



E01

# ESTEEM MULTI-ACADEMY TRUST PAY POLICY

## Contents

Introduction .....	4
Equalities and Equal Opportunities .....	5
Impact of Absence during the Performance Management Cycle .....	5
Aims of the Policy .....	5
Job Descriptions and Change of Duties .....	6
Recruitment and Fixed Term Contracts .....	6
Determining the Pay Range and Allowances.....	6
Chief Executive Officer .....	7
Executive Principals .....	7
Trust Central Services.....	7
Headteachers.....	7
Deputy Head Teacher and Assistant Head Teachers .....	8
Salary on Appointment.....	8
Recruitment and Retention Payments .....	9
Pay Reviews .....	9
Teachers .....	9
Support Staff .....	10
Pay Progression – Teachers .....	10
General .....	10
Teachers Paid on the Leadership Pay Range .....	11
Headteachers.....	11
CEO .....	12
All Other Teachers .....	12
Process.....	13
Early Career Teachers (ECT).....	14
Movement to the Upper Pay Range (UPR) .....	14
The Assessment .....	14
Processes and Procedures .....	15
Leading Practitioners .....	15
Unqualified Teachers .....	16
Supply Teachers Employed by the Trust.....	16
Part Time Teachers.....	16
One to One Tuition.....	16
Residential Duties .....	17
Teaching and Learning Responsibility Payments (TLRs) .....	17
Special Educational Needs (SEN).....	18

---

Acting up Allowances (all Teaching Staff) and Honoraria Payments for Support Staff.....	18
Allowances Payable to Unqualified Teachers .....	19
Additional Payments – Classroom Teachers Only.....	19
Over/Under Payments.....	20
Pay Awards and Back Pay .....	20
Salary Safeguarding.....	20
Pay Appeals Procedure .....	21
Monitoring and Review.....	21
Appendix 5.....	21
Pay Appeals Procedures.....	21
Appendix 6.....	24
Appendix 7.....	25
Order of Events – Stage 2 Pay Appeal Hearing.....	25
Appendix 8.....	26
Order of Events – Stage 3 Pay Appeal Hearing.....	27

# ESTEEM TRUST PAY POLICY

## Introduction

- 1.0 The Trust Board adopted this pay policy on 06 December 2023. The Pay Committee of the Trust will review and monitor the impact of the pay policy annually with the CEO. The next review will take place in March 2026.
- 1.1 The Trust Board has adopted the policy set out in this document to provide a clear framework for the exercise of its powers and discretions in relation to all staff employed in the Trust and paid from within the delegated budgets.
- 1.2 The Trust Board is committed to taking decisions in accordance with the principles of public life as listed in DfE guidance: objectivity, openness and accountability.
- 1.3 The Trust Board recognises the legal requirements placed upon them by the Education Act 2002 and subsequent legislation together with the current School Teachers' Pay and Conditions Document (STPCD) and the National and Local Conditions of Service for National Joint Council staff and the Education (School Teacher Appraisal) (England) Regulations 2012 along with those of Derbyshire LA Single Status.
- 1.4 The Trust Board delegates to the Pay Committee of the Trust Board and Chairs of LGB the responsibility for approving decisions relating to performance pay progression in line with this policy.
- 1.5 The policy set out in this document has been formulated for the Pay Committee supplemented by the HR Department and others - as appropriate. The policy will be reviewed annually by the HR lead.
- 1.6 The policy is based on a Trust approach to pay issues with pay decisions taken in the full consideration of the resources available within the overall budget. This means that pay decisions relating to particular groups of staff will not be taken in isolation. The Trust Board will identify and fully consider the implications of all pay decisions and ensure that sufficient budget provision is made within the overall school budget to take account of decisions relating to setting salaries and undertaking annual pay reviews in applying this policy.
- 1.7 The Trust Board will use the Schools Improvement Plans and the outcome from the performance management process as the starting point for its consideration of Trust pay issues. The Trust Board will ensure that all appropriate arrangements for linking performance management to pay are securely in place, will be applied consistently and that all pay decisions can be objectively justified.
- 1.8 This policy should be read in conjunction with the relevant Performance Management Policy and guidance and Capability Policy.
- 1.9 The Trust Board recognises its responsibility to consider cost of living pay awards approved by the School Teachers Review Body (STRB), National Joint Council (NJC) and Derbyshire Single Status and agrees to award as suggested.

## Equalities and Equal Opportunities

- 2.0 The Trust Board recognises its legal responsibilities to staff under the Equality Act 2010 and this policy will ensure equality and fairness regardless of race, sex (gender), sexual orientation, religion or belief, gender re-assignment, pregnancy and maternity, marriage and civil partnership, disability or age. All pay related decisions will be taken in accordance with relevant equalities legislation, the Employment Relations Act 1999, the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 and the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002. In doing so the Pay Committee of the Trust Board will ensure that pay decisions and processes are open, transparent and fair.
- 2.1 The Trust Board is also aware of its responsibilities and those of the local authority in respect of the Equal Pay Act 1970 which requires that men and women have a right to equal treatment and equal pay for work of equal value.
- 2.2 The Trust Board is aware of its responsibilities under the Freedom of Information Act 2000 and to make available this policy to all staff at the Trust.
- 2.3 The Trust Board is aware of its responsibilities to report annually, on or before 31 March each year (from 31 March 2020), the pay gap between men and women in Esteem Multi-Academy Trust.
- 2.4 The Trust Board understand its legal responsibilities to staff in accordance with the General Data Protection Regulations 2018. The Trust Board fully accepts their duty of care to ensure individuals' data is kept safe and secure, resulting in increased compliance in our systems, processes and policies.

## Impact of Absence during the Performance Management Cycle

- 3.0 Where employees have been absent for long periods e.g., due to maternity leave or disability related sickness absence, appropriate consideration and reasonable adjustments will be made towards the meeting of criteria for pay progression. The Trust Board will take into account the particular circumstances of the case and the exact adjustments will be made on a case-by-case basis. However, if less than 12 weeks have been undertaken in a cycle, progression may be deferred. Where other sickness absence occurs during the appraisal cycle the CEO/Headteacher/Trust Board will assess the extent to which the teacher has demonstrated that the criteria for pay progression have been met at the annual appraisal review.

## Aims of the Policy

- 4.0 The aims of the Trust Board's Pay Policy are as follows:
- a) To secure good progress in all pupil's learning;
  - b) To improve the quality of teaching and learning at the Academy;
  - c) To underpin the school's improvement plans and performance management policy and to recognise the benefits of continuing professional development for all employees;
  - d) To seek to ensure that all the staff in each Academy (both teaching and support staff) are skilled professionals who are valued and receive proper recognition and reward for their contribution to the Academy;
  - e) To ensure accountability, transparency and objectivity so that decisions on pay are fair and properly recorded;

- f) To help the Academy recruit and retain employees and provide the basis for sound financial and staff planning and minimise the risk of grievance and discrimination;
- g) To use the flexibilities inherent in the national conditions of service for all staff in a positive and constructive fashion within the resources available; and
- h) To take account advice of external agents including unions

## Job Descriptions and Change of Duties

- 5.0 The Headteacher of each member academy will ensure that all employees, within their academy, are provided with a job description and will retain a copy in the employees' personnel file. The job description will be kept up to date and identify the appropriate grade and duties of the post and any additional allowances or payments applicable to each post. Job descriptions will be reviewed when necessary to reflect the current duties, responsibilities and role. Where the duties and responsibilities for a particular post have substantially changed this will be considered as part of the annual review process.
- 5.1 Where the Trust Board determines changes to the staffing structure of the Academy are required, implementation will only occur following consultation with the staff affected and the recognised trade unions. In the case of changes to individual job descriptions, every attempt will be made to secure the agreement of the member of staff concerned prior to the changes being introduced.

## Recruitment, Fixed Term Contracts, Contractual Changes and Adjustments

- 6.0 Recruitment and selection of all staff will be undertaken in line with the appropriate Recruitment Policy.
- 7.0 Where the Trust Board intend to make an appointment on a fixed term basis, such appointments will be made in line with the relevant legislation on the use of fixed term contracts.
- 8.0 Contract Variations should take place where there has been a permanent change or a fixed term change longer than 3 months. Employee's should not be regularly moving up and down in contracted hours, this should be considered as overtime. Any permanent contract changes should not be subject to constant review.
- 9.0 Issuing a new contract only happens when contractual terms are affected by the contract variation.
- 10.0 Employees should only be made a leaver if they are leaving Esteem, if they are moving to another school within our Trust, they are a mover, an internal transfer should be done via SAM and a contract variation letter would be issued. This is the same for considering what is classes as a new starter.
- 11.0 Where possible any changes to working weeks should be requested by the end of summer term, ready for 1st September and should not regularly move up and down throughout the year. The exception to this, is when an employee makes a formal flexible working request, in line with the Flexible Working Policy.

## Determining the Pay Range and Allowances

- 12.0 All employees will be paid in accordance with the statutory provisions of the STPCD, the National Joint Council 'Green Book' conditions of service or Derbyshire Single Status and the pay ranges

determined by the Trust as appropriate.

- 12.1 The Trust Board will determine the construct including salary ranges and record the pay range and pay band for each vacancy (including supply staff and temporary contract holders) prior to advertising. For teachers this will take into account the provisions of the STPCD.
- 12.2 The Leadership Pay Range adopted by the Trust Board is set out in Appendix 3 and is in line with national pay scales.

### Chief Executive Officer

- 12.3 The Trust Board will determine remuneration in line with responsibilities overarching the Chief Executive Officer role, accounting officer and overarching aspects of all statutory obligations. Trustees will use their knowledge of individual Academy circumstances and size of budget to determine a pay range and record the decision with an option of up to 10% salary increase upon successful Performance Management.

### Executive Principals

- 12.4 The Trust Board will determine a consecutive seven-point range. The starting salary will be dependent on unit totals of all schools within The Trust in line with calculations for unit totals in the STPCD. Also taken into consideration will be the number of schools within the Trust.

### Trust Central Services

- 12.5 The Central Services team will take strategic responsibility away from Headteachers for business purposes to allow focus on teaching and learning. The salary range will be based on Derbyshire Single Status pay grades/points.

### Headteachers

- 12.6 For new Headteacher appointments, or for existing posts where responsibilities have changed significantly, the CEO will determine a consecutive seven-point range on the leadership pay range. This will be in line with the provisions of the current STPCD. Current salary range and circumstances of school will be taken into account when deciding starting salary.
- 12.7 The range set will be included in the Trust structure document and the Trust Board will document their salary decision. Once determined the range will only be reviewed when there are significant changes to the responsibilities of the post or student numbers.
- 12.8 The payment of any additional factors to the Headteacher will only be reviewed by the Trust Board where there are significant changes to the responsibilities of the post.
- 12.9 The Trust Board will ensure that the maximum of the Headteacher's Individual Pay Range (IPR) and any temporary payments made under paragraph 10 of the STPCD does not exceed the maximum of the salary for the headteacher group by more than 25% unless in exceptional circumstances and where this is supported by a business case approved by the full Trust Board.

## Deputy Head Teacher and Assistant Head Teachers

12.10 For new appointments to deputy headship and assistant headteachers or for existing posts where responsibilities have changed significantly, the Headteacher in conjunction with the Trust CEO will determine a five-point range on the Leadership Pay Range. The Headteacher and CEO will determine the IPR in line with the STPCD. The Headteacher will document this decision at each stage and the pay range(s) will be included in the staffing structure document. The Headteacher and CEO will take into account the duties, responsibilities and challenges of the individual post and give consideration to pay differentials within the existing Academy structure. The Headteacher and CEO will also ensure that there is no overlap with the Headteacher's IPR. Once determined the salary and range will only be reviewed when there are significant changes to the responsibilities of the post.

## Teachers

12.11 For all teachers there are four pay ranges;

- The main pay range (MPR);
- The upper pay range (UPR);
- The pay range(s) for leading practitioners (LPR); and
- The unqualified teacher range (UTR).

For teachers appointed to MPR, UPR, LPR and UTR, the Trust Board recognises its responsibility for determining the salary range/pay band between the national minimum and maximum of the relevant scale as set out in the STPCD. The salary ranges adopted by the Trust Board are set out in Appendix 4a.

12.12 The Trust Board recognises that the CEO may appoint to the post of leading practitioner, in line with the conditions set out in the STPCD, for the primary purpose of modelling and leading improvement of teaching skills. Appointment to these posts will take place where those duties fall outside the criteria for the payment of a TLR.

12.13 The CEO will determine a five-point individual pay range on the lead practitioner pay range for each leading practitioner role established.

12.14 The Trust Board will, in line with the Trust's staffing structure, ensure the appropriate teaching and learning responsibility payments (TLRs) are assigned to teaching posts (see paragraph 22).

12.15 The Trust Board recognises its responsibility for the mandatory payments of a special needs allowance in respect of the teaching of pupils with special educational needs (see paragraph 23).

12.16 The advertisement for teaching posts will specify the pay band within the range together with any allowances.

## Salary on Appointment

13.0 The CEO and/or appointing panel will determine the starting salary to be offered to the successful candidate.

13.1 The appointment to all leadership and leading practitioner posts will be to the minimum point of the

pay range of the post, unless there are exceptional circumstances for not doing so.

- 13.2 The appointment to MPR and UPR posts will result in assimilation to the nearest point within the range.

## Recruitment and Retention Payments

- 14.0 The Trust Board may make payments or provide such other financial assistance, support or benefits to teachers or support staff that it considers necessary, as an incentive for the recruitment of new teachers/staff and the retention of existing teachers/staff. The Trust Board will consider any such payments in the following circumstances and delegates decisions to the CEO; (not an exhaustive list)
- a) For posts in known shortages subjects or specialisms;
  - b) For posts which have previously been difficult to fill;
  - c) To retain existing staff where the Trust Board consider that the loss of the teacher/staff would result in recruitment difficulties as set out in (a) and (b) above.
- 14.1 Where the Trust Board agrees to make one or more such payments it will determine and set out in writing to the employee, the reason, the value, the fixed period for which it will be paid and the review date after which it may be withdrawn. The Trust Board will ensure that the decision to award a payment is documented and will set a date to undertake the review.
- 14.2 The Trust Board has determined it will pay recruitment and retention awards of between £1500 to £2500. The Trust Board will annually review the payment of recruitment and retention payments.

## Pay Reviews

- 11.0 The Trust Board adopt the principle that continued performance at the required standard provides all staff (teachers and support) with an expectation that through performance management they will progress annually to the maximum point of their respective pay range, and every 2 years for UPR.

## Teachers

- 11.1 Teachers will be eligible to be considered for salary progression where they meet the service requirement of a minimum of one year of employment in any academic year. A year of employment for a teacher is interpreted in accordance with the STPCD as at least 26 weeks reckonable service in the current school year.
- 11.2 The Trust Board will review salary progression of the CEO, Headteacher's, deputy and assistant headteachers, leading practitioners, teachers on the upper pay range and teachers (qualified and unqualified) annually in line with the Performance Management Policy and no later than end of November each year. The Headteacher's salary review will be completed by 31 December at the latest. All teachers will be provided with a written annual pay statement setting out their salary and any other financial benefits, including any salary safeguarding arrangements to which they are entitled. See Appendix 2.
- 11.3 Pay progression for all teachers, including the CEO and Headteacher, will be effective from 01 September each year. Where through external factors it has not been possible to meet the timescales set out above, the process will be completed as soon as possible, following consultation

with staff and as necessary the recognised trade unions within the Academies.

- 11.4 For teacher's moving through the threshold from MPS to UPR, a conversation should have happened with their headteacher prior to performance review. This ensures that correct objectives and targets can be put in place for the teacher to show measurable impact of them working at the upper pay scale level. The teacher will be required to put a letter of evidence regarding their performance for the headteacher, showing why they feel ready to progress to UPR. They will need to make sure they are demonstrating how they substantially contribute to the school aligned to teacher's standards.
- 11.5 A salary review may take place at other times of the year to reflect any changes in circumstances or job description(s) that lead to a change in the basis for calculating an employee's pay. A written statement will be completed and given to the employee after any pay review and where applicable will provide information about any salary safeguarding arrangements so that the basis of the pay decision is clearly recorded and confirmed to the employee.
- 11.6 Where a pay determination leads or may lead to the start of a period of safeguarding, the Trust Board will give the required written notification as soon as possible and no later than one month after the date of the safeguarding determination.
- 11.7 The nominated performance reviewer will make a pay recommendation in the teachers' annual performance management report for consideration by the Headteacher. The process for considering annual pay progression is set out in paragraphs 12.0 – 12.15.

## Support Staff

- 11.8 The Trust Board will review the salaries of all support staff annually, bearing in mind any cost of living pay award would be due from the 01 April.
- 11.9 Support staff will normally receive an annual increment on 01 April each year or on their service date dependent upon which Local Authority the Academy TUPE'd from, until they reach the maximum of the scale. Withholding of increments will only be considered by the Trust Board where the employee is experiencing performance difficulties and is being monitored within the framework of the Capability Policy (Sept 2021).
- 11.10 Performance related pay is not a feature in determining support staff pay progression except where specified in the contracts.
- 11.11 The salary ranges adopted by the Trust Board are set out in Appendix 4b.

## Pay Progression – Teachers

### General

- 12.0 The Trust Board will ensure consideration of pay progression annually for all teachers is conducted by the Academy Headteacher, including those paid on the leadership range. All pay progression will be linked to performance assessed through the Performance Management Policy with effect from the 01 September each year.
- 12.1 All pay decisions must be clearly attributable to the performance of all teachers, including leadership,

and a written recommendation on pay must be made as part of the teacher's annual performance management report by the reviewer. The recommendation for pay progression will depend on there being a successful review of performance in the light of previously agreed objectives and annual review of impact against the relevant Teachers' Standards. In ratifying performance related pay decisions, the Trust Board will have regard to this recommendation.

- 12.2 To ensure fairness and consistency the Trust Board will ensure that performance management objective setting is rigorous and undertaken in line with the Performance Management Policy. Performance assessments for all teachers will be properly rooted in evidence. Fairness will be ensured through quality assurance, moderation, annual monitoring and the application of the impact assessment on the pay policy and pay decisions.

### Teachers Paid on the Leadership Pay Range

- 12.3 The Deputy Head and Assistant Head will be considered for pay progression annually within their IPR effective from 01 September each year.
- 12.4 The review of performance and pay progression for members of the leadership group will be determined subject to the following criteria:
- a) The decision whether or not to award pay progression must be clearly attributable to individual performance as assessed through the Performance Management Policy;
  - b) A recommendation on pay progression must be made in writing as part of the individual's performance management statement, and in ratifying this decision the Trust Board will have regard to this recommendation; and
  - c) The assessment will be based on the results of the most recent performance management review. The recommendation for pay progression will depend on there being a successful review of performance in the light of previously agreed objectives and annual review of impact against the relevant Leadership and Teachers' Standards.
- 12.5 To ensure that there has been an overall high quality of performance, the annual performance review for the leadership group will need to assess that the teacher has grown professionally by developing their leadership, including their impact on the effectiveness of the work of others and associated pupil progress, and (where relevant) their teaching experience. Including support staff.
- 12.6 Where agreed at the start of the performance review process it is recognised that up to two performance points can be awarded in any one school year for members of the leadership group. This is subject to the achievement of previously agreed staged criteria demonstrating that objectives have been met and performance has been exceptional.

### Headteachers

- 12.7 The Headteacher will be considered for pay progression annually within their IPR effective from 01 September each year.
- 12.8 The review of performance and pay progression for headteachers will be determined subject to the following criteria:

- d) The decision whether or not to award pay progression must be clearly attributable to individual performance as assessed through the Trust pay and performance management policy;
- e) A recommendation on pay progression must be made in writing as part of the individual's performance management statement, and in making this decision the Trust Board will have regard to this recommendation; and
- f) The assessment will be based on the results of the most recent performance management review. The recommendation for pay progression will depend on there being a successful review of performance in the light of previously agreed objectives and annual review of impact against the relevant Leadership and Teachers' Standards. In accordance with the STPCD the headteacher must demonstrate a sustained high quality of performance with particular regard to leadership and management and pupil progress at the Academy. There should be no movement up the pay spine unless the criteria as outlined in paragraph 11.2 (a) to (f) of the current STPCD are met.

12.9 To ensure that there has been an overall high quality of performance, the annual performance review for Headteachers will need to assess that they have grown professionally by developing their leadership, including their impact on the effectiveness of the work of others and associated pupil progress, and (where relevant) their teaching experience. Including support staff.

12.10 Where agreed at the start of the performance review process it is recognised that up to two performance points can be awarded in any one school year. This is subject to the achievement of previously agreed staged criteria demonstrating that objectives have been met and performance has been exceptional.

## CEO

12.11 As per the criteria as outlined in paragraph 12.7 to 12.10.

12.12 In reviewing the CEOs performance, the Trust Board will employ the services of an external advisor and the CEO will advise LGB's regarding Headteacher's performance. Targets will be shared with relevant boards to ensure quality assurance.

## All Other Teachers

12.13 Teachers on the Main Pay Range are eligible for consideration for pay progression annually based on individual performance. The Trust Board has adopted the following framework for pay progression as in 12.0 to 12.2.

12.14 All teachers can expect to receive regular, constructive feedback on their performance and are subject to an annual performance review that recognises their strengths, informs plans for their future development, and helps to enhance their professional practice. The arrangements for teacher performance reviews are set out in the Performance Management Policy and Guidance (Trust policies are currently in development as at November 2021).

12.15 The Trust Board has determined that judgements about performance and decisions about pay progression will be based on evidence and through consideration of the following factors:

- a) The outcome of the annual assessment against the Teachers' Standards and the extent to which this demonstrates that the teacher meets, or continues to meet, the standards at the appropriate career

stage.

- b) The extent to which performance management objectives have been met at the end of the annual review cycle; and
- c) Assessment against the pay progression impact criteria and the extent to which the criteria are fully met and maintained according to the appropriate pay band.

## Process

13.0 The process for making pay recommendations for pay progression will be as follows:

a) CEO Pay Progression:

- At the end of the performance management period the initial assessment of performance outcomes for the CEO will be made by (chair of the Trust Board and/or a subgroup of up to three trustees) advised as appropriate by the external adviser and will contain a recommendation on pay progression;
- Any pay appeal submitted by the CEO will be considered prior to approval by the Pay Committee;
- Final decisions about whether or not to ratify a pay recommendation will be made by the Pay Committee of the Trust Board, having regard to the performance management report, assessment against the relevant Leadership and Teachers' Standards and the advice provided by the external adviser. The recommendation for pay progression will be supported by sufficient information to enable the Pay Committee to carefully consider the recommendation. The chair of Trust/sub-group of up to three trustees, supported by the advice/recommendation of the external adviser, will be responsible for advising the appropriate committee of the Trust Board on its decisions.

b) Headteacher Pay Progression:

- At the end of the performance management period the initial assessment of performance outcomes for the Headteacher will be made by CEO advised as appropriate by, or delegated to the Chief Education Officer and will contain a recommendation on pay progression;
- Any pay appeal submitted by the Headteacher will be considered prior to ratification by the Pay Committee;

c) Other Teacher Pay Progression:

- At the end of the performance management period the nominated reviewer will make a written pay recommendation in the teachers' annual performance review report for consideration by the Headteacher.
- The Headteacher, supported as appropriate by Chief Education Officer acting in an advisory capacity, will consider and moderate all assessments and make recommendations for pay progression based on the criteria in paragraph 12.0 to 12.2;
- Any pay appeal submitted by a teacher will be considered prior to ratification by the Pay Committee on behalf of the Trust Board;
- Pay Committee members and the Trust engaged internal Audit Team may sample performance review documents for QA of evidence.

13.1 Where teachers have been appointed to the Academy during the performance review cycle the Headteacher will, where necessary, seek evidence from the previous Academy/School to assist pay decisions and, where necessary, seek evidence from the teacher themselves.

13.2 Teachers on a targeted informal support plan within their performance management or subject to

the formal capability procedure during the academic year are not deemed to be working at the required standard and may not be entitled to pay progression on the 01 September in any year. Where the decision is made for no pay progression to take place this will be confirmed in writing to the employee.

- 13.3 A classroom teacher may be awarded accelerated pay progression for excellent performance over the previous academic year. This is subject to the achievement of previously agreed staged criteria demonstrating that objectives have been met and performance has been exceptional.

### Early Career Teachers (ECT)

- 14.0 Early Career Teachers, during their 2-year programme, will be eligible to be considered for pay progression. The performance will be assessed and pay recommendation made through consideration of evidence from the statutory induction process. If ECT standards are met the ECT will progress to the next pay point.

### Movement to the Upper Pay Range (UPR)

- 15.0 The Trust Board recognises its legal responsibilities for this process and as a result of this, delegates to the Headteacher the responsibility for the setting of career appropriate targets and support, assessment and feedback. The Headteacher can seek advice from the CEO, Chief Education Officer and the Trust HR Lead.
- 15.1 The Trust Board recognises that assessment to access the UPR is a voluntary process and entirely a matter for individual teachers who can evidence that they have met the UPR assessment criteria. Normally, teachers will have reached the maximum of the MPR before indicating to Headteacher they wish to progress.
- 15.2 The person must notify the Headteacher at the start of his/her appraisal cycle to ensure appropriate targets and support. Where a teacher wishes to be assessed they should notify their appraiser by email.
- 15.3 Where teachers wishing to be considered for UPR progression have been absent from the Academy, due to maternity leave or sickness, account will be taken of paragraph 3.0 of this policy.
- 15.4 Where a teacher progresses to the UPR the Trust Boards expectation is that they will continue to develop professionally and continue to meet the required standards to progress to the maximum of the UPR. A teacher will be unable to revert to the MPR and will be subject to capability if they fail to meet UPR expectations.

### The Assessment

- 15.5 For a consideration to be successful, the Trust Board must be satisfied that:
- a) The teacher is highly competent in all elements of the relevant Teachers' Standards; and
  - b) The teachers' achievements and contribution to an educational setting or settings, i.e. the Academy, are substantial and sustained.
- 15.6 In the context of performance management substantial and sustained is defined as the following:

- a) **Substantial** – evidence that the teacher has grown professionally by developing their teaching expertise so that performance is at a level that is consistent and where the level of performance is such that it:
- i) Is of real importance, validity or value to the Academy;
  - ii) Plays a critical role in the life of the Academy;
  - iii) Provides a role model for teaching and learning;
  - iv) Makes a distinctive contribution to the raising of standards normally across more than one key stage/phase within the Academy; and
  - v) Takes advantage of appropriate opportunities for professional development and use the outcomes effectively to improve pupils learning and which supports the professional development of other staff within the Academy.
- b) Sustained – evidence that this level performance has been on-going generally over a significant period of at least two years.

15.7 The Headteacher will have regard to the two most recent performance reviews when considering progression for UPR progression within the range. Normally at least two years will elapse between a teacher being placed on the first point of the UPR after accessing the UPR and being awarded the next point on the UPR. This will be evidenced by two successful and consecutive annual performance reviews.

15.8 The UPR payment will be backdated from the pay decision date to 01 September of the same academic year to allow time for the performance review and pay determination to be made.

### Processes and Procedures

15.9 Final reviews must be submitted to the Headteacher (30 September each year).

15.10 The Headteacher will notify the teacher of the outcome of the UPR assessment in writing at the end of the performance review process in that year. The decision for progression recommendation lies with the Headteacher in consultation with CEO and/or the Chief Education Officer.

15.11 Progression is subject to ratification of recommendations submitted to the Pay Committee of the Trust Board. If successful, applicants will move to the minimum point on the UPR from 01 September.

15.12 If the application is unsuccessful, feedback will be provided by Headteacher within 10 working days of the decision. This will explain the reasons the teacher has not met the requirements to access the UPR and provide advice regarding aspects of the teachers' performance which need to be improved in order to meet the required performance standards and criteria.

15.13 The Headteacher will produce a Performance Management Pay Planner annually which is provided to Trust HR for submission and ratification through the Trust Pay Committee.

### Leading Practitioners

16.0 Leading practitioners are eligible to be considered for pay progression annually. Pay progression will be made with reference to the leading practitioner's performance management reports and will be

dependent on evidence to demonstrate that the leading practitioner:

- a) Is highly competent in all aspects of the Teachers' Standards;
- b) Has had a successful performance management review and that performance objectives have been met at the end of the review cycle;
- c) Is an exemplar of teaching skills, which impact significantly on pupil progress, within the Academy and within the wider Academy community (Outreach), if relevant;
- d) Has made a substantial impact on the effectiveness of staff and colleagues, including any specific elements of practice that have been highlighted as in need of improvement; and
- e) Has shown strong leadership in developing, implementing and evaluating policies and practice in their workplace that contribute to Academy improvement.

16.1 Where agreed at the start of the performance management process it is recognised that up to two performance points can be awarded following a successful annual review in any one school year for lead practitioners. This is subject to the achievement of previously agreed staged criteria demonstrating that objectives have been met and performance has been exceptional.

### Unqualified Teachers

17.0 Pay progression on the unqualified teacher pay range is in line with paragraph 12.13 – 12.15.

### Supply Teachers Employed by the Trust

18.0 Teachers employed on a supply basis will have their pay determined in line with the statutory pay arrangements consistent with the STPCD.

18.1 Supply teachers who are employed to teach for the full pupil day will be paid at a daily rate of 1/195th of the annual pay they would receive if engaged on a regular contract.

18.2 Supply teachers who work less than a full day will have their salary calculated on the basis of the daily amount divided by 6.5 hours (length of the school day i.e. 32.5 FTE hours/5 days= 6.5 hours) and multiplied by the number of hours worked.

### Part Time Teachers

19.0 All Teachers who are contracted to work less than a full-time working week are deemed to be part-time employees.

19.1 The Trust Board will ensure that the salary and allowances paid to part time teachers are determined according to the pro rata principle, except for the award of a TLR3 (see policy and guidance, paragraph 22.0 – 24.7). The Trust will provide all teachers with a written statement determining their working time obligations and calculate the proportion of time a part-time teacher works against the Academy's timetabled teaching week (32.5 hours FTE).

19.2 Part-time working days may be subject to variation depending upon the requirements of the School Timetable.

### One to One Tuition

- 20.0 The Trust Board may make additional payments to teachers for one-to-one tuition - the hourly rate for one-to-one tuition will be £28.
- 20.1 The Trust Board may make additional payments to support staff for one-to-one tuition - the hourly rate for one-to-one tuition will be £14.

## Residential Duties

- 21.0 If your job means you have to undertake a sleep-in, you will be paid a basic duty payment of £32.86.
- 21.1 Any additional time worked as a result of being called to work when sleeping in will be paid at the appropriate rate for the day/time of day. If you are on grade 14 or above, any extra hours will be paid at plain time rates.

## Teaching and Learning Responsibility Payments (TLRs)

- 22.0 The Headteacher will determine the number of teaching posts which will be paid at TLR1, TLR2 and TLR3 and the value of each TLR. TLR1 and TLR2 will be awarded permanently and TLR3 temporarily to the holders of posts indicated in the Academy's staffing structure, in line with the requirements of the STPCD.
- 22.1 Unqualified teachers, leading practitioners and members of the leadership group may not hold a TLR.
- 22.2 The Headteacher will ensure that they are able to demonstrate to the Trust Board that the award of a TLR1 or TLR2 payment requires a classroom teacher' to undertake permanent additional duties and responsibilities. The payment requires the teacher to have a significant responsibility that is not required of all classroom teachers, and that is:
- a) Focused on teaching and learning;
  - b) Requires the exercise of a teacher's professional skills and judgement;
  - c) \*Requires the teacher to lead, manage and develop a subject or curriculum area; or to lead and manage pupil development across the curriculum;
  - d) Has an impact on the educational progress of pupils other than the teacher's assigned classes or groups of pupils; and
  - e) \*Involves leading, developing and enhancing the teaching practice of other staff.

\*see paragraph 22.6 below

- 22.3 Before awarding TLR1, the significant responsibility referred to above must include line management responsibility for a significant number of people.
- 22.4 The level at which either TLR1 or TLR2 is paid will be made on the above objective criteria and take account of the size and complexity of the role. The duties and responsibilities will be set out in the job description and posts with responsibilities of equal weight will be paid at the same level of pay. The award of TLR payments are set out below.
- 22.4.1 The Trust Board has determined the value of TLR payments and are specified in the Trust's pay scale document

- 22.5 TLR3 payments will be awarded where the Trust Board is satisfied that the responsibilities meet the criteria set out in paragraph 23.2, and that it is awarded for a fixed-term period for clearly time-limited Academy improvement projects, or one-off externally driven responsibilities.
- 22.6 The annual value of a TLR3 will be between will be paid on a monthly basis for the duration of the fixed term. The value, duration of the fixed-term, reason, purpose and outcome required will be agreed by the Headteacher before the duties commence and set out in writing to the teacher, subject to consultation and agreement by the Chief Education Officer.
- 22.7 A teacher may not hold a TLR1 and a TLR2 concurrently but may, in addition to a TLR1 or TLR2, hold a concurrent TLR3.
- 22.8 For part-time staff, where appropriate, all TLR1 and TLR2 payments will be paid on a pro-rata, monthly basis.

### Special Educational Needs (SEN)

- 23.0 In line with the STPCD, the Trust Board will award a SEN allowance to a qualified classroom teacher:
- a) In any SEN post that requires a mandatory SEN qualification and involves teaching pupil with SEN, unless they are on leadership spine;
  - 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 pupil referral unit) that is analogous to a designated special class or unit, where the post:
    - i) involves a substantial element of working directly with children with SEN;
    - ii) requires the exercise of a teacher's professional skills and judgement in the teaching of children with SEN; and
    - iii) has a greater level of involvement in the teaching of children with SEN 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.
- 23.1 The Trust Board have determined that the spot value (STPCD 21.2) of the allowance will be determined by 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 if the teacher is not in a leadership post.

### Acting up Allowances (all Teaching Staff) and Honoraria Payments for Support Staff

- 24.0 Where a teacher is required to 'act up' to a higher graded post and takes on the full duties and responsibilities of the post, the Headteacher/CEO will determine the "acting allowance" to be paid in line with the STPCD. The determination will be made within four weeks of new duties

being assigned and any temporary allowance will be paid to the employee on the minimum point on the substantive grade for the new post.

- 24.1 Where a support member acts up for periods beyond 28 days, they will be paid temporary upgrade whilst holding additional responsibilities. Payment will be backdated to the start date if the arrangements last longer than 28 days. The mechanisms which will be used to meet this situation will be one of the following:
- a) Where the employee is required to “act up” in a higher graded post for a period in excess of 28 days, the Headteacher/CEO will temporarily pay the employee at the minimum point on the new grade for that post;
  - b) A one-off honorarium payment where additional duties/responsibilities, often at a higher grade, are undertaken to meet a particular development. The payment will be made in line with TLR3 allowances.
  - c) Overtime with prior approval of the Headteacher/CEO to meet short-term and excessive work-loads where it is essential that the task needs to be undertaken within a defined timescale.
- 24.2 The Headteacher/CEO will only apply acting up payments, honoraria or planned overtime payments on the basis of the duties and responsibilities undertaken.

### Allowances Payable to Unqualified Teachers

- 24.3 The Headteacher/CEO may determine that such additional allowances as it considers appropriate can be paid to an unqualified teacher where it considers, in the context of the staffing structure that the teacher has:
- a) Taken on a sustained additional responsibility which;
    - i) Is focussed on teaching and learning; and
    - ii) Requires the exercise of the teacher’s professional skills and judgement; or
  - b) Qualifications or experience which bring added value to the role being undertaken.

### Additional Payments – Classroom Teachers Only

- 24.4 The Trust Board recognises and delegates to the Headteacher/CEO a discretionary power to make such payments as they see fit to classroom teachers paid on the MPR, UPR, UTR and Lead Practitioner Range in respect of teachers undertaking agreed voluntary:
- a) Continuing professional development undertaken outside the school day that will impact upon outcomes directly.
  - b) Specified activities beyond normal duties e.g. summer school.
- 24.5 The Trust Board have determined the additional payments will be calculated:
- a) at a daily/hourly rate with reference to the individual teacher’s salary point or, where appropriate and following consideration by the Headteacher/CEO, at a level reflecting the level of responsibility; or
  - b) A one-off honorarium payment where additional duties/responsibilities, often at a higher grade, are undertaken to meet a particular development. The payment will be made in line with TLR3 allowances
- 24.6 The Trust Board may also consider a payment to a classroom teacher for additional responsibilities

and activities due to, or in respect of, the provision of services by the CEO/Headteacher relating to the raising of educational standards to one or more additional schools.

- 24.7 Each of the above additional payments will be ratified annually by the Pay Committee of the Trust Board, in line with the STPCD, ensuring the payment is equitable.

### Over/Under Payments

- 25.0 Every effort will be made by the Trust Board and the Academy to make accurate salary and other payments on the due date. However, should an overpayment or underpayment occur the Trust Board will seek to recover/refund the amount within a reasonable timescale. Employees are expected to draw to the attention of the overpayment or underpayment as soon as possible to either the Headteacher, School Business Manager or a member of the HR team.
- 25.1 In the case of overpayments, the employee will be notified in writing of the full amount of the overpayment and agreement will be sought, where possible, about a reasonable repayment schedule. In the absence of such an agreement the Trust Board will determine a reasonable recovery schedule in conjunction with the payroll provider.
- 25.2 In the case of underpayments, the Trust Board will seek to ensure the correct amount is paid to the employee within two months of the matter being brought to its attention.
- 25.3 Recovery of overpayments will be pursued in the case of former employees.
- 25.4 Refund of underpayments will be pursued in the case of former employees with the exception of those relating to 26.0 to 26.2.

### Pay Awards and Back Pay

- 26.0 Annual cost of living pay awards for Support Staff will be back dated to 01 April of each year unless otherwise agreed by National Joint Council. Support staff whose employment commenced after the 01 April, in the relevant year, will be paid back pay only to their start date.
- 26.1 Annual cost of living pay awards for Teachers, including those on the leadership pay range, will be back dated to 01 September of each year unless otherwise stated in the relevant STPCD. Teachers whose employment commenced after the 01 September, in the relevant year, will be paid back pay only to their start date.
- 26.2 Pay awards and back pay will only be automatically paid to employees live on the payroll system in the month of the pay award being agreed by the national trade unions and employers' organisations. No back pay or pay award payment after leaving will be processed for leavers, whose leave date is prior to the date of pay award agreement.

### Salary Safeguarding

- 27.0 The Trust Board recognises its responsibilities for safeguarding the salaries and allowances of teachers as set out in the relevant STPCD.
- 27.1 The arrangements for the safeguarding of salaries of support staff will be determined according to

the circumstances of the case

27.2 Written confirmation will be provided to the employee and payroll provider

## Pay Appeals Procedure

28.0 The procedures that apply to enable a teacher or member of the support staff to review a decision made by the Headteacher or the Pay Committee of the Trust Board in relation to their pay is set out in Appendix 5.

28.1 This procedure applies to all staff and sets out the grounds on which an appeal against pay may be made. The employee should complete Appendix 5b to commence the Stage 2 Formal Pay Appeal process. The Appeals procedure has three stages:

- Stage One – Informal;
- Stage Two – Formal Hearing;
- Stage Three – Formal Appeal.

28.2 Pay appeal decisions are final and binding on both parties and may not be reopened under the grievance procedures (Trust policies are currently in development as at November 2020).

28.3 The procedure for appeals against grading for support staff will be as determined via a rigorous benchmarking exercise conducted by the Trust HR Team.

## Monitoring and Review

29.0 Where changes to this policy are proposed the Trust Board will undertake an Equality Impact Assessment (EQIA). The Trust Board will make available to staff the outcomes of the Equality Impact Assessment which will be located at the back of the relevant policy.

29.1 The Trust Board will monitor the outcomes and impact of this policy annually. As part of this review it that will monitor trends on progression across all groups of staff, the school's continued compliance with equalities legislation, commitment to the Gender Pay Gap reporting and action plan and the provisions of the STPCD, the Burgundy Book and the Green Book – NJC Conditions of Service and those for Derbyshire Single Status. The Trust HR lead will provide a report to the annual Pay Committee covering these areas.

## Appendix 1

### Pay Appeals Procedures

1.0 Between 1.1 and 4.7:

- a) 'Member of staff' or 'employee' refers to the employee instigating the pay appeals procedure.
- b) The 'reviewer' can refer to either the Headteacher, CEO or Chair of Trustees or whomever made the decision regarding pay, relating to performance management outcomes.
- c) The 'person making the pay recommendation' can refer to the Headteacher if the appeal is raised by an member of school staff. In the case of the Headteacher raising an appeal this refers to the

CEO or the case of the CEO raising an appeal this refers to the Chair of the Pay Committee and/or the Chair of Trustees.

- d) The 'responsible person' referred to in the stage 2 hearing will be at the appropriate level in the Trust to make a decision regarding an appeal.
- e) The 'panel' referred to in stage 3 appeal hearing will be a panel of three governors/trustees, dependent upon availability, who were not involved in the original pay determination.

1.1 Any member of staff may appeal against any determination in relation to their pay or any other decision taken by the reviewer that affects their pay. Where there is an appeal against withholding salary progression the appeals process will take place prior to ratification by the Trust Pay Committee.

1.2 This document provides guidance on each stage and in line with good employment practice the Pay Appeal Procedure has three stages:

- Stage One – Informal;
- Stage Two – Formal Hearing;
- Stage Three – Formal Appeal.

1.3 The Headteacher should inform the CEO where a pay appeal is submitted. Where this is a headteacher raising a pay appeal, the CEO must inform the Chair of Trustees.

1.4 The grounds for appeals are that the reviewer who made the recommendation / decision;

- f) Failed to have proper regard for statutory guidance;
- g) Failed to take proper account of relevant evidence;
- h) Took account of irrelevant or inaccurate evidence;
- i) Was biased; or
- j) Otherwise unlawfully discriminated against the member of staff.

1.5 The stages are as follows:

#### **Stage One – Informal**

2.0 At the performance review meeting, the reviewer will make a recommendation on pay to the employee, supported by the relevant evidence;

2.1 The person making the pay recommendation provides the employee with written confirmation of the pay recommendation, as contained within the performance management statement providing the basis on which the recommendation is made;

2.2 If the member of staff is not satisfied with the recommendation, they should seek to resolve this matter informally, initially with the person making the pay recommendation, within five working days of the employee being notified of the recommendation;

2.3 Where an informal resolution is not possible with the person making the pay recommendation and where the member of staff believes that an incorrect recommendation has been made they may follow a Stage 2 formal appeals process in line with the grounds of appeal set out in paragraph 1.4.

#### **Stage Two – Formal Hearing**

- 3.0 To commence the formal appeal against the pay recommendation/decision the employee should submit a formal written statement to the person making the pay recommendation using the template found in Appendix 6. The written appeal must re-affirm the grounds of the appeal and the remedy sought;
- 3.1 On receipt of the written appeal notification (Appendix 6) setting out the grounds of the appeal, person making the pay recommendation will offer the member of staff a date for formal hearing normally within 15 working days of the Stage One meeting. The formal hearing will be heard by the responsible person. The letter inviting the employee to the hearing, including the papers relevant to the pay appeal should be sent out five working days in advance of the meeting;
- 3.2 The employee should be provided with the opportunity to send any written submission of evidence to both the person making the pay decision and the responsible person prior to the hearing.
- 3.3 The date of the Pay Hearing should always be determined in consultation with Trust HR lead to ensure that an appropriate HR representative is available to attend and advise the responsible person on any procedural aspects or matters of employment law. It is the responsibility of the employee to ensure that a trade union representative or work colleague is available to attend.
- 3.4 The hearing will provide an opportunity for the employee to make representations in person, to present evidence, to call witnesses, to have the opportunity to ask questions and to be accompanied by their trade union representative or work colleague;
- 3.5 The responsible person will consider the evidence presented and make a pay decision.
- 3.6 The outcome will be confirmed to the employee in writing along with the rationale for the decision within three working days of the hearing and where appropriate the right of appeal to a panel. (See Appendix 7)

### **Stage Three – Formal Appeal**

- 4.0 Where the member of staff continues to be dissatisfied and believes that an incorrect decision has been made in line with the grounds of appeal set out in paragraph 1.4, they may follow a Stage 3 Formal Appeals process.
- 4.1 To commence the formal appeal against the pay decision the employee should submit a formal written statement (Appendix 6) to the person making the decision within five working days of receipt of the Stage Two outcome letter. The written appeal must re-affirm the grounds of the appeal, the remedy sought and include any additional evidence/papers which the employee wishes to be considered as part of the pay appeal;
- 4.2 The member of staff will normally be offered a formal appeal hearing within 15 working days of the receipt of the written appeal notification, or as soon as possible thereafter with the agreement of all parties. The letter inviting the employee to the Pay Appeal hearing, including the papers relevant to the pay appeal should be sent out 5 working days in advance of the meeting.
- 4.3 The employee should be provided with the opportunity to send any written submission of evidence to the panel prior to the appeal hearing. This information should be sent to the person making the decision with a minimum of 5 working days in advance of the meeting so that any additional

evidence/papers can be circulated to the members of the panel and to HR. It is the responsibility of the employee to ensure that a trade union representative or work colleague is available to attend.

- 4.4 The Appeal hearing will provide an opportunity for the employee, accompanied by their trade union representative or work colleague to make representations in person and for both parties to present their evidence, call witnesses and ask questions.
- 4.5 At the end of the appeal hearing, the panel will consider the evidence presented and reach a decision.
- 4.6 The outcome of the appeal hearing will be confirmed to the employee in writing along with the rationale for the decision within three working days.
- 4.7 Pay appeal decisions are final and binding on both parties and may not be reopened under the grievance procedures. The pay appeals process should be carefully managed and notes taken. Teachers making representation at Stages 2 and 3 may be accompanied by their trade union representative or work colleague.

(Please note support staff are not subject to Performance Related Pay except where specified in contract. However, they can follow above procedures if progression prevented based upon unsuccessful review.)

## Appendix 2

### Pay Appeal Proforma (Stages 2 and 3)

PAY APPEAL PRO FORMA	
Name of School	
Name of Employee	
Post Held	
Current Grade	
Current Pay Point	
Reason for Appeal	TICK
Failed to have proper regard for statutory guidance	
Failed to take proper account of relevant evidence	
Took account of irrelevant or inaccurate evidence	
Was biased	
Otherwise unlawfully discriminated against the member of staff	
Written Submission	
Details of the grounds / basis for the appeal making reference to additional documents to be submitted as appropriate to support your appeal. Expand as required	

List of Documents attached as appendices to support your appeal:	
Remedy sought:	
Signed	
Date	
Date received Headteacher	
Date acknowledged	

### [Appendix 3](#)

#### Order of Events – Stage 2 Pay Appeal Hearing

The purpose of this meeting will be to provide the employee an opportunity to present their appeal against the pay recommendation in person to the responsible person accompanied by their trade union representative or work colleague. The Headteacher/CEO can attend.

The Trust should make arrangements for the meeting to be minuted.

#### 1. Introductions

The responsible person will:

- a) Explain the purpose of the meeting, conducted as part of the second stage Trust's Pay Appeals procedure;
- b) Ask those present including the representative (if applicable) to introduce themselves and clarify their role;
- c) Outline the order of events of the hearing;
- d) Explain that notes will be taken to record the key points of the hearing.

#### 2. The employee and/or their representative/work colleague will:

- a) State the basis of their pay appeal against the recommendation, including the reason for the appeal and present their evidence;
- b) Call any witness(es)\* in support of their case. The witness(es)\* may be asked questions by the person making the pay decision/Headteacher/CEO/responsible person.
- c) Answer any questions put by the person making the pay decision or the responsible person.

#### 3. The person making the pay decision will:

- a) State their response to the appeal, present their evidence;
  - b) Call any witness(es)^ in support of their case. The witness(es)^ may be asked any questions by the representative or work colleague;
  - c) Answer any questions from the employee and/or their representative or work colleague.
4. At the conclusion of the hearing the responsible person will invite:
- a) The employee and/or their trade union representative/work colleague to summarise the key points of their formal appeal;
  - b) The person making the pay decision to summarise the key points of their response to the case;
  - c) Explain how and when the decision will be communicated to the employee.
5. The hearing will then be adjourned to enable the responsible person to:
- a) Consider the issues in private;
  - b) Take any necessary advice;
  - c) Deliberate and make a pay decision.
6. All parties reconvene for decision.

The responsible person will normally give their decision at the end of the hearing however in exceptional cases this may be delayed if further time is needed to consider the evidence.

The decision will be confirmed in writing within 3 working days of the conclusion of the hearing, including where necessary, their right of appeal to a panel of 3 governors/Trustees and date of the Appeal.

\* Where the employee or representative/ work colleague calls a witness in support of his/her case, the following procedure applies:

- The witness will be asked questions by the employee/representative or colleague.
- The witness may then be asked questions by the Headteacher (or other senior leader).
- The witnesses may then be asked further questions by the employee, representative or colleague.

^ Where the person making the pay decision calls a witness to support their response to the appeal, the following procedure applies:

- The witness will be asked questions by the person making the pay decision.
- The witness may be asked questions by the employee or his/her representative or colleague.
- The witnesses may then be asked further questions by the person making the pay decision.

**Note:** After completion of the above stages any witnesses will be:

- a) *Instructed not to discuss the case in any way until after the hearing/appeal has been determined*
- b) *Asked to retire. Unless otherwise determined by the parties to the hearing, the witnesses may be subject to recall*

## [Appendix 4](#)

## Order of Events – Stage 3 Pay Appeal Hearing

### 1. Introductions.

The Chair of the panel will:

- a) Explain the purpose of the meeting, conducted as part of the Trust's Pay Appeals procedure;
- b) Ask those present to introduce themselves and explain their role;
- c) Outline the order of events of the Pay Appeal Hearing;
- d) Explain that notes will be taken to record the key points of the hearing

### 2. The employee and/or their trade union representative/work colleague will:

- a) State their case, including the reason for the pay appeal, present their evidence;
- b) Answer any questions put by the person making the pay decision;
- c) Answer questions put by the Pay Appeal Panel;
- d) Call any witness(es)\* in support of their case. The witness(es)\* may be asked questions by the person making the pay decision and the members of the panel.

### 3. The person making the pay decision will:

- a) State their response to the pay appeal, present their evidence;
- b) Answer any questions from the employee and/or their trade union representative or work colleague;
- c) Answer questions from the Pay Appeal Panel;
- d) Call any witness(es)^ in support of their case. The witness(es)^ may be asked any questions by the trade union representative or work colleague and the members of the panel.

### 4. At the conclusion of the presentation of each case and where the panel hearing the case are satisfied they have sufficient information about the issues they will invite:

- a) The employee and/or their trade union representative/work colleague to summarise the key points of their case;
- b) The person making the pay decision to summarise the key points of their case;
- c) Explain how and when the decision will be communicated to the employee.

### 5. The hearing will then be adjourned to enable the panel to:

- a) Consider the issues in private;
- b) Take any necessary advice;
- c) Deliberate and make a decision whether or not to uphold the pay appeal;
- d) Consider an appropriate remedy or follow up actions as appropriate.

### 6. All parties reconvene.

The Chair of the Pay Appeal Panel will normally announce the decision at the end of the hearing however in exceptional cases this may be delayed if further time is needed by the panel to consider the evidence.

### 7. The decision will be confirmed in writing within 3 working days of the conclusion of the hearing.

\* Where the employee or representative/ work colleague calls a witness in support of his/her case, the

following procedure applies:

- The witness will be asked questions by the employee/representative or colleague.
- The witness may then be asked questions by the Headteacher (or other senior leader).
- The witnesses may then be asked further questions by the employee, representative or colleague.

^ Where the person making the pay decision calls a witness to support their response to the appeal, the following procedure applies:

- The witness will be asked questions by the person making the pay decision.
- The witness may be asked questions by the employee or his/her representative or colleague.
- The witnesses may then be asked further questions by the person making the pay decision.

**Note:** *After completion of the above stages any witnesses will be:*

- a) Instructed not to discuss the case in any way until after the hearing / appeal has been determined*
- b) Asked to retire. Unless otherwise determined by the parties to the hearing, the witnesses may be subject to recall*

Pay appeal decisions are final and binding on both parties and may not be reopened under the grievance procedures.