

Hartismere School

POLICY DOCUMENT No FP5

PAY POLICY 1 SEPTEMBER 2011 – 31 AUGUST 2012



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INTRODUCTION

The statutory pay arrangements for teachers give significant discretion to “relevant bodies”, normally governing bodies, to make pay decisions. The School Teachers’ Pay and Conditions Document has since September 2004 placed a statutory duty on schools and LEAs to have a pay policy in place which sets out the basis on which they determine teachers’ pay, and to establish procedures for determining appeals. This should ensure fair and equitable treatment for all teachers and minimise the prospect of disputes and legal challenge of pay decisions.

Schools, when taking pay decisions, must have regard both to their pay policy and to the teacher’s particular post within the staffing structure. A copy of the staffing structure – revised as appropriate following the 2005 review of school staffing - is attached to the pay policy, together with the implementation plan for bringing in changes.

This model pay policy is agreed by ATL, DfES, NASUWT, NEOST, SHA and PAT. It recommends a structure for schools to follow and covers all key areas of pay discretion that schools need to consider. Some items – such as the residential allowance – will clearly only apply to some establishments. All procedures for determining pay should be consistent with the principles of public life - objectivity, openness and accountability. The pay policy should make clear the school’s compliance with [The Race Relations Act 1976](#), [The Sex Discrimination Act 1975](#), [The Equal Pay Act 1970](#), [The Disability Discrimination Act 1995](#), [The Employment Rights Act 1996](#), [The Employment Relations Act 1999](#) and [The Employment Act 2002](#), as well as [The Part-time Workers \(Prevention of Less Favourable Treatment\) Regulations 2000](#), [The Employment Act 2002 \(Dispute Resolution\) Regulations](#), and [The Fixed Term Employees \(Prevention of Less Favourable Treatment\) Regulations 2002](#).

Hartismere’s Head and Governing Body will consult staff and unions on their pay policy and review it each year, or when other changes occur to the School Teachers’ Pay and Conditions Document, to ensure that it reflects the latest legal position. The pay policy should comply with the current School Teachers’ Pay and Conditions Document and the accompanying statutory guidance. It should be used in conjunction with them, but, in the event of any inadvertent contradictions, the Document and guidance take precedence.

This model pay policy only covers school teachers, whose statutory pay and conditions of service fall under the terms of the Document. It does not cover support staff, who have their own pay determination mechanism.

**HARTISMERE SCHOOL – POLICY ON SCHOOL TEACHERS’ PAY FOR
1 SEPTEMBER 2011 TO 31 AUGUST 2012**

BASIC PRINCIPLES

| <i>Recommended text</i> | <i>Notes</i> |
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| <p>All teachers employed at the school are paid in accordance with the statutory provisions of the School Teachers’ Pay and Conditions Document as updated from time to time. A copy of the latest version may be found in the school office. All pay-related decisions are made taking full account of the school improvement plan and teachers and unions will have been consulted on this policy. All pay related decisions are taken in compliance with The Race Relations Act 1976, The Sex Discrimination Act 1975, The Equal Pay Act 1970, The Disability Discrimination Act 1995, The Employment Rights Act 1996, The Employment Relations Act 1999 and The Employment Act 2002, as well as The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000, The Employment Act 2002 (Dispute Resolution) Regulations, and The Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.</p> <p>The process for making decisions on the pay of teachers at the school is as follows.</p> | |

Pay Reviews

The governing body will ensure that every teacher's salary is reviewed with effect from 1 September and no later than 31 October each year and give them a written statement setting out their salary and any other financial benefits to which they are entitled. Reviews may take place at other times of the year to reflect any changes in circumstances or job description that lead to a change in the basis for calculating an individual's pay. A written statement will be given after any review and where applicable will give information about the basis on which it was made. Where a pay determination leads or may lead to the start of a period of safeguarding, the governing body will give the required notification as soon as possible and no later than one month after the date of the determination.

31 October is the latest date set in the statutory pay guidance.

Hartismere's Governors have delegated issues concerning teachers' pay to the Head. On occasion, the Governors' Human Resources Group may be asked to participate, and in certain circumstances it may be necessary to involve the Hearings Committee or the full Governing Body. All matters of pay policy will be presented to the full Governing Body for approval. Under normal circumstances, committee-level decisions are for the full Governing Body.

Decisions on individual staff pay will be communicated to that person, by the Head, in accordance with Para 4 of the teachers' pay document.

It is recommended that the governing body establish a committee to make determinations of pay in accordance with the pay policy. This function might either be performed by a dedicated pay committee or be part of a more wide ranging personnel committee. It is recommended that the committee has fully delegated powers and if so must be established in accordance with the appropriate school government regulations.

Decisions on the pay of the head will be communicated by the chair of the governing body, in writing, in accordance with paragraph 4 of the Document.

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| <p>Appeals</p> <p>The arrangements for considering appeals are as follows:</p> <p>A teacher may seek a review of any determination in relation to his pay or any other decision taken by the governing body (or a committee or individual acting with delegated authority) that affects his pay.</p> <p>The following list includes the usual reasons for seeking a review of a pay determination;</p> <p>That the person or committee by whom the decision was made –</p> <ul style="list-style-type: none"> 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; or f) otherwise unlawfully discriminated against the teacher. <p>The order of proceedings is as follows:</p> <ol style="list-style-type: none"> 1. The teacher receives written confirmation of the pay determination and where applicable the basis on which the decision was made. 2. If the teacher is not satisfied, he/she should seek to resolve this by discussing the matter informally with the decision-maker within ten working days of the decision. 3. Where this is not possible, or where the teacher continues to be dissatisfied, he/she may follow a | <p>Appeals against pay decisions must meet the requirements of the dispute resolution provisions of employment law (further information on these can be found at the following link www.dti.gov.uk/er/resolvingdisputes.htm.)</p> <p>The process in the opposite column is consistent with the dispute resolution provisions of employment law and may be adopted by the school as the means by which appeals against pay decisions are considered.</p> <p>This option may be more useful if the decision-maker is a person rather than a committee.</p> <p>For any formal hearing or appeal the</p> |
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formal appeal process.

4. The teacher should set down in writing the grounds for questioning the pay decision and send it to the person (or committee) who made the determination, within ten working days of the notification of the decision being appealed against or of the outcome of the discussion referred to above.

5. The committee or person who made the determination should provide a hearing within ten working days of receipt of the written grounds for questioning the pay decision to consider this and give the teacher an opportunity to make representations in person. Following the hearing the employee should be informed in writing of the decision and the right to appeal.

6. Any appeal should be heard by a panel of three governors who were not involved in the original determination normally within 20 working days of the receipt of the written appeal notification. The teacher will be given the opportunity to make representations in person. The decision of the appeal panel will be given in writing, and where the appeal is rejected will include a note of the evidence considered and the reasons for the decision.

teacher is entitled to be accompanied by a colleague or union representative. Each step and action of this process must be taken without unreasonable delay. The timing and location of the formal meeting must be reasonable. The formal meeting must allow both parties to explain their cases.

The pay policy should include an Annex detailing the procedure for the hearing of the appeal.

USE OF DISCRETIONS IN BASIC PAY DETERMINATION

Discretionary experience points

When placing a classroom teacher on the main scale, the governing body will consider awarding an extra point or points on the scale in recognition of other relevant experience that would

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| <p>not attract mandatory experience points in the following circumstances:</p> <ul style="list-style-type: none"> - One point on the main scale for each year of service as a qualified teacher in an Academy, a city technology college, a city college for the technology of the arts or an independent school. - One point on the main scale for each period of three years of service as a qualified teacher in an overseas school outside the European Economic Area or Switzerland in the maintained sector of the country concerned. - One point on the main scale for each period of three years of service teaching in further education, including sixth form colleges. - One point on the main scale for each period of three years of service teaching in higher education. <p>The governing body will consider awarding on a case by case basis:</p> <ul style="list-style-type: none"> - One point on the scale for each period of five years spent outside teaching but working in a relevant area. This might include industrial or commercial training, and experience with children/young people. <p>In individual circumstances, Governors/the Head may vary the above qualification-periods if it is felt appropriate.</p> | |
| <p>Part-time teachers</p> <p>Teachers employed on an ongoing basis at the school but who work less than a full working day or week are deemed to be part-time. The governing body will give them a</p> | <p>NB: the contractual change from September 2005 gives part-time teachers entitlement to PPA time pro-rata to full-time teachers.</p> |

written statement detailing their working time obligations and the mechanism used to determine their pay, subject to the provisions of the statutory pay arrangements. The contract and pay details will be discussed annually with the part-time teacher, when any variations of contact time/other factors will be discussed/notified.

Short notice/supply teachers

Teachers who work on a day-to-day or other short notice basis have their pay determined in line with the statutory pay arrangements in the same way as other teachers. Teachers paid on a daily basis will have their salary assessed as an annual amount, divided by 195 and multiplied by the number of days worked.

Teachers who work less than a full day will be hourly paid and will also have their salary calculated as an annual amount.

Teachers should be paid for all the hours they are required to be on the school premises. Allowance should be made for non-contact time.

Unqualified teachers

The governing body, will, when determining on which point to place unqualified teachers on the unqualified teachers' pay scale when they are appointed, take account of any relevant qualifications and experience. Unqualified teachers will be appointed above the minimum in the following circumstances:

Qualifications:

One point for a recognised overseas teaching qualification.

One point for a recognised post-16 teaching qualification.

One point for a recognised qualification relevant to their subject area.

Experience

One point on the unqualified teachers' scale for each period of five years of service as an overseas-trained teacher

- One point on the unqualified teachers' scale for each period of five years of service teaching in further education, including sixth form colleges.

- One point on the unqualified teachers' scale for each period of five years of service teaching in higher education.

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

- One point on the unqualified teachers' scale for each period of six years spent outside teaching but working in a relevant area. This might include industrial or commercial training, time spent working in an occupation relevant to the teacher's work at the school, and experience with children/young people. Points awarded in the light of experience may be varied in individual circumstances.

Unqualified teachers' allowance

The governing body may pay an unqualified teachers' allowance to unqualified teachers when the governing body consider their basic

salary is not adequate having regard to their responsibilities, qualifications and experience. **This will depend on individual circumstances and the qualifications of the candidate in relation to the needs of the post.**

The governing body will pay an unqualified teacher on one of the employment based routes into teaching on the qualified/unqualified teachers' scale where this is in the interests of the school and matches the candidate's career aspirations.

PERFORMANCE PAY

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

Headteacher

The headteacher must demonstrate sustained high quality of performance, with particular regard to leadership, management and pupil progress at the school and will be subject to a review of performance against performance objectives before any performance points will be awarded. The clarification of the application of the criteria for Leadership Group progression will be taken fully into account.

The governing body will consider movement by more than one point in the following circumstances:

High quality performance and/or school expansion.

See Section 3 of the School Teachers' Pay and Conditions Publication 2009.

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| <p>Deputies and assistant heads</p> <p>Deputies and assistant heads must demonstrate sustained high quality of performance in respect of school leadership and management and pupil progress and will be subject to a review of performance against their performance objectives before any performance points will be awarded. The clarification of the application of the criteria for Leadership Group progression will be taken fully into account.</p> <p>The governing body will consider movement by more than one point in the following circumstances:</p> <p>High quality performance and/or school expansion.</p> | <p>See Section 3 of the School Teachers' Pay and Conditions Publication 2009.</p> |
| <p>Advanced Skills Teachers (ASTs)</p> <p>AST's must demonstrate sustained high quality of performance in the light of their agreed performance criteria and will be subject to a review of performance before any performance points will be awarded. Any work undertaken at other schools, in higher education facilities, at facilities of the LEA and elsewhere will be taken into account. The clarification of the application of the criteria for AST progression will be taken fully into account.</p> <p>The governing body will consider movement by more than one point in the following circumstances:</p> <p>Circumstances which they and the Head consider sufficiently appropriate.</p> | <p>See Section 3 of the School Teachers' Pay and Conditions Publication 2009.</p> |
| <p>Post threshold teachers</p> <p>Progression on UPS will be based on two successful consecutive performance management reviews,</p> | <p>See Section 3 of the School Teachers' Pay and Conditions Publication 2009.</p> |

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| <p>other than under the exceptional circumstances as provided for in the Document.</p> <p>The clarification of the application of the criteria for upper pay scale progression will be taken fully into account.</p> <p>Only in exceptional circumstances will post-threshold teachers be awarded a further point on the upper pay scale more frequently than at two yearly intervals.</p> | <p>The governing body may set out what 'exceptional circumstances' may apply, their definition of a 'successful performance management review' subject to the wording in section 3 and what 'grown professionally' means in the context of the school.</p> |
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| <p>Threshold Assessment</p> <p>Teachers who wish to do so should apply for threshold assessment to the headteacher by the appropriate date.</p> | |
| <p>Classroom teachers on the main scale</p> <p>Main scale classroom teachers will receive one extra point for each year of satisfactory performance. Unsatisfactory performers are considered to be those subject to formal capability proceedings but may receive a point at the discretion of the governing body. A classroom teacher may be awarded an extra point on the main scale for excellent performance over the previous academic year, having regard to all aspects of their professional duties, but in particular classroom teaching. At Hartismere this means performance that is deemed by the Head/Governors to be outstandingly successful and of considerable benefit to the learners, in addition to fulfilling the requirements of job description(s) to a notable standard.</p> | |
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| <p>Teaching and Learning Responsibility Payments (TLRs) TLRs will be awarded to the holders of the posts indicated in the attached staffing structure.</p> <p>TLRs were introduced in Hartismere from Easter 2006, and/or as necessary due to replacement/recruitment, as set out in the attached implementation plan.</p> <p>The annual values of the TLRs to be awarded are set out below:</p> <p>TLR2s will be awarded to the following values:</p> <p>£6,195 to the holders of TLR 2C Posts. £4,227 to the holders of TLR 2B Posts. £2,535 to the holders of TLR 2A Posts.</p> <p>TLR1s will be awarded to the following value:</p> <p>£10,586 to the holders of TLR 1B Posts. £9,016 to the holders of TLR 1A Posts.</p> | <p>Criterion and factors for award of TLR's</p> <p><u>Criterion</u></p> <p>A Teaching and Learning Responsibility payment ("TLR") may be awarded to a classroom teacher for undertaking a sustained additional responsibility in the context of the school's staffing structure for the purpose of ensuring the continued delivery of high-quality teaching and learning for which he is made accountable.</p> <p><u>Factors</u></p> <p>Before awarding a TLR, the relevant body must be satisfied that the teacher's duties include a significant responsibility that is not required of all classroom teachers, and that -</p> <ul style="list-style-type: none"> a) is focused on teaching and learning; b) requires the exercise of a teacher's professional skills and judgement; c) requires the teacher to lead, manage and develop a subject or curriculum area; or to lead and manage pupil development across the curriculum; d) has an impact on the educational progress of pupils other than the teacher's assigned classes or groups of pupils; and e) involves leading, developing and enhancing the teaching practice of other staff. <p>Before awarding a TLR 1, the relevant body must be satisfied that the significant responsibility referred to in the previous paragraph includes in addition line management responsibility for a significant number of people.</p> |
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| | <p>If a post meets the criterion and all of the factors, this does not mean automatically that the post will be graded as a TLR1.</p> <p>A teacher may not hold more than one TLR1, but a TLR could be based on a job description that itemises several different areas of significant responsibility.</p> |
| <p>Fast Track</p> <p>The Governing Body will not normally employ Fast Track teachers. Where the Governing Body employs Fast Track teachers it will pay them an extra £2,000 annually under the recruitment and retention incentives and benefits provisions.</p> | |

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| <p>Special educational needs allowance.</p> <p>At Hartismere, SEN allowance 1 may be awarded to classroom teachers who make a particular contribution to the teaching of pupils with special educational needs which is significantly greater than that which would normally be expected of a classroom teacher – for example, where the majority of learners appear on the school’s SEN Register, and where contact with such learners forms much the greater part of that teacher’s timetable.</p> <p>SEN allowance 2 will be awarded to classroom teachers who qualify for SEN allowance 1 and who are</p> | <p>The statutory pay guidance states that:</p> <p>‘SEN allowances may be held at the same time as TLRs. However, relevant bodies should, when reviewing their staffing structures and keeping them under review:</p> <ul style="list-style-type: none"> • ensure that, in the light of remodelling and the move of administrative tasks from teachers to support staff, holders of discretionary SEN allowances are not carrying out tasks that would be more appropriately undertaken by support staff; • consider whether, if teachers have responsibilities that meet the principles for the award of TLR payments it would not be more appropriate to award a TLR payment <i>instead of</i> a discretionary SEN allowance of a lower value; • consider whether discretionary SEN payments made by the relevant body under its pay policy primarily for the purposes of recruitment and retention |
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| <p>deemed by the Governing Body to make an exceptional contribution to the lives of learners placed on the school's SEN Register. Normally, SEN Allowance 2 and a TLR Management Payment will not be paid at the same time.</p> | <p>might not more appropriately be made using the separate provisions available within the Document for these purposes;</p> <ul style="list-style-type: none"> ensure that any responsibilities are clearly specified in individual teachers' job descriptions, and are clear in the school's published staffing structure.' |
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OTHER PAYMENTS

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| <p>Continuing professional development</p> <p>Teachers (including the headteacher) who undertake voluntary continuing professional development outside the school day may in exceptional circumstances be paid an additional allowance as determined by the Head/Governing Body.</p> | |
| <p>Initial teacher training activities</p> <p>Teachers (including the headteacher) who undertake voluntarily school-based initial teacher training activities may be entitled to a payment at the discretion of the Head/Governing Body.</p> <p>Activities that will attract payment will be those deemed appropriate by the Head and agreed with the Governing Body.</p> | |

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| <p>Teachers who undertake initial teacher training activities which are not seen as part of the ordinary running of the school will be given separate contracts of employment to cover areas of work that are not part of their substantive teaching job or contract of employment. Areas of work that will attract a payment as agreed by the Head/Governors will be as deemed appropriate and essential to the operation of the school.</p> | |
| <p>Out-of-school learning activities</p> <p>Teachers (including the head-teacher) who agree to provide learning activities outside of the normal school hours and whose salary range does not take account of such activity may receive an additional payment in exceptional circumstances.</p> <p>Activities that will attract payment include those deemed essential to the operation of the school.</p> | |
| <p>Recruitment and retention incentives and benefits</p> <p>The governing body will pay recruitment awards in the most exceptional circumstances.</p> <p>An example may be where two or more sets of advert have failed to produce a suitable candidate.</p> | |