



SCHOOL PAY POLICY 2010

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NOTES:

- a) For the purposes of this model policy, reference has been made to the Pay Committee; this term used to define the committee with responsibility for pay matters.

- b) The term 'School' is used as a generic term, but it is noted that the application of this policy will apply to all employees, in any establishment, whose terms and conditions are determined by the School Teachers' Pay and Conditions Document.

- c) The School Teachers' Pay and Conditions Document is referred to in this policy as 'The Document'.

1. Policy Statement

- 1.1 The School Teachers' Pay and Conditions document (hereafter referred to as The Document) places both a statutory duty and grants discretionary powers on the relevant body (Governing Body). It is through the policy that the statutory duties about pay and conditions should be determined and it should identify what use the relevant body wishes to make of its discretionary powers.
- 1.2 The power to determine the salaries for support staff is identified in schedule 16 and 17 of the School Standards and Framework Act 1998. Paragraph 20(2) of Schedule 16 requires the Governing Body of Community, Voluntary Controlled and Community Special Schools to pay in accordance with pay grades used by the Local Authority. This policy is also recommended for adoption by Foundation and Voluntary Aided schools where the Governing Body is the employer.
- 1.3 For teaching staff, schools are required to have in place a Performance Management Policy in line with the Education (School Teacher Performance Management) (England) Regulations 2006. It is also a statutory requirement for a relevant body to have in place a Pay Policy, which under the terms of the Freedom of Information Act 2000 must be a published document.
- 1.4 Closer links between performance management/appraisal arrangements and pay decisions were introduced and became effective in England on 1 September 2009 following the first reviews under the new Performance Management Regulations.

2. Application of this policy

- 2.1 This policy will apply to all staff employed to work in the school (or college), excluding any staff whose pay is not determined by the Governing Body. The prime statutory duty of Governing Bodies is set out in the school Standards and Framework Act 1998 and this Pay Policy is intended to support that statutory duty.

3. Aims of this policy

- 3.1 To maintain and improve the quality of education provided for pupils in the school by having a pay policy that supports the school's stated aims and improvement plan.

- 3.2 To identify the principles by which the salary decisions for all staff will be made.
- 3.3 To clearly identify the proposed timetable for annual salary reviews, including the consideration of staff for performance related pay.
- 3.4 To demonstrate to all staff that the Governing Body is managing its policy on pay in a fair consistent and responsible way.
- 3.5 To show a commitment to involving all members of staff and their Trade Unions in consultation on discretionary areas of pay and conditions of service.
- 3.6 To ensure that equality of opportunity within the school is established and maintained.
- 3.7 To ensure that job descriptions and person specifications are available for all vacant posts and that job descriptions are formally updated and agreed with existing staff on a yearly basis.
- 3.8 To aid equality in recruitment by producing information for all staff about vacant posts, posts of responsibility, temporary and acting posts.
- 3.9 To ensure that the staffing structure provides realistic career development opportunities for staff.
- 3.10 To provide a means of recruiting staff in accordance with the school's needs taking into account appropriate equality and employment legislation.
- 3.11 To respond to recruitment and retention problems where they exist.

4. Responsibilities

- 4.1 It is the statutory responsibility of the Governing Body to produce a Pay Policy. In exercising its functions, the Governing Body must adhere, in full, to:
 - The School Teachers' Pay and Conditions and Guidance document currently in force;
 - Conditions of Service for School Teachers in England and Wales (Burgundy Book, Revised August 2000);
 - The National Joint Council for Local Government Services National Agreement of Pay and Conditions of Service (Green Book).

Note: It is strongly recommended that these documents be available to governors and staff within the school.

- 4.2 It is the Governing Body's responsibility to ensure that the pay policy is followed, having taken advice from the Head Teacher on all matters with the exception of his/her own salary. The Governing Body has the power to form a Committee to whom responsibility for administration of the pay policy within the School is delegated; hereinafter referred to as "the Pay Committee". This responsibility includes the determination of grades and salaries where

appropriate. The Pay Committee should comprise of a minimum of three governors, not including staff governors.

- 4.3 The Governing Body must ensure that annual salary reviews and the decisions about the award of discretionary payments to teachers and other staff are carried out in the context of the School Pay Policy by a properly constituted Pay Committee and that the determination of teachers' pay should be completed without undue delay and at the latest by the 31st October of any year, except in the case of Head Teachers/Principals where the deadline is the 31st December of any year.
- 4.4 The Pay Committee's remit is:
- To fairly apply the criteria related to discretionary areas of pay, as identified within the Pay Policy.
 - To determine salary at the time of the annual review for all staff.
 - To review job descriptions annually and where responsibility or accountability is increased, to reconsider the grade in accordance with the appropriate guidelines.
 - To consider the recommendations of the Head Teacher.
 - To ensure that statutory and contractual requirements are applied to all staff groups.
 - To ensure that adequate records of decisions are kept.
- 4.5 Decisions of The Pay Committee, following notification to the full Governing Body, will be notified in writing to the member of staff concerned*.
- 4.6 Committee members are required to treat information about each individual's earnings as confidential.
- 4.7 These responsibilities are to be exercised within the constraints of the school's locally managed budget and in accordance with the school's financial and improvement plans.

**Details of the agreed Pay Appeal Procedure should be identified within the notification. If a member of staff has a query about his/her salary, he/she should in the first place seek to resolve the matter informally with the Head Teacher (or in the case of a Head Teacher with the Chair of the Pay Committee). If the matter remains unresolved the Pay Appeal Procedure could, if necessary be followed (see Appendix 3a).*

- 4.8 Reviews may take place at other times of the year to reflect any changes in circumstances or job descriptions 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 it will give information about the basis on which it was made.

5. Consultation

- 5.1 The Governing Body will share with staff the model Pay Policy that is adopted. In addition The Document will be circulated to all Governors and any relevant parties i.e. Diocesan Board, the Clerk to the Governors etc.
- 5.2 Any changes to individual conditions of employment should be subject to the usual consultation process.

6. Reviewing the pay policy

- 6.1 The policy will be reviewed at least at yearly intervals and in any event at the time a new School Teachers' Pay and Conditions document is issued.
- 6.2 Governors will convene each year and review the discretionary elements of the policy to ensure compliance with any changes in the School Teachers' Pay and Conditions Document and the School Development Plan.
- 6.3 Governors will review any changes that might be necessary in respect of support staff in order to comply with the National Joint Council for Local Government Services National Agreement of Pay and Conditions of Service (Green Book); and any local agreements on employees' pay and conditions of service.
- 6.4 Where the Governing Body wishes to deviate from this proposed policy or adopt any other policy, it is the responsibility of the Governing Body to arrange consultation with recognised teacher and support staff trade unions.

7. Equality and employment legislation

- 7.1 The Governing Body supports equality of opportunity in employment and will follow the guidelines laid down within the County Council's Equality Policies and the School's own Equality Policies and will not discriminate or treat an individual less favourably in relation to any of the protected characteristics. The relevant body will promote equality in all areas of the School, particularly

in respect of the retention of posts, the appointment process, promotion and payment of staff as well as in all aspects of training and development.

- 7.2 The Governing Body will follow the statutory codes of practice which relate to the Equality Act 2010 and make decisions which are consistent with education and employment legislation.
- 7.3 The Pay Committee will take all reasonable steps to ensure that any decision made about pay does not give rise to complaints under **any** legislation including – equality legislation and the treatment of those on part-time or fixed term contracts.
- 7.4 The Governing Body and Pay Committee will note that the Equality Act 2010 came into effect on 1st October 2010 with further key provisions becoming effective on 1st April 2011.

NB Governors of Catholic and Church of England Voluntary Aided schools are able to use religion as a criterion for appointment in relation to specific posts; however the Governing Body should take advice before doing so to ensure that legal requirements are met.

8. Job descriptions and person specifications

- 8.1 Job descriptions will be provided to each member of the School staff, on behalf of the Governing Body. These should be reviewed annually as part of the performance management process to check that they are still appropriate; any changes will be made in consultation with employees.

9. Pay relativity

- 9.1 The Governing Body will seek to ensure that differentials within the School are set in accordance with The Document. Where possible, appropriate differentials will be created and maintained, following the appropriate guidelines and recognising accountability, job size and the need to recruit, retain and motivate sufficient employees of the required quality at all levels.
- 9.2 The Governing Body will ensure that support staff jobs in the school are evaluated using the Council's chosen job evaluation scheme. The Council uses a method of evaluation called Hay. This analyses all aspects of a job and attributes points to each as appropriate. These numbers, when totalled, indicate where in the ranking the job should be placed and how this relates to pay.

Reference should be made to Section SC of the Schools HR Handbook entitled Pay, Grading and Allowances.

10. Records

- 10.1 For purposes of confidentiality, access to salary records will be confined to the individual concerned, the Head Teacher, The Pay Committee and other appropriate bodies. (One of which may be a recognised trade union representative as per the agreement on trade union facility time).

11. Support staff

- 11.1 The Governing Body will comply with the National Joint Council for Local Government Services National Agreement of Pay and Conditions of Service (Green Book); and any local agreements on employees' conditions of service.
- 11.2 Northamptonshire County Council has carried out a pay and benefits review. This review included jobs in schools covered by the National Joint Council for Local Government Services but not teaching staff covered by the School Teachers' Pay and Conditions Document.
- 11.3 The new pay arrangements replace any existing arrangements.

12. Recruitment and Selection

- 12.1 The Governing Body should operate within the schools agreed Recruitment and Selection Policy.
- 12.2 To provide a means of recruiting staff where the market place is difficult in accordance with the School's needs and taking into account Equal Opportunity policies, it may be necessary to use recruitment incentives. (Further guidance can be found at section 24 - Recruitment and retention incentives and benefits)

13. Performance Management

- 13.1 All members of the teaching staff are required to participate in the arrangements made for their appraisal, in accordance with their conditions of employment and the **Education (School Teachers Performance Management) (England) Regulations 2006** and the school's Performance Management Policy.
- 13.2 Relevant information from performance management review statements will be taken into account by the Head Teacher in advising those responsible for taking decisions on the use of any discretion in relation to pay. Where the Head Teacher has delegated the responsibility of Performance Management Reviewer to the teacher's line manager, the Head Teacher will take into account the Reviewer's recommendation for pay progression, and advise the Pay Committee of this recommendation accordingly.

This provision may also apply to support staff if there is an appraisal or performance management scheme in operation for them which has been adopted by the Governing Body after consultation with those affected.

14. Teaching staff

General

- 14.1 The Governing Body will follow the requirements of the current School Teachers' Pay and Conditions Document in implementing the pay policy for teaching staff to ensure staff are treated fairly, equitably and consistently.
- 14.2 The Governing Body will endeavour to ensure that, given the resources available within the school budget, all members of staff receive proper recognition for their work and contribution to the education of the pupils, to the life of the school and in aspiring to achieve the aims and objectives of the school's development and its improvement plan. Any use of discretion will be in accordance with the aims of the school's development plan and in accordance with criteria agreed within the Pay Policy.
- 14.3 The Pay Committee will review every main scale classroom teacher's salary whenever he/she takes up a new post (whether it is on initial appointment to the school, promotion to a new post, or transfer from another school), at the annual salary review or at any other appropriate time to reflect a change in circumstances or job description.
- 14.4 The Pay Committee will identify to all teaching staff the proposed timetable for annual salary reviews which will normally be during the summer term. This will include teachers who are absent on maternity leave or as a result of long term sickness absence. Teachers will be given a formal statement informing them of their salary with effect from 1 September and an explanation of how it

has been arrived at. Notification will normally be issued to staff no later than 31 October. A copy of the teachers' salary notification is attached as **Appendix 1**.

14.5 The salaries of members of the leadership group and teachers on the Post-Threshold Pay Scale will be reviewed no later than 31 December following a performance review, with any resulting increase being paid with effect from the preceding 1 September. Staff will be given a formal statement informing them of their salary with effect from 1 September and an explanation of how it has been arrived at, notification must be issued to staff no later than 31st January. A copy of the salary notification statement for staff on the leadership pay spine is attached as **Appendix 2**.

14.6 In the case of staff who are absent on maternity leave or long term sick leave, arrangements will be made for a performance review and subsequent salary review to take place no later than 3 months after their return to work.

(a) a person has completed a "year of employment" if the person has completed periods of employment amounting to at least twenty-six weeks in aggregate within the previous school year, in the case of paragraphs 18, 26.2.1(b) and 33.1(b) of the Document or within the previous twelve months in the case of paragraphs 19.4.2 and 34.4(a) of the Document. For these purposes, a period of employment runs from the beginning of the week in which the employment commences to the end of the week in which the employment is terminated and includes any holiday periods and any periods of absence from work in consequence of sickness or injury, whether the person's service during that period has been full-time or part-time or regular or otherwise;

(b) where a person is absent from work-

(i) in exercise of her right to maternity leave conferred by section 71 or 73 of the Employment Rights Act (ERA) 1996 or her contract of employment and has the right to return to work by virtue of those sections or her contract of employment; the right to parental leave conferred by section 76 of the ERA 1996; the right to paternity leave conferred by section 80A, 80AA, 80B or 80BB of the ERA 1996; or the right to adoption leave conferred by section 75A or 75B of the ERA 1996⁽¹⁾; or

(ii) because of her pregnancy;

Sections 75A and 75B were inserted by section 3 of the Employment Act 2002 c. 22 and amended by paragraphs 33 and 34 of Schedule 1 to the Work and Families Act 2006 (c. 18) respectively.

the period of absence counts towards the period of service of at least twenty-six weeks referred to in paragraph (a); and

- (c) where a person is absent from work for any reason other than as specified in paragraph 1.8(a) or (b) of the Document, the relevant body may determine that the period of absence counts as if the person was in employment during it.

Movement on the upper scale usually depends on two successful performance reviews. If someone is on maternity leave or long term sick leave, there may not be sufficient evidence over 2 years to determine this. It would then be necessary to reach a judgement as to whether the teacher has met their performance targets. If a teacher is absent for 2 terms out of 6 in a 2-year period (counting 3 terms per academic year) then it is likely that a judgement could be made that performance objectives have been met. However, if a teacher is absent for 5 terms out of 6 in a 2-year period (counting 3 terms per academic year) then it is not likely that there would be enough evidence to say that the teacher had met their objectives.

15. Leadership group pay

15a. Head Teachers Pay

New Head Teacher appointments

- 15.1 The Pay Committee will review the school's Head Teacher group and the Head Teacher's individual salary range (ISR) in accordance with the School Teachers Pay and Conditions document (The Document);
- 15.2 The Pay Committee will set a seven point ISR that takes account of the school size. The Pay Committee will ensure that there is no overlap between the ISR and the pay ranges for other members of the leadership group. Where it becomes necessary to increase the ISR to avoid overlap with other leadership group members, the increase will not be more than is necessary to secure that the minimum of the individual school range exceeds by one point the maximum of the Deputy or Assistant Head Teacher range or the salary of the highest paid classroom teacher (notional calculation in accordance with 12.3 of the Document) (as the case may be).
- 15.3 The Pay Committee will record its reasons for the determination of the ISR, in accordance with The Document;
- 15.4 Where relevant circumstances apply, the Pay Committee will determine the ISR in accordance with the need of the school to attract and appoint an appropriate candidate;

- 15.5 The Pay Committee will exercise its discretion to pay on any of the bottom our points on the ISR, in order to secure the appointment of its preferred candidate.

Head Teachers already in post

- 15.6 Governing Bodies may change the ISR at any time in order to retain a Head Teacher or where there has been a significant change in the Head Teacher's responsibilities. They will also be able to set an ISR which extends up to two groups above the school group maximum in order to retain an existing Head Teacher;
- 15.7 In considering the pay progression of the Head Teacher, the Governing Body will appoint two or three performance management governors who will meet with the Head Teacher and may take advice from an external adviser. The performance management governors will consider progress against previously agreed targets and agree the new targets for the following year. The targets will be agreed as early as possible in the autumn term. An IP must be present in schools where the Council is the employer. The Chair of Governors is normally not a reviewer so that they may be called upon in case of an appeal.
- 15.8 The performance management governors will review performance against previously set objectives and recommend movement up the pay spine where appropriate;
- 15.9 If good progress towards achieving performance objectives has been made and there has been sustained high quality performance overall, the performance management governors may recommend an increase of not more than two points in the course of a year within the relevant seven point range. This will be taken forward to the full Governing Body for formal ratification;
- 15.10 The full Governing Body will meet to ratify the pay recommendations. Time will need to be allowed for any appeals against the pay decisions, for the appeals process please see **Appendix 3a**;
- 15.11 Where an award is made, this **must** be paid with effect from 1 September, backdated as appropriate.
- 15.12 Where the head teacher is appointed as a head teacher or acting head teacher of more than one school the relevant body of the head teacher's original school or, under the Collaboration Regulations, the collaborating body, must refer to the guidance within the 2010 Document.

15b. Deputy Head or Assistant Head Teacher Pay

New appointments

- 15.13 The Pay Committee will set a five point Deputy Head Teacher or Assistant Head Teacher range in accordance with The Document.

- 15.14 When a Deputy Head Teacher's pay range is determined,, the relevant body must ensure that the minimum of the Deputy Head Teacher's pay range is not less than the next leadership group pay spine point above-
- (a) the salary of the highest paid classroom teacher (notional calculation in accordance with paragraph 12.3 of the Document); and
 - (b) the minimum of the Assistant Head Teacher's pay range of the highest paid Assistant Head Teacher at the school.
- 15.15 Where there is insufficient space on the leadership group pay spine to accommodate a Deputy Head Teacher's pay range of five points between the salary of the highest paid classroom teacher or the minimum of an Assistant Head Teacher pay range and the minimum of the individual school range, the individual school range must be raised to the extent necessary to accommodate the Deputy Head Teacher's pay range.
- 15.16 The relevant body must not determine a Deputy Head Teacher's pay range at so high a level that they are required by virtue of any other provision of the Document to raise the individual school range beyond the maximum of the head teacher group range.
- 15.17 The Pay Committee will record its reasons for the determination of the Deputy Head Teacher or Assistant Head Teacher pay range, in accordance with The Document;

Deputy Head Teachers and Assistant Head Teachers already in post

- 15.18 The Pay Committee delegates to the Head Teacher the agreement of performance objectives with the Deputy Head Teacher and Assistant Head Teacher. Objectives will be agreed and reported to the Pay Committee as early as possible in the autumn term; the Head Teacher, will review performance against previously set objectives and recommend movement up the pay spine where appropriate.
- 15.19 The relevant body must not determine an assistant head teacher's pay range at so high a level that it is required by virtue of any other provision of the Document to raise the individual school range beyond the maximum of the head teacher group range
- 15.20 If good progress towards achieving performance objectives has been made and there has been sustained high quality performance overall, the Head Teacher may recommend an increase of not more than two points in the course of a year within the relevant five point range. This will be taken forward to the full Governing Body for formal ratification;
- 15.21 The full Governing Body meets and ratifies the pay recommendations. Time will need to be allowed for any appeals against the pay decisions, for the appeals process please see **Appendix 3a**;

15.22 Where an award is made, this **must** be paid with effect from 1 September, backdated as appropriate.

15c. Acting/Interim Allowances

15.23 Acting allowances may be paid to teachers who are assigned and carrying out the duties of Head Teacher, Deputy Head Teacher or Assistant Head Teacher. The Pay Committee will, within a four week period of the commencement of acting duties, determine whether or not the acting post holder will be paid an allowance. In the event of a planned and prolonged absence, an acting allowance will be agreed in advance and paid from the first day of absence.

15.24 If the Pay Committee determines that an allowance will be paid, any teacher who carries out the duties of Head Teacher, Deputy Head Teacher or Assistant Head Teacher, will be paid at an appropriate point of the Head Teacher's ISR, Deputy Head Teacher range or Assistant Head Teacher range as determined by The Pay Committee.

The payment of honoraria to teaching staff is not permitted under the terms within the School Teachers' Pay and Conditions document.

16. Advanced Skills Teachers

Eligibility

16.1 A classroom teacher who is not a post-threshold teacher who has been selected for interview for an advanced skills teacher post is eligible to apply for assessment against the post-threshold teacher standards, the excellent teacher standards and the advanced skills teacher standards.

16.2 A post-threshold teacher who has been selected for interview for an advanced skills teacher post is eligible to apply for assessment against the excellent teacher standards and the advanced skills teacher standards.

16.3 An excellent teacher who has been selected for interview for an advanced skills teacher post is eligible to apply for assessment against the advanced skills teacher standards.

16.4 A post-threshold teacher who is placed at point U3 on the pay scale set out in paragraph 19.2 of the Document and who is employed by a relevant body that has an excellent teacher's post that is vacant, is eligible to apply for assessment against the excellent teacher standards.

16.5 Where the Governing Body employs Advanced Skills Teachers, that body will select a pay range consisting of 5 consecutive points on the pay spine. The starting salary will be the lowest point in the range.

16.6 When determining the 5 point range, the Governors will need to take into account the following criteria: -

- the nature of the work to be undertaken by the Advanced Skills Teachers, including any work with teachers from other Schools/Colleges
 - the degree of the challenge of the role;
 - the professional competencies required by the Advanced Skills Teacher
 - such other criteria as they consider to be appropriate.
- 16.7 Movement up the pay spine for an Advanced Skills Teacher will only be if there has been a sustained high quality of performance, in accordance with the performance criteria agreed. Any such movement shall not exceed two points in the course of one school year.
- 16.8 The yearly review will be applied from September each year based on the previous academic year's performance review.
- 16.9 The performance progression of all members on the leadership scale and Advanced Skills Teachers, except that of the Head Teacher will be considered by the Pay Committee on the recommendation of the Head Teacher.

17. Excellent Teachers

- 17.1 A teacher may be appointed to an excellent teacher post if the teacher-
- (a) has held an excellent teacher post; or
 - (b) is a post-threshold teacher who has completed at least two years of employment (interpreted in accordance with paragraph 1.8) since first being placed at point U3 on a pay scale set out in paragraph 19 or the equivalent pay scale in an earlier Document and-
 - (i) in accordance with the 2004 Document or any previous Document, has been assessed as meeting the standards for advanced skills teachers 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 Document or of the 2006 Document; or
 - (iii) in accordance with this Document or any of the Documents published between 2007 and 2009, has satisfied the person to whom the task has been delegated that the teacher meets the core standards and the post-threshold standards and has been certified by an assessor as meeting the excellent teacher standards.
- 17.2 The salary of an excellent teacher must be determined in accordance with sub-paragraphs 3 and 4 of the Document.
When determining the salary of an excellent teacher the pay committee must have regard only to-

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

17.3 The relevant body may re-determine the salary of an excellent teacher at any time where there are any significant changes in-

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

18. Classroom Teachers

18.1 The Governing Body will determine the point on the scale on which each individual teacher will be paid, with effect from the 1st September each year. Once the decision has been made, the teacher will be notified of the point. A draft of the notification to the teacher is attached as an appendix to the policy.

18.2 Governors will need to consider experience when determining the position of a teacher on the scale. In addition, Governors will need to consider the use of the following: -

- Recruitment and Retention Allowances – amounts to be determined by Governing Body.
- Special Educational Needs Allowances.
- Teaching and Learning Responsibility Payments.

18.3 The main classroom teacher pay scale is six points.

18.4 Each classroom teacher will be placed on the minimum point of the Main Pay Scale for Classroom Teachers, unless mandatory or discretionary points can be considered.

Mandatory Points

18.5 The Pay Committee must award-

- (a) the number of points awarded when the classroom teacher was first placed on the pay scale for classroom teachers in accordance with any of the Documents published between 2002 and 2009 or paragraph 26 of the 2010 Document;
- (b) a point for each year of employment (interpreted in accordance with paragraph 1.8) as a classroom teacher completed since the teacher was first so placed unless notification has taken place in

accordance with sub-paragraph 1.6 that the teacher's service has not been satisfactory in respect of any such year.

- 18.6 The Pay Committee will also count as service any period of absence approved by the Head Teacher and during which experience relevant to teaching is acquired.
- 18.7 In order to award an increment for one year's service, a teacher will need to have completed periods of employment amounting to at least twenty-six weeks in the previous academic year (1st September to 31st August). For these purposes, a period of employment runs from the beginning of the week in which the employment commences to the end of the week in which employment is terminated and includes any holiday periods and any periods of absence from work in consequence of sickness or injury, whether the person's service during that period has been full-time or part-time or regular or otherwise.
- i) The relevant body must award-
- (a) the number of points awarded when the classroom teacher was first placed on the pay scale for classroom teachers in accordance with any of the Documents published between 2002 and 2009 or paragraph 26 of the Document;
 - b) a point for each year of employment (interpreted in accordance with paragraph 1.8) as a classroom teacher completed since the teacher was first so placed unless the teacher has been notified in writing in accordance with sub-paragraph 1.6 that the teacher's service has not been satisfactory in respect of any such year.

The relevant body shall award a point for each year of employment as a qualified teacher:-

- a) in an MOD school; or
 - b) by an Education Action Forum.
- 18.8 The relevant body shall award a point for each year of employment as a person qualified to teach school age children within state sector schools in the European Economic Area and Switzerland (other than in England and Wales).
- 18.9 The relevant body shall award a point to a fast track teacher appointed as such who was assessed as meeting the standards for fast track teachers under an earlier Document, and who is first placed on the pay scale for classroom teachers.
- 18.10 Where a classroom teacher remains in service on 1st September in the School in which he/she has been employed during the previous school year, the relevant body, when considering whether or not the teacher's service has been satisfactory, shall seek and take into account advice from the Head

Teacher/Principal and where the relevant body considers that the classroom teacher's service has been unsatisfactory it shall notify the teacher in writing before the end of the current school year and before the relevant body makes a determination.

Discretionary Points

18.11 The relevant body may award:-

- a) 1 point to a classroom teacher who has been notified that a year of employment has not been satisfactory, in respect of that year;
- b) 1 or more points for years of experience other than employment as a classroom teacher which the relevant body considers to be of value to the performance of the classroom teacher's duties.
- c) In a case to which paragraph 4.1(a) of The Document applies, 1 point-
 - (i) where the teacher is not subject to the 2002 Regulations or the 2006 Regulations, the teacher's performance in the previous school year was excellent, having regard to all aspects of the teacher's professional duties, in particular, classroom teaching; or
 - (ii) where the teacher is subject to the 2002 Regulations or the 2006 Regulations, the teacher's performance in the previous school year was excellent, having regard to the results of the most recent appraisal carried out in accordance with the 2002 Regulations or the most recent review carried out in accordance with the 2006 Regulations, as the case may be.

18.12 Points awarded shall be permanent, whether the classroom teacher remains in the same post, or takes up a new one.

18.13 The Governing Body will ensure that suitable support and training is given to a teacher in improving their performance where problems have been identified. Experience points may be withheld in a year when a teacher has performed unsatisfactorily. Normally the Pay Committee will exercise this discretion only where formal competency procedures have begun. The relevant body may decide to award an experience point for the year's service at any later date.

19. Fast Track Teachers

19.1 The Fast Track Teaching programme closed on 31 August 2009. However, a Fast Track teacher means a classroom teacher who has been recognised as a Fast Track teacher in accordance with an earlier Document and who has not ceased to be so recognised;

- 19.2 The relevant body must award a point to a person appointed as a Fast Track teacher who was assessed as meeting the standards for Fast Track teachers under an earlier Document and who is first placed on the pay scale for classroom teachers under this Document.
- 19.3 Other (non-NQT) Fast Track teachers will be paid at the appropriate point on the pay scale for classroom teachers (pre-threshold). Subject to sustained performance, they will progress by one incremental point each year.
- 19.4 Fast Track teachers are covered by the provision of working time limits for classroom teachers of 195 days/1265 hours.

20. Unqualified teachers/instructors

- 20.1 Unqualified teacher means a teacher who is not a qualified teacher and who is prescribed by Order under section 122(5) of the Act as a school teacher for the purposes of that section
- 20.2 Schools should be aware that there are only three types of 'unqualified teacher' allowed by the law: trainees working towards QTS, overseas trained teachers who have not exceeded the four years they are allowed without having QTS, and instructors who are people with a particular skill who can be used for so long as a qualified teacher is not available. There is no other form of unqualified teacher permitted to teach in schools covered by the Document in England and Wales. Graduate teachers, registered teachers or those on employment-based training schemes can be paid and be eligible for allowances either as a qualified teacher on the main scale or as an unqualified teacher on the unqualified teachers' pay scale.
- 20.3 The Governing Body recognises that there are some specific posts where the appointment of an unqualified teacher may be appropriate, with no expectation that the unqualified teacher be working towards qualified teacher status. Any such unqualified teacher will normally be employed on a fixed term contract, subject to termly or annual review.
- 20.4 In most circumstances, the Governing Body would expect the unqualified teacher to be working towards qualified teacher status and provide appropriate support.
- 20.5 Unqualified teachers are employed on a single 6 point incremental scale, which is reviewed annually on 1st September. The Pay Committee will determine where a newly appointed unqualified teacher enters the scale.

The assimilation table for unqualified teachers is:

Scale point on pay scale in paragraph 38.1 of 2007 Document	Scale point on 2010 pay scale to which teacher is assimilated
1	1
2	2
3	2

4	3
5	3
6	3
7	4
8	5
9	6
10	6

20.6 The Pay Committee will pay any unqualified teacher in accordance with The Document.

20.7 The relevant body may determine that such additional allowance as it considers appropriate is to be paid to an unqualified teacher where it considers, in the context of its staffing structure and pay policy, that the teacher has-

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

20.8 Unqualified teachers may not hold TLR payments or SEN allowances.

20.9 The Pay Committee must award an unqualified teacher one point for each year of employment completed as an unqualified teacher since 1 September 2008, unless the teacher has been notified in accordance with sub-paragraph 10 of the Document that service was unsatisfactory in respect of that year.

20.10 Any points awarded under paragraphs 35.15 and 35.16 of the Document are permanent whether the unqualified teacher remains in the same post or take up a new one.

An unqualified teacher who becomes qualified

20.11 Upon obtaining qualified teacher status under regulations made under section 132 of the Act ⁽²⁾, an unqualified teacher must be transferred to the next point on the classroom teachers' pay scale in paragraph 17.3 of the Document and which is above the sum of the salary payable and any allowance payable (including any safeguarded sum), or to such higher point on the classroom teacher's pay scale as the relevant body considers to be appropriate.

² (65) S.I. 2003/1662 in relation to England.

- 20.12 A teacher who obtains qualified teacher status retrospectively under those regulations must be paid a lump sum by the relevant body responsible for the payment of the teacher's remuneration at the time when their qualified teacher status was effectively obtained.
- 20.13 The lump sum payable under sub-paragraph 2 must be the difference (if any) between the remuneration the teacher was actually paid as an unqualified teacher and the salary (not including any allowances) the teacher would have been paid as a qualified teacher, from the date qualified teacher status was effectively obtained to the date when the lump sum is paid.

21. Supply Teachers (non-agency supply)

- 21.1 The Governing Body accept that it is the Council's responsibility to assess the pay rate for individuals who take up a post as a supply teacher. The Governing Body will accept the assessment established by the Council for teaching staff employed at this School on a supply (relief) basis.
- 21.2 Schools also need to have regard to the Part Time Workers' Regulations which in certain circumstances may apply to supply teachers. Those who are not casual (i.e. not employed on a day-to-day basis) have, under these regulations, an entitlement to pro rata terms and conditions enjoyed by other teachers at the school. This would include access to CPD enjoyed by teachers at the school.

22. Threshold and post-threshold teachers

Threshold teachers

- 22.1 A qualified teacher who is subject to the 2006 Regulations may only apply in the period 1st September 2010 to 31st October 2011 to the relevant body for assessment against the post-threshold teacher standards if the applicant is on point M6 of the pay scale for classroom teachers in that period.
- 22.2 An applicant who is not subject to the 2006 Regulations may only apply in the school year 2010/2011 to the relevant body for assessment against the post-threshold teacher standards if the applicant is on point M6 in the school year 2010/2011
- 22.3 An applicant who is employed to teach at more than one school may not apply to the relevant body of more than one such school.
- 22.4 Progression through the threshold is not automatic. If the assessment is not successful, the teacher will be notified in writing and will be advised of their right of appeal against this decision to Governors. Please see **Appendix 3a**.

Where an eligible teacher expresses a wish to be assessed against the Post-Threshold standards reference must be made to Section 20.7 of the Document for further information about what the application must contain and how the application must be assessed.

- 22.5 Successful applications made from September 2010 onwards will result in payment being made on scale point U1 on the pay scale set out in sub-paragraph 2 of the Document with effect from 1st September 2010 where, in the case of a teacher subject to the 2006 Regulations who is on point M6 and was on point M6 in the school year 2009/2010, the teacher makes an application for assessment against the threshold standards between 1st September 2010 and 31st October 2010 and is assessed as meeting those standards.
- 22.6 Where a teacher makes an application for assessment against the threshold standards but is not assessed as meeting those standards until after the threshold period in which the application was made, payment is to be made on scale point U1 with effect from the appropriate date in the Document applicable at the date of the application.

Post-Threshold teachers

- 22.7 A teacher on the Post-Threshold Teacher scale can only progress following two successful performance management reviews and having made a substantial and sustained contribution to the school. If a teacher is considered not to have made a substantial and sustained contribution and progression is not agreed, they will be notified in writing and will be advised of their right of appeal against this decision to governors. Please see **Appendix 3a**.
- 22.8 An annual pay review for post-threshold teachers will be conducted by the Committee in accordance with the revised pay standards set out in the School Teachers' Pay and Conditions Document 2009. The decisions of this group will be reported to the full Governing Body for ratification.
- 22.9 Other than in exceptional circumstances, there must be no movement up the pay scale set out in sub-paragraph 2 of the Document prior to the second annual determination after the date on which the post-threshold teacher was first placed on that scale or the date on which the teacher was last awarded an additional point on that scale and unless-
- (a) in the case where the post-threshold teacher is not subject to the 2002 Regulations or the 2006 Regulations, there has first been a review of performance and the relevant body is satisfied that the teacher's achievements and contribution to the school, or to the school or schools in which the teacher previously worked, have been substantial and sustained; or
 - (b) in the case where the post-threshold teacher is subject to the 2002 Regulations or the 2006 Regulations, the relevant body is satisfied that the teacher's achievements and contribution to the school, or to the school or schools in which the teacher previously worked have been substantial and sustained, having regard to the results of the two most recent appraisals or reviews carried out in accordance with

the 2001 Regulations, the 2002 Regulations or the 2006 Regulations, as the case may be.

- 22.10 No more than one point should be awarded in the course of a single annual salary determination and any points awarded are permanent whether the teacher remains in the same post or takes up a new one.
- 22.11 The Pay Committee should pay former members of the leadership group or Advanced Skills Teachers who have stepped down from their posts on point U1 of the Post-Threshold Pay Scale or above.
- 22.12 Head Teachers/Principals should not disclose details to anyone who is not involved in assessing or reviewing the assessments. Head Teachers may only disclose all or part of teachers' assessments to:
- Other members of the school leadership group;
 - Other teachers with management responsibility for the individual to be assessed;
 - Any other person with responsibility for quality assurance of assessments

or for the purposes of monitoring equal opportunities

23. Management Allowances

- 23.1 Management allowances were phased out on 31 December 2008 with the exception of a general safeguarded allowance e.g. an allowance awarded as a result of the Northampton Town Review.

24. Recruitment and retention incentives and benefits

24.1 Recruitment and Retention Allowances

Either

Subject to sub-paragraphs 2 and 3 of The Document, the relevant body and, where it is the teacher's employer, the Council may make such 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 their service of existing teachers.

An incentive for the recruitment of a new teacher that consists of periodic payments or the provision of other benefits over a period of time may only be awarded for a fixed period not exceeding three years and must not be renewed.

An incentive for the retention of an existing teacher that consists of periodic payments or the provision of other benefits over a period of time may only be

awarded for a fixed period not exceeding three years and may, in exceptional circumstances, be renewed.

In this paragraph “allowance” means a recruitment and retention allowance, or other assistance, support or benefit awarded by the relevant body as an incentive for the recruitment of new teachers or the retention in its service of existing teachers.

The scheme for making recruitment and retention awards is attached as Appendix 5

Or

The Pay Committee will exercise its discretion not to award recruitment and retention incentives and benefits.

24.2 Criteria for the Use of a Recruitment Allowance

- Insufficient number of applicants following the initial advertisement for a post.
- Insufficient quality of candidates (that is candidates not meeting the Person Specification for the post following advertisement but prior to interview.)
- Inability to appoint following advertisement because of the quality of the candidates presented at interview.
- It is important for a post to have been tested by advertisement at least once before a recruitment incentive is agreed.

24.3 Retention Allowances

Careful consideration should be given to the offer of retention payments to individuals where no initial recruitment payment has been made. It is advised that the Pay Committee look carefully at any recommended retention allowance and consider equal opportunity/pay issues before awarding any amount.

If a retention allowance is to be paid it should be on the basis of:-

- A teacher undertaking a particular piece of work or activity which it would be difficult for another person to take over if the teacher were to leave before the work or activity was completed.
- the school having recently unsuccessfully tried to recruit a teacher with the same curriculum expertise.
- circumstances where the school is near to a restructure/change of roles and needs the skills or specialism of the post holder for an additional period of time and the post holder is about to leave after which the post would not be required and where in the intervening period it would be difficult to recruit.

- the school having advertised the post and not been able to recruit and the current post holder is available to continue with a plusage to salary if not prepared to continue on current level of pay.

A retention allowance must only be payable for a fixed period of time not exceeding three years but may in exceptional circumstances be renewed.

25. Teaching and learning responsibility payments (TLRs)

25.1 TLRs will only be awarded in the context of the school's staffing structure and pay policy where a classroom teacher undertakes a sustained additional responsibility for which the teacher is 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.

25.2 The post must meet all of the following factors:

- Is focused on teaching and learning;
- requires the exercise of the teacher's professional skills and judgement;
- requires the teacher to lead, manage and develop a subject or curriculum area; or to lead and manage pupil development across the curriculum;
- have an impact on the educational progress of pupils other than the teachers assigned classes or groups of pupils; and
- involves leading, developing and enhancing the teaching practice of other staff.

25.3 In addition, before awarding a TLR1, the Pay Committee must be satisfied that the significant responsibility referred to above includes line management responsibility for a significant number of people.

25.4 In any review of the staffing structure, following consultation, the relevant body will determine the number of leadership group posts, the number of advanced skills teacher and other posts including excellent teacher posts, and whether TLRs are an appropriate part of the structure needed to discharge effectively the leadership and management of teaching and learning. If TLRs are to be a part of the new structure, the relevant body will determine the number of levels of TLRs it considers necessary and their cash values, in the light of the criterion and factors for the award of TLR2 and TLR1 and the parameters within which the cash values may be set. The responsibility for which a TLR is awarded will be clearly defined in the job description of the TLR payment holder. Equal pay legislation will need to be respected in the award of TLR payments to individual teachers.

25.5 TLRs will be awarded to the holders of the posts indicated in the school's staffing structure, in line with the requirements of the School Teachers Pay and Conditions Document.

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25.6 The governing body has determined the value of TLR payments as specified below (amend according to school policy).

Note: In accordance with Paragraph 133, page 182 of the 2009 Document, Unqualified Teachers cannot hold TLRs.

TLR 2 will be awarded to the following value,

- £
- £
- £

Or

The current school staffing structure does not contain any posts for which a TLR2 payment will be awarded.

Or

TLR 1 will be awarded to the following values to staff with additional significant line management responsibility for a significant number of staff

- £
- £
- £
- £

or

The current school staffing structure does not contain any posts for which a TLR 1 payment will be awarded

26. Special Educational Needs Allowances (SEN)

A SEN allowance of no less than £2001 and no more than £3954 per annum is payable to a classroom teacher in accordance with the Document.

An SEN Allowance cannot be paid to a teacher on the leadership pay spine.

The Pay Committee must award a SEN allowance to a classroom teacher-

- (a) in any SEN post that requires a mandatory SEN qualification; (Mandatory qualification refers to teachers of hearing impaired and

visually impaired pupils, and does not include the SENCO Qualification)

- (b) in a special school;
- (c) 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;
- (d) in any non-designated setting (including any PRU) that is analogous to a designated special class or unit, where the post -
 - (i) involves a substantial element of working directly with children with special educational needs;
 - (ii) requires the exercise of a teacher's professional skills and judgement in the teaching of children with special educational needs; and
 - (iii) has a greater level of involvement in the teaching of children with special educational needs than is the normal requirement of teachers throughout the school or unit within the school or, in the case of an unattached teacher, the unit or service.

Where a SEN allowance is to be paid, the relevant body must determine the spot value of the allowance, taking into account the structure of the school's SEN provision and the following factors-

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

The relevant body must set out in its pay policy the arrangements for rewarding classroom teachers with SEN responsibilities.

Where a teacher is in receipt of a SEN allowance awarded under an earlier Document, the relevant body must –

- (a) determine whether the teacher remains entitled to a SEN allowance in accordance with sub-paragraph 2; and
- (b) if so, determine the amount of that allowance in accordance with sub-paragraph 3 of the Document.

If a teacher holds the role of SENCO, as a managerial responsibility, it does not meet the criteria for a SEN allowance but may meet the criteria of a TLR post.

If, in addition to their SENCO role, a teacher meets the criteria for an SEN allowance, as set out in paragraph 25 of the STPCD, then they will be eligible for an SEN allowance.

Where a teacher meets the criteria for both, these are distinct payments - one payable for additional responsibility, the other for the demands of the teaching role they are carrying out.

27. Additional Payments

Either

27.1 The Pay Committee reserves its right to exercise discretion to make additional payments to a member of staff, including the Head Teacher as appropriate, in respect of:

Continuing professional development undertaken outside the school day;

Activities relating to the provision of initial teacher training as part of the ordinary conduct of the school;

Participation in out of school hours learning activities agreed between the teacher and the Head Teacher, or between the Head Teacher and the Governing Body.

Additional responsibilities and activities due to, or in respect of, the provision of services by the Head Teacher relating to the raising of educational standards to one or more additional schools.

Or

27.2 The Pay Committee will exercise its discretion not to make additional payments to a member of staff or Head Teacher in respect of the activities outlined in The Document.

28. Safeguarding Payments

28.1 Safeguarding – TLR Payments

28.1.1 If the Pay Committee determines, whether as a result of a change to their pay policy or to the school's staffing structure, either-

(a) that the teacher's duties are no longer to include the significant responsibility for which the TLR was awarded;

or

(b) that the teacher's significant responsibility (whether or not this has changed) merits, in accordance with their pay policy and

staffing structure, a TLR of a lower annual value (“the new payment”),

it must pay the safeguarded sum.

- 28.1.2 TLRs awarded to teachers employed under a fixed-term contract or whilst they occupy another post in the temporary absence of the post-holder must not be safeguarded after the fixed-term contract expires or after the date of the temporary cover.
- 28.1.3 The safeguarded sum in the case of a teacher referred to in-
- (a) sub-paragraph 27.1.1(a) is the value of the TLR to which the teacher was entitled immediately before the determination; and
 - (b) sub-paragraph 27.1.1(b) is the difference between the value of the TLR to which the teacher was entitled immediately before the determination and the new payment.
- 28.1.4 Within one month of the date of the determination, the relevant body must notify the teacher in writing of-
- (a) the reason for the determination;
 - (b) the date on which the teacher’s TLR ends and, if applicable, from which the new payment comes into effect;
 - (c) the value immediately before the determination of the point at which the teacher is placed on the pay scale set out;
 - (d) the safeguarded sum;
 - (e)
 - (i) the date on which the safeguarding period will end
 - (ii) where the safeguarded sum is paid in respect of a TLR awarded to a teacher employed under a fixed-term contract, the date on which that fixed-term contract and payment of the safeguarded sum will end; or
 - (iii) where the safeguarded sum is paid in respect of a TLR awarded to a teacher whilst occupying another post in the temporary absence of the post-holder, the date or the circumstance on which the award and payment of the safeguarded sum will end; and
 - (f) where a copy of the school’s staffing structure and pay policy may be inspected.
- 28.1.5 The teacher must be paid the safeguarded sum until-

- (a) (i) the safeguarding period ends;
- (ii) where the safeguarded sum is paid in respect of a TLR awarded to a teacher employed under a fixed-term contract, the date on which that fixed-term contract expires; or
- (iii) where the safeguarded sum is paid in respect of a TLR awarded to a teacher whilst occupying another post in the temporary absence of the post-holder, the date or the circumstance (if occurring earlier than that date) notified to the teacher;
- (b) the teacher ceases to be a classroom teacher;
- (c) the teacher is awarded a TLR as a result of a subsequent determination by the relevant body that equals or exceeds the combined value of the new payment (if any) and the safeguarded sum;
- (d) the teacher is placed on a higher point on the pay scale as a result of a subsequent determination; and the combined value of that point and any new payment equals or exceeds the combined value of the original salary and the safeguarded sum; or
- (e) the teacher's employment at the school ends other than in circumstances to which paragraph 42 or 43 of the Document applies;

whichever is the first to occur.

28.1.6 The safeguarded sum must be reduced by the value of any subsequent TLR awarded to the teacher by the relevant body from time to time and in the case where the subsequent TLR is awarded to a teacher whilst occupying another post in the temporary absence of the post-holder, restored upon the expiry of the period of that award, unless, in the meantime, any of the events specified in sub-paragraph 27.1.5 occurs.

28.1.7 Payment of the safeguarded sum must be discontinued whilst the teacher occupies a post as a member of the leadership group, as an advanced skills teacher or as an excellent teacher in the temporary absence of the post-holder but reinstated thereafter, unless, in the meantime, any of the events specified in sub-paragraph 27.1.5 occurs.

28.2 Safeguarded Sums - Teachers

28.2.1 If the safeguarded sums exceed £500 in total, the relevant body must review the teacher's assigned duties and allocate such additional duties to the teacher as they reasonably consider are appropriate and

commensurate with the safeguarded sum, for as long as the teacher continues to be paid the safeguarded sum.

28.2.2 The teacher must not be paid the safeguarded sum if the teacher unreasonably refuses to carry out such additional duties, provided that the teacher is notified of the relevant body's determination to cease paying the safeguarded sum at least one month before it is implemented.

28.2.3 The relevant body must take into account all the safeguarded sums to which the teacher is entitled and cease paying only the safeguarded sum or combination of safeguarded sums that is equal to or less than the total increase in the teacher's remuneration attributable to the new point or the new allowance.

28.2.4 the safeguarding period ends on the third anniversary of the relevant date; and in the case of a determination made by the relevant body between –

(a) 1st September and 31st December, the relevant date is 1st January immediately after the end of that period;

(b) 1st January and 31st March, the relevant date is 1st April immediately after the end of that period; and

(c) 1st April and 31st August, the relevant date is 1st September immediately after the end of that period.

28.2.5 Where the relevant body determines, in respect of a teacher who is in receipt of an allowance, whether as a result of a change to its pay policy or to the school's staffing structure, that-

(a) the teacher's duties are no longer to include the additional responsibility in respect of which the allowance was awarded and, therefore, that the allowance should be withdrawn;

(b) the additional responsibility in respect of which the allowance was awarded now merits the payment of a lower allowance ("the new allowance"); or

(c) the teacher's duties are no longer to include the additional responsibility in respect of which the allowance was awarded but are to include a different additional responsibility which merits the payment of a lower allowance ("the new allowance"),

it must pay the teacher the safeguarded sum.

28.2.6 The safeguarded sum in the case of any teacher referred to in-

- (a) sub-paragraph 2(a) of the Document is the value of the allowance to which the teacher was entitled immediately before the determination was made to withdraw it;
- (b) sub-paragraph 2(b) or (c) of the Document is the difference between the value of the allowance to which the teacher was entitled immediately before the determination was made to lower the allowance and the value of the new allowance.

28.2.7 The safeguarded sum must be reduced by the value of any subsequent allowance awarded to the teacher by the relevant body from time to time and, in the case where the subsequent allowance is awarded whilst the teacher occupies another post in the temporary absence of the post-holder, restored upon the expiry of the period of that allowance, unless, in the meantime, any of the events specified in sub-paragraph 6 occurs.

28.2.8 Where a safeguarded sum is payable under sub-paragraph 2 of the Document, the relevant body must notify the teacher in writing, within one month of the date of the determination, of-

- (a) the reason for the determination;
- (b) the safeguarded sum;
- (c) the date on which the teacher's allowance is to be withdrawn altogether or replaced with a new lower allowance, as the case may be;
- (d) where the old allowance was awarded for a fixed period, the date the fixed period expires;
- (e) where the old allowance was awarded to a teacher employed under a fixed-term contract, the date on which that fixed-term contract expires;
- (f) the date on which the safeguarding period will end;
- (g) taking into account the annual determination, the value of the salary immediately before the determination of the point at which the teacher is placed on the 2010 pay scale in accordance with paragraph 35.6 of the Document ("the original salary"); and
- (h) the details of where a copy of the school's staffing structure and pay policy may be inspected.

28.2.9 Subject to paragraph 5.1 and 5.2, the teacher must be paid the safeguarded sum until-

- (a) (i) in the case of a teacher who is paid the safeguarded sum under sub-paragraph 2 of the Document, the date on which the safeguarding period ends; or
- (ii) in the case of a teacher who is paid the safeguarded sum under paragraph 38.9 of the 2008 Document, 31st August 2011;
- (b) where the allowance was awarded for a fixed period, the date on which the fixed period expires;
- (c) where the allowance was awarded to a teacher employed under a fixed-term contract, the date on which that fixed-term contract expires;
- (d) the date on which the teacher ceases to be an unqualified teacher;
- (e) the date on which the teacher is awarded an allowance as a result of a subsequent determination by the relevant body that equals or exceeds the combined value of the new allowance (if any) and the safeguarded sum;
- (f) the date on which the teacher is placed on a higher point on the pay scale set out in paragraph 35.2 of the Document and the combined value of that point and any new payment equals or exceeds the combined value of the teacher's original salary and the safeguarded sum; or
- (g) the date on which the teacher's employment at the school ends, other than in circumstances to which paragraph 43 of the Document applies,

whichever is the first to occur.

28.2.10 Reference should be made to the Document for guidance on general safeguarding applicable to teachers who took up post on or before 31st December 2005.

28.2.11 Reference should be made to the Document for guidance on general safeguarding applicable to teachers who took up post on or after 1st January 2006 where the teacher lost a post as a result of the discontinuance of a school; a prescribed alteration to, or the reorganisation of, a school; or the closure or reorganisation of any other educational establishment or service; and who then took up a new post on or after 1st January 2006 ("the new post") and is still employed by the Council or at a school maintained by the Council.

28.3 Safeguarding - SEN Allowances

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- 28.3.1 Where the teacher is no longer entitled to a SEN allowance or where the value of the SEN allowance payable following any determination of the amount of the SEN allowance (“the new allowance”) is lower than the value of the SEN allowance to which the teacher was entitled immediately prior to that determination (“the old allowance”), the relevant body must pay the teacher the safeguarded sum.
- 28.3.2 The safeguarded sum is the difference between the value of the old allowance and the value of the new allowance or, in the case where the teacher is no longer entitled to a SEN allowance, the value of the old allowance.
- 28.3.3 Where a safeguarded sum is payable, the relevant body must notify the teacher in writing, within one month of the determination, of-
- (a) the reason for the determination;
 - (b) the value of the old allowance and the value of the new allowance (if any);
 - (c) the safeguarded sum;
 - (d) that the old allowance is to be replaced with the new lower allowance (or in the case where the teacher is no longer entitled to a SEN allowance, no allowance) on 1st September 2010;
 - (e) the latest date on which safeguarding will end; and
 - (f) the details of where a copy of its pay policy may be inspected.
- 28.3.4 The teacher must be paid the safeguarded sum until-
- (a) 31st August 2013;
 - (b) the date on which the teacher is awarded a SEN allowance as a result of a subsequent determination by the relevant body that equals or exceeds the combined value of the new allowance (if any) and the safeguarded sum;
 - (c) the teacher ceases to be a classroom teacher;
 - (d) the teacher is awarded a TLR as a result of a subsequent determination by the relevant body that equals or exceeds the value of the safeguarded sum;
 - (e) the teacher is placed on a higher point on the pay or first becomes entitled to be paid on the pay scale set out in paragraph 19.2 or 19.3 of the document; and the combined value of that point and any allowances equals or exceeds the combined value of the

original salary, the new allowance (if any) and the safeguarded sum; or

- (f) the date on which the teacher's employment at the school ends, other than in circumstances to which paragraph 43 of the document applies,

whichever is the first to occur.

28.3.5 Payment of the safeguarded sum must be-

- (a) discontinued in the case where the teacher occupies a post-
 - (i) as a member of the leadership group,
 - (ii) as an advanced skills teacher,
 - (iii) as an excellent teacher; or
 - (iv) which attracts a TLR which is equal to or exceeds the value of the safeguarded sum,

in the temporary absence of the post-holder; and

- (b) reinstated thereafter unless, in the meantime, any of the events specified in sub-paragraph 9 occurs.

28.4 Safeguarding – Excellent Teachers

28.4.1 Where the salary of an excellent teacher is reduced following a re-determination under sub-paragraph 5 of the document, the teacher must be paid the safeguarded sum.

28.4.2 The safeguarded sum is 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.

28.4.3 Within one month of any determination to reduce the salary of an excellent teacher under sub-paragraph 5 of the document, the relevant body must notify the excellent teacher in writing of that fact and of-

- (a) the reason for the determination;
- (b) the teacher's original salary;
- (c) the safeguarded sum;
- (d) (i) in the case where the salary is reduced under sub-paragraph 5 of the Document, the date on which the

safeguarding period will end, determined in accordance with paragraph 5.3 of the Document ; or

- (ii) in the case of a teacher employed as an excellent teacher for a fixed period or under a fixed-term contract, the date or the circumstance the occurrence of which will bring that fixed period or fixed-term contract to an end.

28.4.4 Payment of the safeguarded sum must be discontinued whilst the teacher occupies a post as a member of the leadership group or as an advanced skills teacher in the temporary absence of the post-holder but restored thereafter, unless, in the meantime, any of the events referred to in sub-paragraph 10 of the Document occurs.

28.4.5 Subject to paragraph 5.1 of the Document, the safeguarded sum must be paid to the excellent teacher until-

- (a) (i) in the case where the salary was reduced under paragraph 35.3 of the 2008 Document, 31st August 2011; or
- (ii) in the case where the salary is reduced under sub-paragraph 5 of the Document, the safeguarding period ends;
- (b) in the case where a teacher is employed as an excellent teacher for a fixed period or under a fixed-term contract, the date on which that fixed period or fixed-term contract expires;
- (c) the teacher's salary is increased following a further review under sub-paragraph 5 of the Document and the increase in salary exceeds the safeguarded sum;
- (d) the teacher ceases to be an excellent teacher; or
- (e) the teacher's employment at the school ends, other than in circumstances to which paragraph 42 or 43 of the Document applies;

whichever is the first to occur.

28.5 Safeguarding for members of the leadership group, advanced skills teachers and excellent teachers

28.5.1 Except where paragraph 45 of the Document applies and subject to paragraph 5 of the Document, this paragraph applies where the relevant body determines ("the determination"), whether as a result of a change to its pay policy or to the school's staffing structure, to-

- (a) reduce the number of members of the leadership group;

- (b) end the designation of one or more advanced skills teachers' posts;
- (c) end the designation of one or more excellent teachers' posts;
- (d) lower the individual school range and this would lead to a reduction in the head teacher's salary;
- (e) lower a deputy head teacher's pay range and this would lead to a reduction in the deputy head teacher's salary;
- (f) lower an assistant head teacher's pay range and this would lead to a reduction in the assistant head teacher's salary;
- (g) lower an advanced skills teacher's pay range and this would lead to a reduction in the advanced skills teacher's salary; or
- (h) reduce an excellent teacher's salary.

28.5.2 A member of the leadership group, an advanced skills teacher or an excellent teacher whose salary is reduced as a result of the implementation of the determination must be paid the safeguarded sum.

28.5.3 In the case of a teacher who is affected by a determination within sub-paragraph 1(a) to (c) of the Document, the safeguarded sum is the difference between the original salary (including the value of any performance points awarded by the relevant body for the previous year) and the value of the new point on which the teacher is placed on the pay scale set out either in paragraph 17.3 or in paragraph 19.2 or 19.3 of the Document combined with any TLR or SEN allowance awarded.

28.5.4 In the case of a teacher who is affected by a determination within sub-paragraphs 1(d) to 1(h) of the Document, the safeguarded sum is the difference between the original salary (including the value of any performance points awarded by the relevant body for the previous year) and the value of the point at which the teacher is placed in the new pay range.

28.5.5 The relevant body must, within one month (and after having made the annual determination required by paragraph 4.1 of the Document), notify in writing a teacher who is or may be affected by the determination of that fact and of-

- (a) the reason for the determination;
- (b) the date on which the determination is to be implemented in relation to that teacher (if known);

- (c) the date on which the safeguarding period will end (determined in accordance with paragraph 5.3 of the Document) or, in the case of a teacher employed as a member of the leadership group, as an advanced skills teacher or as an excellent teacher for a fixed period or under a fixed-term contract, the date or the circumstance the occurrence of which will bring that fixed period or fixed-term contract and payment of the safeguarded sum to an end;
- (d) the original salary;
- (e) the safeguarded sum or, if the determination is to be implemented at a later date and its precise effect on the teacher is not yet known, the maximum amount by which the original point may be reduced; and
- (f) where a copy of the school's staffing structure and pay policy may be inspected.

28.5.6 Subject to paragraphs 5.1 and 5.2 and sub-paragraph 7 of the Document, the teacher must be paid the safeguarded sum until-

- (a) the safeguarding period ends or in the case of a teacher employed as a member of the leadership group, as an advanced skills teacher or as an excellent teacher for a fixed period or under a fixed-term contract, the date on which that fixed period or fixed-term contract ends;
- (b) in the case of a teacher affected by a determination within sub-paragraphs 1(a) to 1(c) of the Document -
 - (i) the teacher ceases to be a classroom teacher;
 - (ii) as a result of a subsequent determination by the relevant body, the teacher is placed on a higher point on the pay scale set out either in paragraph 17.3 or in paragraph 19.2 or 19.3 of the Document, or first becomes entitled to be paid on the pay scale set out in paragraph 19.2 or 19.3 of the Document, and the value of that point combined with any TLR or SEN allowance awarded equals or exceeds the teacher's original salary; or
 - (iii) as a result of a subsequent determination by the relevant body, the teacher is awarded a TLR or a SEN allowance or both, and the combined value of that payment or allowance or payment and allowance and the new pay point equals or exceeds the teacher's original salary;
- (c) in the case of a teacher affected by a determination within sub-paragraphs 1(d) to 1(h) of the Document, the value of the teacher's point on the leadership pay spine, the advanced skills

teachers' pay spine or the excellent teachers' salary range equals or exceeds the teacher's original salary; or

- (d) the teacher's employment at the school ends other than in circumstances to which paragraph 42 or 43 of the Document applies,

whichever is the first to occur.

28.5.7 Payment of the safeguarded sum must be discontinued whilst the teacher occupies a post as a member of the leadership group, as an advanced skills teacher or as an excellent teacher in the temporary absence of the post-holder but reinstated thereafter, unless, in the meantime, any of the events specified in sub-paragraph 6 of the Document occurs.

28.5.8 In this paragraph "original salary" means-

- (a) in the case of a member of the leadership group, the value of the point on the leadership pay spine to which the teacher was entitled immediately before the implementation of the determination;
- (b) in the case of an advanced skills teacher, the value of the point on the pay spine for advanced skills teachers in paragraph 27.1 of the Document to which the teacher was entitled immediately before the implementation of the determination; and
- (c) in the case of an excellent teacher, the salary to which the teacher was entitled immediately before the implementation of the determination,

taking into account any annual determination made under paragraph 4.1 of the Document but not yet implemented.

29. Part-time teachers

29.1 When a relevant body is required to determine the salary of a part-time teacher in accordance with the pro rata principle it must do so not only in relation to those hours that a part-time teacher normally works under the contract of employment but also in relation to any additional hours the teacher may agree to work from time to time at the request of the head teacher or in the case where the part-time teacher is a head teacher, the relevant body.

“pro rata principle” means that proportion of total remuneration which corresponds to the number of hours that the teacher is employed in that capacity during the course of the school’s timetabled teaching week as a proportion of the total number of hours in the school’s timetabled teaching week; (and for this purpose “total remuneration” means the remuneration that would be payable to that person if employed in the same post on a full-time basis; and

“the school’s timetabled teaching week” means the aggregate period of time in the school timetable during which pupils are normally taught).

Determination of remuneration of part-time teachers

29.2 The salary and allowances, if any, of a part-time teacher have, since 1st September 2008 been required to be determined in accordance with the pro rata principle.

Safeguarding of salary of part-time teachers

29.3 A safeguarded sum and allowances determined under paragraph 49 of the 2008 Document must be paid to the part-time teacher until-

- (a) 31st August 2011;
- (b) in the case where a teacher is employed as a part-time teacher for a fixed period or under a fixed-term contract, the date on which that fixed period or fixed-term contract expires;
- (c) the salary is increased following a subsequent determination and the increase in salary equals or exceeds the safeguarded sum;
- (d) the teacher ceases to be a part-time teacher; or
- (e) the teacher’s employment at the school ends, other than in circumstances to which paragraph 42 or 43 applies,

whichever is the first to occur.

Part-time teachers must be paid safeguarding on a pro-rata basis. The safeguarded sum will therefore be affected by any changes in hours at whatever point or points this occurs in the safeguarding period.

30. Appeals against pay determination

- 30.1 A teacher may appeal against a decision relating to their pay and the Governing Body has adopted a policy for dealing with pay appeals which is attached as **Appendix 3a**.
- 30.2 The Council's job evaluation scheme is applied to support staff where it has been adopted by the Governing Body. The evaluation process and the right to appeal against a job evaluation decision is outlined in **Appendix 3b**.

31. Salary Sacrifice

- 31.1 Where a school buys the County Council SLA for HR and Payroll services, a member of staff may participate in the County Council's Salary Sacrifice Scheme, details of which can be obtained from the Schools HR Operations Team.
- 31.2 For the purposes of this paragraph, the term "salary sacrifice arrangement" means any arrangement under which the employee gives up the right to receive part of their gross salary in return for the employer's agreement to provide the teacher with a benefit-in-kind under any of the following schemes-
- (a) A child care voucher or other child care benefit scheme;
 - (b) A cycle scheme or cyclist's safety equipment scheme
 - (c) A mobile telephone scheme; and
- that benefit-in-kind is exempt from income tax ⁽³⁾.
- 31.3 Where the employer operates a salary sacrifice arrangement, the teacher may participate in any such arrangement and the teacher's gross salary may be reduced accordingly for the duration of their participation in it.
- 31.4 Participation in any salary sacrifice arrangement has no effect upon the determination of any safeguarded sum to which the teacher may be entitled under any provision of this Document.

³ The Income Tax (Earning and Pensions) Act 2003 (2003 c.1) provides that no liability to income tax arises in respect of the provision for an employee of any of these benefits-in-kind, where the specified conditions are met.



TEACHERS SALARY NOTIFICATION

To: _____ Name of Establishment: _____

Effective Date: _____

I am writing to notify you of the Governing Body's assessment of your salary under current Pay and Conditions Regulations. Part-time teachers should note that the salaries quoted below are the full-time rates: actual salary will be calculated on a pro-rata basis.

Criteria	Number of points/ allowances/payments	Value	Review date	Expiry date
Unqualified pay scale (1 – 6)				
Main pay scale (M1–M6)				
Upper pay scale (U1–U3) ¹				
Advanced skills (1–8) ²				
TLR payment ³				
Management allowance (1-5) ⁴				
Special needs allowance				
Recruitment and retention allowance ¹				
Cash safeguard: Permanent			<i>All safeguarded sums to be</i>	
Limited to 3 yrs			<i>reviewed annually</i>	
Total salary		£		

¹Please refer to the guidance contained within the Pay Policy.

²Advance Skills Teachers - the criteria (including agreed performance objectives) on which your salary will be reviewed in future are outlined in the attached document.

³Teachers with TLR payments - these are defined in your job description a copy of which is attached.

⁴Management allowances **only** apply to teachers in receipt of a general safeguarded allowance e.g. awarded as a result of the Northampton Town Review.

NB – THIS IS AN IMPORTANT DOCUMENT PLEASE KEEP FOR YOUR RECORDS

Signature _____

Designation _____ Date _____

COPY TO: SCHOOLS HR CUSTOMER SERVICES TEAM, JOHN DRYDEN HOUSE NO LATER THAN 31st OCTOBER FOR UNQUALIFIED, MAIN SCALE AND ADVANCED SKILLS TEACHERS. NO LATER THAN 31 DECEMBER FOR POST-THRESHOLD TEACHERS.



Appendix 2

LEADERSHIP GROUP SALARY NOTIFICATION FORM

Name of School:	Group size:
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Name of Head Teacher	
ISR for Head Teacher (7 points)	L to L
Date range determined:	
Head teachers salary from (<i>insert determination date</i>)	L £
Salary safeguarding: Sum £..... Expiry date ---.---	

Name of Deputy Head Teacher	
ISR for Deputy Head Teacher (5 points)	L to L
Date range determined:	
Deputy Head Teacher's salary from (<i>insert determination date</i>)	L £
Salary safeguarding: Sum £..... Expiry date ---.---	

Name of Assistant Head Teacher	
ISR for Assistant Head Teacher (5 points)	L to L
Date range determined:	
Assistant Head Teacher's salary from (<i>insert determination date</i>)	L £
Salary safeguarding: Sum £..... Expiry date ---.---	

Note – The criteria (including agreed performance objectives) on which you salary will be reviewed in future are outlined in the attached document.

Signed:	(Chair of Governors)
Date:	

COPY TO: SCHOOLS HR OPERATIONS TEAM, JOHN DRYDEN HOUSE



Appendix 3a

APPEALS AGAINST PLANNING AND REVIEW STATEMENT ENTRIES AND PAY DECISIONS (TEACHING STAFF)

In accordance with the School Teachers Pay and Conditions Document, the Governing Body has adopted a procedure for dealing with appeals against pay decisions.

The grounds for appeal are that the Head Teacher or Committee making the decision:

- a) Incorrectly applied any provision of The Document;
- 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;
- f) Unlawfully discriminated against the teacher.

General Provisions

- The teacher is entitled to be accompanied by a colleague or trade union representative at the formal stage. The Head Teacher may exercise his/her discretion and allow the teacher to be accompanied at the informal stage.
- The teacher must take all reasonable steps to attend meetings.
- Meetings should be arranged without undue delay.
- The timings and locations of meetings must be reasonable.
- There is no further internal process available to the teacher once the appeal stage has been completed.

Procedure

Informal Stage

The salary notification form will confirm to the teacher the recommendation that has been made to The Pay Committee in respect of performance related or other pay progression.

Policy SC01 v2

Reviewed Oct 2010

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In accordance with the Document, any teacher seeking a reconsideration of a pay decision should first seek to resolve the matter informally through discussion with the decision maker within 10 working days of notification of the decision. (This will normally be the Head Teacher or line manager in the case of all teachers and the Appeal Governor or Chair of Governors in respect of the Head Teacher).

This meeting should be convened within five working days of the request. This meeting will allow for the teacher/Head Teacher to receive oral feedback on the assessment process and will also allow the teacher to make oral representations regarding statement entries or salary decisions and if appropriate to provide additional information for the consideration of the decision maker.

The outcome of this informal meeting should be conveyed to the teacher/Head Teacher within five working days of the meeting. A possible outcome of this meeting may be agreed a revised recommendation to The Pay Committee. However, if the original decision is upheld and the teacher/Head Teacher is dissatisfied with this outcome, then he/she will still have access to the formal appeals procedure through the Appeals Committee.

Formal Stage

Where it has not been possible to resolve the matter informally, the teacher may follow the formal process by setting out their concerns in writing to the decision maker within 10 working days of the notification of the decision or the outcome of the informal discussion.

The Appeals Committee will consist of three Governors none of whom are employees of the School or have been previously involved in making relevant pay decisions.

Staff will be able to appeal to the Appeals Committee if they are not satisfied with the decision of their line manager, the Head Teacher or The Pay Committee for any of the above reasons and they wish to advance their case for consideration.

Upon receipt of the planning and review statements or the decision of the Committee, the teacher should give to the Head Teacher written notice of their intention to appeal and the grounds of their appeal within 10 working days. In the case of a Head Teacher written notification should be given to the Chair of Governors.

The Head Teacher, or in the case of an appeal by the Head Teacher, the School, will then arrange for the appeal to be heard within 20 working days following receipt of the written notice of appeal.

The appellant will be given at least 10 working day's notice of the hearing and will be required to submit their case in writing at least 5 working days before the hearing. In

the case of appeals regarding entries in planning and review statements, where an appeal is lodged on multiple entries, they will all be determined at the same appeal hearing.

The appellant has the right to attend the appeal hearing to present his/her case and to be accompanied by a work colleague or trade union representative.

The Head Teacher or Committee who made the original decision on pay will be required to submit their case in writing at least 5 working days before the hearing. The Head Teacher, line manager or Chair of The Pay Committee have a right to attend the appeal hearing to present the case or may be required to attend the hearing in person if the appeal's committee so wishes.

The procedure to be followed for appeal hearings is as set out in the Schools Disciplinary Procedure, a copy of which should be given to the employee when notice of the hearing date is given.

The Appeal Committee decision will be given in writing to the appellant within 5 working days of the hearing.

Where an appeal is rejected the Appeal Committee will inform the appellant in writing of the evidence that The Pay Committee considered and its reasons for the decision.

The person or committee who made the original decision will also be notified of the outcome of the hearing.

The decision of the Appeal Committee will be final and binding on both parties.



JOB EVALUATION AND PAY APPEALS (SUPPORT STAFF)

The Governing Body will ensure that school support staff jobs are evaluated using the Council's chosen job evaluation scheme. The Council uses a method of evaluation called Hay. This analyses all aspects of a job and attributes points to each as appropriate. These numbers, when totalled, indicate where in the ranking a job should be placed and the appropriate pay level.

This scheme is applied to support staff where it has been adopted by the Governing Body. Reference must be made to the Council's Job Evaluation Policy (C4) when an appeal is to be made.

With the exception of new jobs, the job holder must have been in post for at least six months.

Both the Head Teacher/line manager and the job holder will be expected to attend the panel to present the job. The job holder may be accompanied by a trade union representative if they so wish. The Pay and Benefits Team will advise the Head Teacher/line manager of the outcome and confirm this in writing; the outcome will then be conveyed to the job holder.

The decision of the Appeal Panel is final and binding on all parties.



RECRUITMENT AND RETENTION INCENTIVES AND BENEFITS

The Governing Body has determined that, it will exercise its discretion to award recruitment and retention benefits and incentives.

The employee will receive written notification of:

- whether the award is for recruitment or retention;
- the nature of the award
- when and how it will be paid
- the date on which the award starts and its duration (up to a maximum of three years)

The School Teachers' Pay and Conditions Document sets out full details of the application of these incentives and benefits.