panel of governors

If the teacher does not agree with the pay determination, the teacher may appeal (within 5 working days of the written communication in stage two). The appeal hearing will be before an appeal panel of governors.

In the hearing before governors (which will be set up wherever possible within a further 10 working days), both the teacher and the management representative will have the opportunity to present their evidence and call witnesses, and to question each other. The panel is permitted to ask exploratory questions.

Having heard the appeal, the panel will reach a decision, which it will relay to the teacher in writing, including their rationale for reaching the decision. The appeal panel’s decision is final and, as set out in Section 3, paragraph 6 of the STPCD 2015, there is no recourse to the general staff grievance procedure.

The procedure adopted at any Appeal will be:

- 1 The Hearing will be conducted by a Committee/Panel or remaining members of the GB who did not sit on stage 2
- 2 The Panel may be assisted in the conduct of the Hearing by one or more advisers, who may be from the Authority's staff.
- 3 The Panel will satisfy themselves that the teacher understands the procedure for the Hearing and the power of the body to determine the matter and the possible implications arising from that determination.
- 4 The teacher’s case may be presented by the teacher or his/her representative who will describe the case. The presentation may include witnesses, written statements or other documents where these are considered necessary.
- 5 The person (or governors’ committee) at stage 2, supported/advised as appropriate, will be given the opportunity to question the teacher as well as any witnesses who may have given evidence.
- 6 The person (or governors’ committee) at stage 2 will then be invited to respond to the case as presented. They may also produce witnesses, written statements or other documents in support of the case.

Where witnesses are school or Council teachers they will be given reasonable time off with pay to attend the Hearing.

- 7 The teacher or his/her representative will be given the opportunity to question the person (or governors' committee) at stage 2 and any witnesses s/he called.
- 8 At any stage during the Hearing the Panel and any adviser(s) may ask questions of the teacher, the person (or governors' committee) at stage 2 or such other persons, as they may consider appropriate to ascertain the facts and arguments.
- 9 The teacher or his/her representative will then be invited to make a closing statement not introducing any new material.
- 10 Finally the person (or governors' committee) at stage 2 will be given the opportunity to make a closing statement also without introducing any new material.
- 11 Both parties will withdraw to allow the Panel to review and consider the evidence in conjunction with any advisers.
- 12 The Panel will then recall both parties to inform them of their decision. The decision will normally be announced personally to the parties as soon as it is possible on the day of the hearing. If it is not possible to make a decision immediately the parties will be informed of this. In any event, a decision will be made and communicated to the teacher within five working days of the hearing. The decision will be confirmed in writing and, where the appeal is rejected, the letter will include a note of the evidence considered and the reasons for the decision. The letter will be delivered to the teacher either by hand or recorded delivery, and by first class post, with a copy to the trade union representative and the person (or governors' committee) at stage 2.
- 13 The decision of the Panel will be final and cannot be subject to any further review under the GB's staff grievance procedure