

PAY POLICY

Date Approved by Board:	13 December 2017
Date of Review:	18 July 2020
Responsible Department:	Human Resources
Policy Applies to:	Wellspring Trust and all Academies within the Trust

The Equality Act 2010 requires public bodies, in carrying out their functions, to have due regard to the need to:

- eliminate discrimination and other conduct that is prohibited by the Act*
- advance equality of opportunity between people who share a protected characteristic and people who do not share it*
- foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.*

In the development of this policy due regard has been given to achieving these objectives

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Appendix 1 Pay Ranges for Teachers

Appendix 2 Teachers Standards

Appendix 3 Process for Pay Appeals.

1.0 Scope

- 1.1. This policy applies to staff employed as teachers, whose statutory pay and conditions of service fall under the terms of the Academy Teachers Pay and Conditions Document (STP&CD); Academy based non-teaching employees who are subject to NJC terms and conditions of employment and Central Support Team employees. "Principal" is used throughout as a generic reference, to include Head of School and Headteacher. This policy is not contractual and does not form part of an employee's terms and conditions of employment.
- 1.2 The Trust/Academy will act ethically and with integrity and employees will be appointed to posts with appropriate pay and which is compliant with the Modern Slavery Act 2015.

2.0 Principles

2.1. Teachers

- 2.1.1. The starting salary of a newly appointed teacher on either the main pay scale or the upper pay scale will be determined having regard to the requirements of the post, any specialist knowledge required for the post, the experience required to undertake the specific duties of the post and the wider context (for example the ability to recruit and retain staff). For the purposes of recruitment and retention, a teacher will be paid at the same rate as they were being paid in their previous school/academy provided this is an equivalent role in the Trust (subject to verification).
- 2.1.2. Newly appointed teachers will be provided with a job description and person specification at the time of appointment and this should be reviewed regularly as part of the Performance Management process.
- 2.1.3. The starting salaries of those being appointed to the Leadership Group will be determined in accordance with the STPCD.
- 2.1.4. Every qualified teacher will have their pay reviewed annually, with effect from the 1st September and no later than the 31st October. All teachers will be given a written statement setting out their salary at the beginning of the Academic year, following any pay recommendations being approved. Reviews may take place at other times of the

year to reflect any changes in circumstances that lead to a change in the basis for calculating pay.

2.1.5. Where teachers are eligible for pay progression, the assessment of performance throughout the cycle against the performance criteria will be the basis on which the recommendation is made by the reviewer.

2.2. Employees have the right to be accompanied at a pay appeal meeting by their trade union representative or a work colleague. It is the employees responsibility to make the necessary arrangements for representation. This right does not extend to family/friends or professionals such as solicitors and barristers.

2.3 All documentation relating to any pay related matters will remain confidential and will be retained on the employees personal file.

2.4 **Academy based non - teaching employees**

2.4.1 The starting salary will be based on the duties and responsibilities of the post, having due regard to the specific Local Authority evaluation scheme used prior to TUPE transfer. This will be subject to review should there be any changes in roles and responsibilities.

2.5 **Central Support Team employees**

2.5.1 The commencing salary will be determined by the CEO and will be subject to review should there be any changes in roles and responsibilities

3.0 Aims

3.1 The aims of this policy are to ensure consistency of pay and pay decisions across the Trust, to ensure that all employees are afforded equal opportunities, and to enable annual monitoring of the impact of this policy to ensure continued compliance with equalities legislation.

4.0 Pay Determinations – Teachers

4.1. The pay scales for the Unqualified Pay Range, Main Pay Range, Upper Pay Range, Leadership Group Pay Range, Lead Practitioners Pay Range and TLR/SEN allowances for the Trust are contained in **Appendix 1**.

4.2. Any salary determination will be clearly attributable to performance through the Performance Management process.

5.0 Teachers absent due to maternity or sickness

- 5.1. Where a teacher is absent due to maternity leave, it is unlawful for the Academy/Trust to deny that teacher an appraisal and subsequent pay decision because of her maternity.
- 5.2. In these circumstances, consideration should be given to conducting the performance appraisal prior to the maternity leave commencing, even if it is early in the appraisal year, and base any pay determination on the evidence of performance to date for that year. Evidence from previous Performance Management appraisals may also be taken into account. KIT (Keeping in Touch Days) are not to be used for the purposes of appraisal. The same approach should be considered for teachers who are absent due to long-term sickness.

6.0 Main Pay Scale progression

- 6.1. To progress within MPS, teachers need to achieve all their objectives, or in the professional judgement of the reviewer, have made significant progress towards achieving them (for example if an objective runs over a two-year period), and show that they are competent in all elements of the Teachers Standards (**Appendix 2**).
- 6.2. Where a teacher's performance has been of a sustained high quality, exceeding academy expectations, and their individual objectives, a teacher may be awarded further progression points within the limits of the Main Pay Scale
- 6.3. As a teacher progresses within MPS there should be evidence that demonstrates:
 - an increasing positive impact on student progress;
 - an increasing impact on wider outcomes for students;
 - improvements in specific elements of practice identified to the teacher e.g. behaviour management, planning etc;
 - an increasing contribution to the work of the Academy;
 - an increasing impact on the effectiveness of the team/department.

Threshold - progression from MPS to UPS1

- 6.4. Any qualified teacher may apply to be paid on the upper pay scale and applications may be made once a year.

- 6.5. It is the responsibility of individual teachers to decide whether they wish to apply to be paid on UPS. Where a teacher is eligible for UPS progression, targets should have been set to reflect this. The closing date for applications is the 31st August each year, however, exceptions will be made for teachers on maternity or sick leave.
- 6.6. Teachers who are simultaneously employed to teach at two or more academies may submit separate applications to both (or all) if they wish to apply to be paid on UPS in both (or all). Each academy will make its own assessment and decisions by one academy will not be binding on the other.
- 6.7. Process for application.
- The employee must complete the form contained in the Performance Management and Capability Policy (Section 9) and return it to their Line Manager along with all relevant supporting documentation which may include that held within the Academy.
 - The employee will receive written notification of the outcome of their application by the 31st October.
 - Where the application is unsuccessful, the written notification will include the areas where, in the professional judgement of the reviewer, the teacher's performance did not satisfy the relevant criteria.
 - Feedback will normally be provided within 10 working days of notification of the outcome of the application. Feedback should be constructive and will include advice and support on areas for improvement in order to meet the relevant criteria.
- 6.8 Progression to UPS1 will be dependent on evidence confirming that:
- the teacher is highly competent in all elements of the relevant standards, and
 - the teacher's achievements and contribution to the Academy are substantial and sustained.
- 6.9 The following are definitions of these skills and characteristics.
- **Highly Competent** - the teacher's performance is assessed as having excellent depth and breadth of knowledge, skill and understanding of the Teachers' Standards in the particular role they are fulfilling and the context in which they are working.
 - **Substantial** - the teacher's achievements and contribution are significant not just in raising standards within their own remit, but also in making a significant wider contribution to Academy and/or Trust improvement, which impacts on pupil

progress and the effectiveness of colleagues.

- **Sustained-** the teacher must have had successful performance management report(s) in the Academy(ies) and have achieved their objectives during this period. They will have been expected to have shown that their teaching expertise has grown over the relevant period and is of a consistently high quality.

6.10 Where there are circumstances of exceptional performance, progression can be to any point on UPS.

Post Threshold – progression to UPS2 AND UPS3

6.11 The pay review will be led by the reviewer, but the teacher will be required to demonstrate how they have met the appropriate criteria for Upper Pay Scale progression.

6.12 Further progression will be dependent on:

- successful performance review(s);
- evidence that the teacher has maintained high competency in all elements of the relevant standards, and
- the teacher's achievements and contribution to the Academy continue to be substantial and sustained.

6.13 With reference to all pay progression decisions, any significant concern(s) about standards of performance must have been raised in writing with the teacher during the annual Performance Management Cycle(s) and sufficiently addressed through appropriate support provided by the Academy if the review is to be judged unsatisfactory. The Academy can withhold pay progression without any requirement to initiate or consider action under the Performance Management and Capability Policy.

7.0 Leading Practitioners pay determinations

7.1 Performance appraisal objectives will be agreed for the leading practitioner within the normal performance appraisal cycle.

7.2 When reviewing pay, the Academy will have regard to the results of the leading practitioner's appraisal.

7.3 The academy will take account of other evidence. The evidence should show the leading practitioner: -

- has achieved their objectives, or in the professional judgement of the reviewer, have made significant progress towards achieving them (for example if an objective runs over a two-year period);

- is an exemplar of teaching skills which should impact significantly on pupil progress within the Academy and wider community, if relevant;
- has made a substantial impact on the effectiveness of staff and colleagues including any specific elements of practice that have highlighted as in need of improvement;
- is highly competent in all aspects of the Teachers Standards;
- has shown strong leadership in developing, implementing and evaluating policies and practice in their workplace that contribute to improvement.

7.4 Highly competent and substantial are defined in section 6.9.

7.5 The Academy will determine pay progression such that the amount is clearly attributable to the performance of the leading practitioner through the Teacher Appraisal process.

7.6 Annual pay progression within the range is not automatic. The Leading Practitioner will be required to demonstrate how they have met the appropriate criteria for pay progression within this pay scale.

8.0 Leadership Pay Determinations

8.1 Executive Principals – The CEO will undertake performance reviews annually and make any pay recommendations for Executive Principals.

8.2 Leadership Posts - The relevant body must consider annually whether or not to increase the salary of members of the leadership group (headteacher, principal, deputy headteacher, assistant headteacher, or assistant principal) who have completed a year of employment since the previous pay determination and, if it determines to do so, to what salary within the relevant pay range (as determined by the STPCD).

8.2 The decision whether or not to award pay progression must be related to the individual's performance through the Appraisal process.

8.3 Annual pay progression within the range is not automatic. Members of the leadership group will be required to demonstrate how they have met the appropriate criteria for pay progression within their range, having regard to a sustained high quality of performance relating to leadership and management and pupil progress.

9.0 Unqualified Teachers pay on appointment

9.1 The Academy will pay any unqualified teacher in accordance with the STP&CD.

9.2 The Academy will determine where a newly appointed unqualified teacher will enter the scale, having regard to any qualifications or experiences/he may have, which they consider

to be of value. Usually this will be one point on the unqualified scale for every three years of relevant experience.

- 9.3 The Academy will consider whether it wishes to pay an additional allowance in accordance with the STP&CD.

10.0 Unqualified Teachers Pay determinations

- 10.1 In order to progress in the unqualified teacher range, unqualified teachers will need to show that they have achieved their objectives, or in the professional judgement of the reviewer, have made significant progress towards achieving them (for example if an objective runs over a two-year period).
- 10.2 If the evidence shows that a teacher has demonstrated exceptional performance the (Executive) Principal may award enhanced pay progression of one point.
- 10.3 Decisions will be properly rooted in evidence. As unqualified teachers progress within the scale this evidence should show:
- an improvement in teaching skills;
 - an increasing positive impact on pupil progress;
 - an increasing impact on wider outcomes for pupils;
 - improvements in specific elements of practice identified to the teacher;
 - an increasing contribution to the work of the Academy;
 - an increasing impact on the effectiveness of the team/department.

11.0 Part Time Teachers

- 11.1 Teachers who are employed by the Academy but work less than a full working day or week are deemed to be part time. The Academy will give these teachers a written statement detailing their working time obligations and the standard calculation used to determine their pay, subject to the provisions of the statutory pay arrangements and by comparison with the timetabled teaching week for a full-time teacher in an equivalent post.

12.0 Allowances and payments

12.1 Teaching and Learning Responsibility Points (TLRs)

The Academy/Trust may award a TLR to a teacher in accordance with the STP&CD. TLR 1 or 2 will be for a clearly defined and sustained additional responsibility in the context of the organisation's structure for the purpose of ensuring the continued delivery of high

quality teaching and learning. All job descriptions will be regularly reviewed and will make clear, if applicable, the responsibility or package of responsibilities for which a TLR is awarded.

12.2 Recruitment and Retention Payments

The Academy will consider where recruitment and retention difficulties are apparent within the context of the organisation structure. The Academy has the discretion to award incentives and benefits in accordance with the STP&CD. The duration of the awards will be made clear from the outset and will be reviewed at a clearly defined date at which point the Academy has the discretion to remove it.

12.3 SEN Allowance

A SEN allowance is payable to a classroom teacher in any SEN post that requires a mandatory SEN qualification and involves teaching pupils with SEN as detailed in the STP&CD.

12.4 Acting Allowance

Where a teacher is assigned and carries out duties of a Headteacher, Principal, Deputy Headteacher, Assistant Headteacher or Assistant Principal, the Executive Principal and Chair of the LGB Pay Committee must, within the four weeks beginning on the day on which such duties are first assigned and carried out, determine whether or not an allowance ("acting allowance") must be paid in accordance with the STP&CD.

13.0 Approval of Pay determinations

13.1. All pay determinations must be approved in accordance with the Local Governing Body (LGB) Pay Committees - Terms of Reference.

14.0 Appeals against pay determinations

14.1. Teachers have the right to raise formal appeals against pay determinations if, for example, they believe that the person or committee by whom the decision was made:

- incorrectly applied for the pay policy;
- incorrectly applied any provision of the STPCD;
- failed to have proper regard to statutory guidance;

- failed to take proper account of relevant evidence
- took account of irrelevant or inaccurate evidence;
- was biased; or
- unlawfully discriminated against the teacher

14.2. Any appeals must be addressed to the (Executive) Principal within 10 working days of receipt of the decision, and the process that will be followed is contained in **Appendix 3**.

15.0 Academy based teaching employees

14.1 Where a pay increase has been negotiated and agreed nationally in line with Statutory Teachers Pay and Conditions, this will be implemented on (or back dated to) 1 September, subject to Board approval.

16.0 Academy based non-teaching employees

16.1. Employees appointed on NJC terms and conditions of employment will be provided with a job description and employee specification at the time of appointment and this should be reviewed regularly as part of the Performance Management process.

16.2. It is normal practice for new employees to be appointed on the bottom point of their grade (where relevant). However, (Executive) Principals may pay above the bottom of the grade if there is a sound justifiable reason for doing so, for example, where recruitment is particularly difficult, or experience or skills deem it appropriate.

16.3. Where an employee is new to an Academy but is on the same spinal column point in their previous role, this should be matched.

16.4. Specific Local Authority pay grading/schemes will be honoured by the Trust. Incremental pay progression will in most cases be automatic, however in some settings this will not apply if a sanction (disciplinary/attendance/capability) is in place.

16.5. Where an NJC pay increase has been negotiated and agreed nationally, this will be implemented on (or backdated to) the 1st April, subject to board approval.

17.0 Honoraria for Academy based Non-Teaching employees

17.1. Honoraria payments should only be made for the following scenarios:

- for additional duties and responsibilities taken either fully or in part from a higher graded post;
 - for duties performed outside the scope of the employees own post which are particularly onerous or for a one-off project.
- 17.2. Honoraria payments will only be paid to cover periods of annual leave in exceptional circumstances, for example where capacity is needed to meet an important deadline.
- 17.3. Honoraria payments must not be used for extra work which is "more of the same" work, for example, for duties already covered in the employee's own job description as this could be dealt with as planned overtime.
- 17.4. The honoraria calculation is normally based on the difference between the employee's current spinal column point and the minimum point of the post to be covered.
- 17.5. The payment would not normally be for any longer than 6 months. If the honorarium extends beyond 6 months the situation should be fully reviewed, including the role and job description itself to determine if it forms a new role that needs covering on a fixed term or permanent basis.
- 17.6. There must be written approval from the (Executive) Principal for an honorarium payment to be processed including the amount to be paid, the start date and the end date.

18.0 Central support team employees

- 18.1. Central Support Team pay is determined by the Chief Officer/Head of Service and all staff will subject to performance management in accordance with their agreed objectives. Pay progression will be agreed in line with the pay range for their post.
- 18.2. Appeals against pay decisions will be heard by the CEO
- 18.3. Where a pay increase has been negotiated and agreed nationally, this will be implemented on (or backdated to) the 1st April.

19.0 Apprenticeship Pay

- 19.1. Apprenticeships give the opportunity to combine practical training in a job with study. All apprentices will be linked to a training provider and will usually be appointed on a fixed term contract for the length of the apprenticeship.
- 19.2. Apprentices will be paid the apprenticeship hourly rate as set by the Government. These

rates are reviewed nationally on an annual basis and are commensurate with the national minimum wage. Apprentices should be paid for their normal working hours as well as training that is part of their apprenticeship (usually one day per week).

- 19.3. Academies may wish to place an apprentice in a vacant position on the structure. Provided the apprentice meets the essential criteria for the post, the academy is able to pay the individual the respective salary and utilise the apprenticeship levy for their training purposes.

20.0 Right of Appeal

- 20.1. When pay progression is not awarded through the performance management process, employees have the right of appeal within 10 working days of receiving their confirmation letter, providing they set out in writing the specific grounds and reasons for the appeal and (where appropriate) provide supporting evidence.
- 20.2. Membership of all appeals Panels will consist of between one and three members, depending on the specific circumstances.
- 20.3. The Panel will be drawn from the Trust's Executive and Senior Management Team who have had no previous involvement in the matter and who are not conflicted (i.e. the CEO, Executive Principals, Executive Vice Principals, Heads of School or Members of the Support Centre's Leadership Team) and/or a member of the LGB with agreement of the LGB Chair.
- 20.4. The employee will be given 10 days notice of appeal hearing and be informed of:
 - the names(s) of the person(s) who will hear their appeal
 - the date, time and location of the hearing
 - the right to representation
 - a copy of the relevant policy
- 20.5. The appeal meeting will be conducted as a review of the pay decisions, having regard to the matters set out in the grounds for appeal and a copy of the letter confirming the outcome of the pay decision.
- 20.6. Every reasonable effort should be made by the employee and representative to be available for the appeal hearing. If the employee's representative is unable to attend on the specified date, the employee may request that the meeting be postponed. Provided that the new date and/or time is reasonable and within 5 days of the original date, this will be accommodated.
- 20.7. If following reasonable attempts to arrange a suitable date for all to attend and the employee/their representative is still unavailable, the person hearing the pay appeal

may determine that the appeal is withdrawn.

- 20.8. If an employee attends with a TU representative or work colleague, the chosen representative does not have the right to answer questions on the employees' behalf or address any meeting without the employees' consent. They will be allowed to address the appeal panel and present the employees' case.
- 20.9. The process for the appeal hearing will be as outlined in the Protocol at a Pay Appeal Hearing (Appendix 1).
- 20.10. The person(s) hearing the appeal has authority to confirm or revoke the original pay decision. This decision is final.
- 20.11. Where possible, the decision will be given to the employee at the conclusion of the meeting and confirmed in writing no more than 5 working days after.
- 20.12. The written record of the appeal hearing should be completed as quickly as possible after the date of the hearing.
- 20.13. All documents pertaining to this procedure should be retained on the employees' personal file as per point 2.3.

21.0 Review

- 21.1. The policy will be monitored to ensure consistency of application and adherence to Equalities legislation.
- 21.2. This policy will be reviewed annually.

This policy has been consulted and agreed with the following Trade Unions: NEU (ATL Section), NEU (NUT Section), ASCL, Unison, GMB and NAHT. Consultation has taken place with NASUWT