

NAHT Model Pay Policy

Revised September 2007

This model pay policy provides a framework to be adapted by individual schools to suit their own circumstances. It is therefore set out as a school pay policy and refers to the “governing body”, rather than the “relevant body” (see “Definitions” in NAHT Guidance on School Pay Policies September 2007). The policy is intended to be easily amended to cover circumstances where the relevant body is the LA.

Members should note that it is a statutory duty on the relevant body to have a pay policy (paragraph 3 of the Document).

NAHT strongly advises its members to adopt the model pay policy in its entirety, bearing in mind that school pay policies must contain, as a minimum, the sections below in bold print. These sections deal with the mandatory elements of the Document. Other sections should be amended if necessary after consultation and adopted as the rules which the governing body will adhere to when exercising pay discretion. At some points, alternative statements are offered. Governing bodies should adopt one and delete the rest. Please note NAHT advice, which is set out in green. The pay policy must accord with the School Teachers’ Pay and Conditions Document 2007, the school development plan and the performance management policy. Other employment policies and procedures will need to be formulated, or adapted, to accord with the pay policy.

1. Opening Statement or Statement of Intent

- 1.1. This policy will be applied to the pay of all staff employed to work in the school, excluding any staff whose pay is not determined by the governing body. The prime statutory duty of governing bodies in England and Wales, as set out in paragraph 21 (2) of the Education Act 2002 is to “...conduct the school with a view to promoting high standards of educational achievement at the school.” The pay policy is intended to support that statutory duty.

The governing body will act with integrity, objectivity and honesty in the best interests of the school; will be open about decisions made and actions taken, and will be prepared to explain decisions and actions to interested persons.

Nothing in the above requires the governing body to disclose material relating to any employee, or anyone proposed to be employed at the school, nor to any named pupil or candidate for

admission to the school, nor to any matter which, by reason of its nature, the governing body is satisfied should remain confidential.

1.2. General Provisions

- **Equal Opportunities Policy**

The governing body will comply with relevant legislation: race relations; sex discrimination; age discrimination; disability discrimination; religion or belief; equal pay; employment relations; and the part-time workers and fixed term employee regulations. The governing body will promote equality in all aspects of school life, particularly as regards all decisions on advertising of posts, appointing, promoting and paying staff, training and staff development.

ADVICE: Members should note that, in schools which have a religious character, discrimination on the grounds of religion may be permitted for certain posts. (The Employment Equality (Religion and Belief) Regulations 2003)

- **Provision and Means of Revising Job Descriptions**

The head will ensure that each member of staff is provided with a job description in accordance with the staffing structure agreed by the governing body. Job descriptions may be reviewed from time to time in consultation with the individual employee concerned in order to make reasonable changes in the light of the changing needs of the school. This would naturally form part of the annual performance management review meeting. Job descriptions will identify key areas of responsibility and may contain targets consistent with the school development plan. Job descriptions will show who is responsible for what, and who is responsible to whom; job descriptions will also make clear what responsibilities are common to all posts. All job descriptions will be reviewed annually as part of the performance management process.

- **Maintenance or Creation of Differentials**

Appropriate differentials will be created and maintained

between posts within the school, recognising accountability and job weight, and the governing body's need to recruit, retain and motivate sufficient employees of the required quality at all levels.

- **Use of Discretions**

Criteria for the use of pay discretions are set out in this policy and discretionary awards of additional pay will only be made in accordance with these criteria.

- **Support for Staff**

In accordance with the principles of contractual change and the remodelling agenda the governing body will fulfil its statutory duties consequent on the National Agreement and will endeavour to provide appropriate support for all staff, such as good working facilities. All members of staff will be told how the school's training and development policy affects them and will have the opportunity to review their training and development needs with their line manager. The governing body will observe all health and safety requirements, in particular, as regards working time.

- **Access to Records**

The head will ensure reasonable access for individual members of staff to their own employment records.

- **Performance Management**

The governing body will comply with the relevant legislation in England and Wales concerning the performance management of teachers in England and Wales

ADVICE: - In England, the new Performance Management Regulations 2006 ("the PM Regulations") come into force on 1 September 2007. However, the former Regulations governing performance management (The Education (School Teacher Appraisal) (England) Regulations 2001 – "the Appraisal Regulations (E)") are still applicable for the review of performance for the academic year 2006/07, which forms the basis for pay determinations with effect from 1 September 2007 (see below). The new PM Regulations will, however, be applicable for the setting of performance objectives for the academic year 2007/2008. These objectives must be set by 31 October 2007 in the case of all teachers other than the head, whose objectives must be set by 31 December 2007. The review

of these objectives, and pay decisions resulting from that review, must take place in accordance with the PM Regulations. Performance management in Wales remains unchanged. Members in Wales continue to be subject to the School Teacher (Appraisal) Regulations 2002 (the “Appraisal Regulations (W)”).

Members are advised to read NAHT guidance on the regulations and further guidance on PM, which is available under the Performance Management theme on the website at www.naht.org.uk
See also paragraph 17 of NAHT guidance on School Pay Policies above.

1.3. The governing body will fulfil its obligations under:

for teachers:

- the School Teachers’ Pay and Conditions Document (the Document)
- the Conditions of Service for School Teachers in England and Wales (Burgundy Book);
- relevant legislation

for support staff:

- the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service (Green Book).

1.4 The pay policy will be reviewed from time to time in consultation with all staff affected. In any event, the policy will be reviewed each time a new School Teachers’ Pay and Conditions Document comes into effect.

2. **Procedures**

2.1. The governing body will determine the annual pay budget on the recommendation of the pay committee. The governing body has delegated its pay powers to the pay committee. Any person employed to work at the school, other than the head, must withdraw from a meeting at which the pay or performance appraisal of any other employee of the school, is under consideration. The head must withdraw from that part of the meeting where the subject of consideration is his or her own pay. A relevant person must withdraw where there is a conflict of interests or any doubt about his/her ability to act impartially.

EITHER: - No member of the governing body who is employed to work in the school shall be eligible for membership of this committee.

OR: - The committee members will be the three governors appointed by the governing body to carry out the head's performance review.

ADVICE: - Either of the above alternatives will ensure that no member of the pay committee will be obliged to withdraw from the decision making process. The decision for the governing body is whether or not to appoint a group of governors who will review the head's performance and determine the head's pay separately from the pay committee which will deal with the pay of all other staff. In general, this will be a matter of practicality, depending upon the size of the governing body.

The pay committee will be attended by the head in an advisory capacity. Where the pay committee has invited either a representative of the LA or the SIP to attend and offer advice on the determination of the head's pay, that person will withdraw at the same time as the head while the committee reaches its decision. Any member of the committee required to withdraw will do so.

2.2. The terms of reference for the pay committee will be determined from time to time by the governing body. The current terms of reference are:

- to achieve the aims of the whole school pay policy in a fair and equal manner;
- to apply the criteria set by the whole school pay policy in determining the pay of each member of staff at the annual review;
- to observe all statutory and contractual obligations;
- to minute clearly the reasons for all decisions and report these decisions to the next meeting of the full governing body;
- to recommend to the governing body the annual budget needed for pay, bearing in mind the need to ensure the availability of monies to support any exercise of discretion. The pay committee will recommend that the governing body makes application for any additional funding available to support this process;

- to keep abreast of relevant developments and to advise the governing body when the school's pay policy needs to be revised;
- to carry out the performance management of the head;
- to appoint and work with the School Improvement Partner as applicable;
- to work with the head in ensuring that the governing body complies with the Performance Management Regulations.

The report of the pay committee will be placed in the confidential section of the governing body's agenda and will either be received or referred back. Reference back may occur only if, either the pay committee has exceeded its powers under the policy, or the budget allocated for pay has been exceeded without good reason.

Decisions will be communicated to each member of staff by the head in writing in accordance with paragraph 4 of the Document. 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.

An instruction to amend pay from the relevant date will be issued immediately after the time limit for the lodging of an appeal has passed, or immediately after an appeal has been concluded.

- 2.3 **As required by the Document, all teaching staff salaries, including those of the head, deputy head(s) and assistant head(s) will be reviewed annually on or after 1st September to take effect from 1 September. The governing body will endeavour to complete teachers' annual pay reviews by 31 October and the headteacher's annual pay review by 31 December if circumstances allow. They will, however, complete the process without undue delay.** The award of a point on the upper pay spine will normally be considered two years after any previous award in accordance with paragraph 19.4 of the Document and paragraph 33 of the section 3 guidance.

EITHER: The governing body will not exercise its discretion to award points on the upper pay spine at less than two year intervals.

OR: The governing body will, in exceptional circumstances, consider the award of a point on the upper pay spine at the annual review. The pay committee will exercise this discretion on the recommendation of the head teacher, where the outcomes of the performance review demonstrate that such an

award is clearly merited.

ADVICE: - NAHT advises that it is preferable to have a universally applicable rule, rather than a wider discretion. The first wording is therefore recommended.

2.4 **Appeal Procedure**

The relevant body has an appeals procedure in relation to pay in accordance with the provisions of paragraph 3(b) of the Document.

All staff will receive a written statement of the determination of their pay as set out in paragraph 2.3 above. The statement will advise teachers of the decision of the pay committee, the reasons for the decision and the teacher's right to make representations to the pay committee. If the teacher wishes to take advantage of this right he must write to the Chair of the pay committee within 10 working days. His letter must include a statement of the representation that he intends to make. The pay committee will arrange to meet with the teacher to receive representations. The pay committee will reconsider their decision and notify the teacher of the outcome and of the teacher's right of appeal.

If the teacher wishes to take advantage of an appeal, he must write to the Clerk to the Governing Body within 10 working days. He must include a statement of the grounds for his appeal and some details of the facts on which he will rely. The Clerk to the Governing Body will convene a meeting of the Appeal Committee within 20 working days of receiving written notification from the teacher. The Appeal Committee will write to the teacher to advise him of their decision.

Any appellant has the right to see all relevant papers and to be accompanied/represented by a workplace colleague or trade union/association representative.

Advice: There is a statutory duty upon governing bodies to have an appeals procedure set out within the pay policy. Paragraph 3(b) of the Document and paragraphs 15 to 18 of the section 3 guidance lay down the statutory requirements of such a procedure. A model appeals procedure can be found at Annex A to this policy and at www.naht.org.uk

3. **Leadership Group Pay**

3.1. **Head Teacher Pay**

The governing body will, when a new appointment needs to be made, determine the pay range to be advertised and agree pay on appointment as follows and in accordance

with paragraphs 7.3(e) and 7.3(g):

- **the pay committee will review the school's head teacher group and the head's Individual School Range (ISR) in accordance with paragraphs 8 and 9 (ordinary school), or paragraphs 8 and 10 (special school), and paragraph 12 of the Document;**
- **the pay committee will have regard to the provisions of paragraph 12.3** (formula for the calculation of the salary of the highest paid classroom teacher) and will also take account of any other permanent payments, including the upper pay spine, made to staff within the school to ensure that appropriate differentials are created and maintained between posts of differing responsibility and accountability;
- where the circumstances in paragraphs 12.2.5 and 12.2.6 of the Document apply, the pay committee will determine the ISR in accordance with the need of the school to attract and appoint an appropriate candidate, not in accordance with the group size of the school;
- the pay committee will exercise its discretion under paragraph 7.3(e) of the Document, and pay on any of the bottom four points on the ISR, in order to secure the appointment of its preferred candidate.

For serving heads:

The governing body will determine the salary of a serving head teacher in accordance with paragraph 7 of the Document.

- **the pay committee will determine the head's ISR, in accordance with paragraph 12 when the provisions of that paragraph apply;**
- **the pay committee may determine the head's ISR at any time in accordance with paragraphs 26-30 of Section 3 of the Document the DfES guidance and to maintain differentials;**
- **the pay committee will determine the ISR in accordance with paragraph 12.2.5 and 12.2.6 of the Document where there is a need to retain an existing head;**
- **the pay committee will agree performance objectives with the head, taking account of the advice of the**

school improvement partner.. The objectives will be agreed as early as possible in the autumn term;

- **the pay committee is conscious of its duty to set performance objectives in default of agreement. (Paragraph 7.2 of the Document.)** This power will only be exercised as a last resort, after the appeal procedure has been exhausted. The general pay appeals procedure will apply. The head is, additionally, entitled to submit a written statement, commenting on any objectives set, which will be taken into account at the time of the review;
- the pay committee will review the performance of the head against the performance objectives and award up to two points where objectives are met (paragraph 7.3 (b), (c) and (d))

Advice: It is NAHT's view that the provisions of paragraph 7.3 (b) of the Document are clear. There cannot be any movement up the pay spine unless two conditions are satisfied. Firstly, that there has been a review of the performance of the headteacher and secondly that there has been sustained high quality of performance taking account of the performance objectives agreed or set. Therefore, there is no other relevant reason why a pay rise should not be given. Members who satisfy the two conditions above but who are denied a pay rise for other reasons, for instance budgetary considerations, should contact the Salaries, Pensions, Conditions department at NAHT headquarters on 01444 472477, as a matter of urgency.

3.2. Deputy Head Pay

The governing body will, when a new appointment needs to be made, determine the pay range to be advertised and agree pay on appointment as follows:

- **the pay committee will determine a deputy head pay range in accordance with paragraph 14 of the Document;**
- **the pay committee will record its reasons for the determination of the deputy head pay range, in accordance with paragraph 29 of the section 3 guidance;**
- the pay committee will exercise its discretion under paragraph 13.4 of the Document, and pay any of the

bottom three points on deputy head pay range, in order to secure the appointment of its preferred candidate.

For serving deputy heads:

- **the pay committee will review pay in accordance with paragraph 13.2 and 13.3 of the Document** and award up to two points where objectives are met;
- **the pay committee will determine the deputy head pay range in accordance with paragraph 29 of the section 3 guidance pursuant to the mandatory provisions of that paragraph;**
- **the pay committee may determine the deputy head pay range at any time in accordance with paragraph 29 of the section 3 guidance pursuant with the discretionary provisions of that paragraph and to maintain differentials;**
- the pay committee delegates to the head the agreement of performance objectives for pay purposes for the deputy head. Objectives will be agreed and reported to the pay committee as early as possible in the autumn term. **The deputy head may agree objectives directly with the pay committee where agreement between the head and deputy head is not achieved;**
- **the pay committee is conscious of its duty to set performance objectives in default of agreement. (Paragraph 13.2.1 of the Document.)** This power will only be exercised as a last resort, after the appeal procedure has been exhausted. The general pay appeals procedure will apply. The deputy head is additionally entitled to submit a written statement commenting on any objectives set, which will be taken into account at the time of the review;

ADVICE: See advice on Performance Management in paragraph 17 of the guidance and paragraph 2.1 of the model policy above

It is NAHT's view that the provisions of paragraph 13.3 (a) of the Document are clear. There cannot be any movement up the pay spine unless two conditions are satisfied. Firstly, that there has been a review of the performance of the deputy headteacher and secondly that there has been sustained high quality of performance taking account of the performance objectives agreed or set. Therefore, there is no other relevant reason why a pay rise should not be given. Members who satisfy the

two conditions above but who are denied a pay rise for other reasons, for instance budgetary considerations, should contact the Salaries, Pensions and Conditions of Service department at NAHT headquarters on 01444 472477, as a matter of urgency.

3.3. Assistant Head Pay

The governing body will, when a new appointment needs to be made, determine the pay range to be advertised and agree pay on appointment as follows:

- **the pay committee will determine an assistant head pay range in accordance with paragraph 16 of the Document;**
- **the pay committee will have regard to the provisions of paragraph 16.2.2** and will also take account of any other permanent payments, including upper pay spine, made to staff within the school to ensure that appropriate differentials are created and maintained between posts of differing responsibility and accountability;
- **the pay committee will record its reasons for the determination of the assistant head pay range, in accordance with paragraph 29 of the section 3 guidance;**
- the pay committee will exercise its discretion under paragraph 15.4 of the Document, and pay any of the bottom three points of the assistant head pay range, in order to secure the appointment of its preferred candidate.

For serving assistant heads:

- **the pay committee will review pay in accordance with paragraph 15.2 and 15.3 of the Document**, and award up to two points where objectives are met;
- **the pay committee will determine the assistant head pay range in accordance with paragraph 29 of the section 3 guidance pursuant to the mandatory provisions of that paragraph;**
- **the pay committee may determine the assistant head pay range at any time in accordance with paragraph 29 of the section 3 guidance pursuant with the discretionary provisions of that paragraph and to**

maintain differentials;

- the pay committee delegates to the head the agreement of performance objectives for the assistant head. Objectives will be agreed and reported to the pay committee as early as possible in the autumn term. **The assistant head may agree objectives directly with the pay committee where agreement between the head and assistant head is not achieved;**
- **the pay committee is conscious of its duty to set performance objectives in default of agreement.** (Paragraph 15.2(a) of the Document.) This power will only be exercised as a last resort, after the appeal procedure has been exhausted. The general pay appeals procedure will apply. The assistant head is additionally entitled to submit a written statement commenting on any objectives set, which will be taken into account at the time of the review:

ADVICE: See advice on Performance Management in paragraph 17 of the guidance and paragraph 2.1 of the model policy above

It is NAHT's view that the provisions of paragraph 13.3 (a) of the Document are clear. There cannot be any movement up the pay spine unless two conditions are satisfied. Firstly, that there has been a review of the performance of the deputy headteacher and secondly that there has been sustained high quality of performance taking account of the performance objectives agreed or set. Therefore, there is no other relevant reason why a pay rise should not be given. Members who satisfy the two conditions above but who are denied a pay rise for other reasons, for instance budgetary considerations, should contact the Salaries, Pensions and Conditions of Service department at NAHT headquarters on 01444 472477, as a matter of urgency.

4. Acting Allowances

Acting allowances are payable to teachers who are assigned and carrying out the duties of head, deputy head or assistant head in accordance with paragraph 42 of the Document. **The pay committee will, within a four week period of the commencement of acting duties, determine whether or not the acting postholder will be paid an allowance.** In the event of a planned and prolonged absence, an acting allowance will be agreed in advance and paid from the first day of absence.

EITHER: - Any teacher who carries out the duties of head, deputy

head, or assistant head, for a period of four weeks or more, will be paid at an appropriate point of the head's ISR, deputy head range or assistant head range, as determined by the pay committee. Payment will be backdated to the commencement of the duties.

OR: - Any teacher who carries out the duties of head, deputy head, or assistant head, for a period of a half term or more, will be paid at an appropriate point of the head's ISR, deputy head range or assistant head range, as determined by the pay committee. Payment will be backdated to the commencement of the duties.

ADVICE: - It is the NAHT's view that any individual carrying out the responsibilities of either the head, deputy head or assistant head must have the full authority of the post from the outset and should, therefore, be paid the acting allowance from the commencement of those duties. Where the absence is planned, the determination after four weeks should be unnecessary, and payment should be made as soon as the duties are taken up. Members should note that only a deputy head may be required to carry out the responsibilities of the head in the absence of the head. Where the headship is vacant, the deputy may agree to serve as acting head, but cannot be required to do so. The governing body must seek the agreement of any other teacher to taking on acting duties. It will, clearly, assist if appropriate payment is offered.

Members should also check whether there are existing local agreements covering the payment of acting allowances. The governing body must then decide whether to adopt the local agreement or one of the alternatives offered above, after consultation with the staff of the school.

5. Pay Scale for Classroom Teachers

Classroom teachers will be paid in accordance with paragraphs 17 and 18 of the Document (pay scale for classroom teachers) or paragraph 19 (pay scale for post-threshold teachers)

5.1. **Qualifications:** - All newly qualified teachers, from 1 September 2002, will start at point M1, irrespective of degree qualifications.

5.2. **Experience:** - In accordance with paragraphs 18.1.1-18.1.6 of the Document, teaching experience will be rewarded on the basis of one point for each year of service as defined in paragraph 18.1.1. The pay committee will also count as service any period of absence approved by the head and governing body during which experience relevant to teaching is acquired. (Paragraph 1.8 of the Document.)

Experience other than teaching: - (Paragraph 18.2 of the Document) will be rewarded at a rate of:

EITHER: - one point for every one/two/three years of experience

(delete as applicable) deemed by the committee to be of particular relevance to the job description and appointment criteria.

OR: - one point for every one/two/three years of experience (delete as applicable) deemed by the committee to be of particular relevance to the job description and appointment criteria, to a maximum of three points.

OR: - the pay committee will not exercise its discretion to recognise experience, other than teaching experience. Where there are recruitment difficulties, recruitment and retention allowances will be payable as set out below.

ADVICE: - NAHT experience suggests that discretionary experience points are frequently used in order to recruit, rather than because the experience rewarded is genuinely relevant to teaching. In order to avoid grievances and possible equal pay claims, NAHT advises that it is preferable to make use of recruitment and retention incentive benefits (paragraph 53 of the Document), where recruitment difficulties exist. Where governing bodies wish to continue to reward experience other than teaching, NAHT believes strongly that there must be a limit on points available, since experience points, whether for teaching or other experience, determine eligibility for the threshold.

The pay committee recognises that **a classroom teacher who was employed before 1 September 2000 as a head teacher, deputy head teacher or assistant head teacher is entitled to be paid on the Upper Pay Spine. The pay committee shall determine the point on the upper pay spine that a classroom teacher, in these circumstances, shall be paid (paragraph 19.3.3 of the Document).**

In the case of a teacher who was first employed as a head teacher, deputy head teacher or assistant head teacher on or after 1 September 2000, he or she will have to occupy such a post for an aggregate period of 1 year or more in order to be paid on the Upper Pay Spine. Otherwise he/she will be entitled to be paid at point M6 of the classroom teacher pay scale. In the case of a teacher who was employed as an Advanced Skills Teacher, irrespective of the date of appointment to an AST post, he or she is entitled to be paid on the Upper Pay Spine.

ADVICE:- The pay committee should determine whether such a person be paid at UPS 1, UPS 2 or UPS 3. In light of the very high rate of progression to UPS 3 with effect from 1 September 2004 , NAHT advises that UPS 3 is appropriate.

Experience points: may be withheld in a year when a teacher has performed unsatisfactorily. The pay committee may

exercise this discretion only in the context of a formal capability procedure. The pay committee will restore the withheld point at the conclusion of the capability procedure where satisfactory performance has been achieved.

Additional experience points: the pay committee has a discretion to award one additional experience point where the teacher's performance in the previous 12 months was excellent having regard to all aspects of his professional duties, but in particular classroom teaching, in accordance with paragraph 18.2.1(c) of the Document.

EITHER:- The pay committee does not intend to exercise this discretion but will keep the matter under periodic review.

OR:- The pay committee will exercise this discretion on the recommendation of the head teacher, where the outcomes of the performance review demonstrate that such an award is clearly merited.

Threshold and Upper Pay Spine: - The pay committee will pay teachers who are successful at the threshold in accordance with paragraph 19 of the Document.

In accordance with paragraphs 19.4 and 19.5 of the Document, the pay committee will determine that one point be awarded to a teacher on the upper pay spine who, throughout the relevant period, has met the criteria set out at paragraph 19.4.1(b) of the Document and paragraph 33 and 34 of the section 3 guidance.

In reaching its decision, the pay committee shall have regard to any recommendation on pay progression recorded in the teacher's most recent planning and review statement, in accordance with the provisions of paragraph 19.4.2 of the Document.. Teachers will be invited to provide supporting evidence through the performance management system.

Teaching and Learning Responsibility Payments:-

The pay committee may award a TLR to a classroom teacher in accordance with paragraph 23 of the Document and paragraphs 62 to 68 of the section 3 guidance. These payments will be for clearly defined and sustained additional responsibility in the context of the schools staffing 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, taking

into account the criterion and factors set out at paragraph 63 of the section 3 guidance.

ADVICE:- The governing body should also decide whether any TLR awarded should be permanent or for a fixed term period. Members are reminded that such posts must be genuinely fixed term, must meet the provisions of the Document and must be carefully recorded. Members are strongly advised to read NAHT guidance on the Review of School Staffing Structures – Clarification on Permanent and Temporary TLR posts published in October 2005. This guidance is available on the members only part of the NAHT web site at www.naht.org.uk under the Salaries theme.

In England, consideration should also be given to the possibility of creating Advanced Skills Teacher (AST) or Excellent Teacher Scheme (ETS) posts. (See in particular paragraph 73 to 103 of the section 3 guidance.) Members should note that in Wales, the AST and the ETS scheme have not been introduced.

5.3. Special Educational Needs: - The pay committee will award the first special needs allowance as required under paragraph 27.2 of the Document.

EITHER: - Where paragraph 27.2 does not apply the first special needs allowance will only be paid to teachers where the pay committee consider that the classroom teacher makes a particular contribution to the teaching of pupils with special educational needs in the school which is significantly greater than that which would normally be expected of a classroom teacher. (Paragraph 27.4 of the Document.)

OR: - The second special needs allowance will be payable where, in the view of the pay committee, the teacher's experience or qualifications enhance the value of the work s/he undertakes. (Paragraph 27.5 of the Document.)

OR: - The second special needs allowance will be payable to teachers who have obtained the required additional qualification in hearing or visual impairment. (Paragraph 27.5 of the Document.)

OR:- The second special needs allowance will be replaced by a TLR

ADVICE: - If the governing body intends to make use of discretionary special needs payments, the policy must make clear how they will be used. NAHT advises that the government's policy of inclusion is likely to mean that special needs payments will become more common in ordinary schools. Schools should

note the additional guidance in paragraph 69-71 of the section 3 guidance.

The relevant body should consider whether, if teachers have responsibilities that meet the criterion and factors (paragraph 63 of the section 3 guidance) for the award of a TLR payment, it would not be more appropriate to award a TLR payment instead of the discretionary SEN allowance. At this stage, a discretionary SEN payment may only be replaced by the award of a higher value TLR .

6. **Advanced Skills Teachers**

ADVICE: - The policy should contain a statement as to whether or not it is the intention of the governing body to employ Advanced Skills Teachers (AST). If such teachers are employed, the policy should state the following:

The pay committee will determine a five point range on the advanced skills teacher pay spine in accordance with paragraph 30 of the Document.

The pay committee delegates to the head the agreement of performance objectives for the AST. Objectives will be agreed and reported to the pay committee as early as possible in the autumn term. **The AST may agree objectives directly with the pay committee where agreement between the head and AST is not achieved.**

The pay committee will review the performance of the AST annually against the performance objectives and award one point where objectives are met.

7. **Excellent Teacher Scheme**

ADVICE: - The policy should contain a statement as to whether or not it is the intention of the governing body to employ teachers under the excellent teacher scheme.

8. **Unqualified Teachers**

The pay committee will pay any unqualified teacher in accordance with paragraph 38 of the Document. The pay committee will determine where a newly appointed unqualified teacher will enter the scale, having regard to any qualifications or experience s/he may have, which they consider to be of value.

9. **Support Staff**

The pay committee notes its powers to determine the pay of support staff in accordance with paragraph 15 of the School Staffing (England)

Regulations 2003.. The pay committee will determine the pay grade of support staff in accordance with the scale of grades, currently applicable in relation to employment with the LA, which the pay committee consider appropriate for the post. In reaching its determination, the pay committee will consider the advice of the LA, but will not consider itself bound by that advice. Appeal procedures are set out in paragraph 2.4 above.

ADVICE:- See further NAHT guidance at <http://www.naht.org.uk>

10. **Part-time Employees**

The pay committee will apply the provisions of this policy on a pro rata basis to all part-time employees, in accordance with paragraph 50.1 of the Document. The pay committee will act in accordance with the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000.

ADVICE: - Advice on the application of these Regulations, and other statutory and regulatory guidance relating to employment is available from the [DTI \(website\) at www.dti.gov.uk](http://www.dti.gov.uk), the [TUC \(website\) at www.tuc.org.uk](http://www.tuc.org.uk) and [ACAS \(website\) at www.acas.org.uk](http://www.acas.org.uk)

11. **Residential Duties**

The pay committee will take account of agreements reached in the National Joint Council for Teachers in Residential Establishments in determining payments for residential duties.

ADVICE: See the Employers' Organisation website at www.lge.gov.uk The national agreements reached in the JNCTIRE are not binding in law and are only contractually binding if there is a clear statement to that effect in the contract of employment. If governing bodies wish to depart from the agreements reached in the JNCTIRE, however, NAHT advises that negotiation should occur between the governing body and employees covered by the agreement in order to arrive at a mutually acceptable position.

12. **Additional Payments**

In accordance with paragraph 52 of the Document and paragraphs 115 to 120 of the section 3 guidance, the relevant body may make payments as they see fit to a teacher, including a headteacher in respect of

- continuing professional development undertaken outside the school day;
- activities relating to the provision of initial teacher training as part of the ordinary conduct of the school;

- participation in out-of-school hours learning activity agreed between the teacher and the head teacher or, in the case of the head teacher, between the head teacher and the relevant body.

EITHER: - The pay committee will not exercise the discretion under paragraph 52 of the Document. The pay committee will periodically review this provision of the policy.

OR: - The pay committee will make additional payments to teachers in accordance with the provisions of paragraph 52 of the Document where advised by the head.

Payment will be:

EITHER: - Calculated on a daily basis at $1/195^{\text{th}}$ of the teacher's actual salary.

OR: - A daily rate of $1/195^{\text{th}}$ of point M6 of the classroom teacher's pay spine.

OR: - In order to obtain an hourly rate, by substituting $1/1265^{\text{th}}$ for $1/195^{\text{th}}$.

ADVICE: - The two formulae set out above were agreed between the six teacher unions and the National Employers' Organisation for School Teachers. NAHT advises that the actual salary calculation is the more acceptable.

ADVICE: - For the avoidance of doubt, overtime payments are not payable to reward voluntary additional cover, which is payable only by time. See further NAHT guidance at www.naht.org.uk

13. **Recruitment and retention incentives and benefits**

The governing body can award lump sum payments, periodic payments, or provide other financial assistance, support or benefits for a recruitment or retention incentive (paragraph 53 of the Document and paragraphs 121 to 123 of the section 3 guidance).

EITHER:- The pay committee will not exercise its discretion under paragraph 53 of the Document. The pay committee will periodically review this provision of the policy

OR:- The pay committee will consider exercising its powers under paragraph 53 of the Document where it is appropriate to do so.

ADVICE: Paragraph 53 of the Document provides considerable discretion to relevant bodies to pay recruitment/retention payments or

provide other financial assistance, support or benefits where there is a general shortage of teachers, or to individual teachers in posts which are difficult to fill. The statements above are general and the governing body must be very clear about the basis for payments, which must be clearly stated and consistently applied.

Where the pay committee decides to pay periodic payments or provide other benefits over a period of time as a **recruitment** incentive, the payment can only be made for a fixed period not exceeding 3 years and must not be renewed (paragraph 53.2 of the Document). In the case of a similar periodic **retention** payment or benefit, the same provisions apply, except that they may, in exceptional circumstances be renewed (paragraph 53.3). Relevant bodies should be made aware that any monetary payments awarded under paragraph 53 are pensionable.

15. **General Teaching Council's Fee Allowance**

The pay committee will make payments in accordance with paragraph 54 of the Document.

16. **Chartered London Teacher Scheme
(only relevant for schools in Inner and Outer London.)**

The pay committee will, where applicable, make payments to teachers in accordance with paragraph 37 of the Document.

17. **Salary Sacrifice Arrangements**

Where the employer operates a salary sacrifice arrangement, a teacher may participate in any arrangement and his gross salary shall be reduced accordingly, in accordance with the provisions of paragraph 55 of the Document.

Appendix A

Model Appeal Procedures

[If this appendix is adopted as part of the school's Pay Policy, the text in italics may be removed entirely]

1. General Context

These procedures are intended to comply fully with the requirements of:

- Section 29 and Schedule 2 of the Employment Act 2002 and
- The School Teachers' Pay and Conditions Document 2007.

The procedures also comply with the spirit of the statutory guidance contained within the Document, at section 3.

The NAHT model includes an informal representation stage that could be offered prior to the decision making. Including this stage would be in line with the spirit of the guidance but if it is omitted the procedure would still comply with the Employment Act and with the Document.

The pronoun "he" is used throughout in order to be consistent with the Document.

2. General Provisions

- The employee is entitled to be accompanied by a friend or union representative at each formal stage. The person[s] whose decision has given rise to the grievance may exercise their discretion and allow the employee to be accompanied at any informal stage.
- The employee must take all reasonable steps to attend meetings.
- Meetings should be arranged without undue delay. A maximum of 10 working days between steps [e.g. between receipt of a request for an appeal hearing and that hearing being convened] is normally seen as reasonable.
- The timings and location of meetings must be reasonable and should be mutually agreed.
- There is no further internal process available to the employee once the appeal stage has been completed, i.e. the matter is closed as far as the school is concerned.

- The governing body should establish an appeal committee, which consists of three governors, none of whom are employees in the school; neither have they previously been involved in the process.

3. Appeals against pay determinations

Assumptions

- The governing body has delegated decisions relating to pay progression to a committee [e.g. the pay committee] or to an individual [e.g. the head teacher] i.e. the “decision maker”.
- The governing body may have required the head teacher, or the head teacher’s PM reviewers [in the case of the head teacher’s pay progression], to make recommendations to the “decision maker” with respect to individual employees, i.e. a “recommendation provider”.

Procedural Stages

1. The “recommendation provider” will advise the employee, in writing, of the nature of the recommendation that it is intended to make to the “decision maker” and may invite the employee to a meeting to discuss the matter and to receive any additional argument/evidence, within 10 school working days.

[Equivalent to the Informal Representations Stage described in Section 3, Paragraph 16 of the Document] This stage is not required in order to comply with the Employment Act 2002, so must be regarded as optional for the school and for the employee. It must be set out in the pay policy, if it is to form part of the school’s procedure.

2. The “recommendation provider” will make recommendations to the “decision maker” with respect to each individual employee and give an outline of the evidence that has been used to arrive at the recommendation, how this relates to the guidance in the Document and the governing body’s pay policy. Copies of the teacher’s performance management review statements may be read by the “decision maker”, as part of the deliberations.

3. The “decision maker” will reach a decision and write to the employee, advising him of that decision, the reasons for the decision and the employee’s right to make representations to the “decision maker” If the employee wishes to take advantage of this right, he must write to the “decision maker” within 10 school working days. His letter must include a statement in sufficient detail of the representations that he intends to make.

[equivalent to the formal grievance process described in Section 3, Paragraph 16 of the Document and equivalent to a “step 2” meeting within the meaning of the Employment Act 2002].

4. The “decision maker” must then arrange to meet with the employee to receive representations about their decision. Any “recommendation provider” should be invited to attend the meeting, to respond to the employee’s representations and to clarify the basis for the original recommendation. If the “recommendation provider” does attend the meeting it will be in the role of a witness, as the representations are against the decision of the “decision maker” not against the recommendation.

5. The “decision maker” will reconsider the decision in private and write to the employee to notify him of the outcome of the fresh deliberations and of the employee’s right of appeal to a committee of the governing body. If the employee wishes to take advantage of this right, he must write to the clerk to the governing body within 10 school working days. He must include a statement of the grounds for his appeal and sufficient details of the facts on which he will rely.

[equivalent to the appeal process described in Section 3, paragraph 17 of the Document and to a “step 3 appeal hearing” within the meaning of the Employment Act].

6. The clerk to the governing body should convene a meeting of the appeal committee within 20 school working days of receiving written notification from the employee. The “decision maker” will also be invited to attend this meeting along with any “recommendation provider”. If the “recommendation provider” does attend the meeting it will be in the role of a witness, as any appeal is against the decision of the “decision maker”, not against the recommendation.

7. The chair of the appeal committee will invite the employee to set out his case in detail. The employee may also call witnesses in support of his case. The employee and his witnesses, if any, may be questioned in turn by the other parties, in order to clarify the evidence that has been presented.

8. The “recommendation provider” will then be invited to explain the basis for the original recommendation to the “decision maker” and to present additional evidence in response to the evidence presented by the employee. The “recommendation provider” may be questioned in turn by the other parties, in order to clarify the evidence that was presented.

9. The “decision maker” will then be invited to explain the procedure followed and the basis for the final decision. The “decision maker” may be questioned in turn by the other parties, in order to clarify the evidence that was presented.

10. The appeal committee will then deliberate in private and reach a decision.

11. The appeal committee will write to the employee to advise him of their decision. If the decision is to reject the appeal, the notification should include a note of the evidence that they considered and the reasons for the decision.

12. The committee will also inform the “recommendation provider” and the “decision maker” of the outcome of the meeting.

4. The “modified” grievance procedure [for employees who have left employment of the school before registering a grievance]

Assumptions

- The employee may have initiated the informal stage of the relevant procedure, but has not registered a formal grievance prior to his last day of employment.

Procedural Stages

1. The employee must set out a statement of his grievance in writing, including sufficient details of its basis.
2. The employee must send a copy of this statement to the chair of the governing body, in his capacity as the representative of the employer.
3. The chair of the governing body will consult with the person[s] or committee with delegated responsibility for the relevant decision and ensure that the employee is provided with an appropriate written response, on behalf of the employer.

5. Appeal against a decision relating to an application for assessment against the post-threshold teacher standards

Assumptions

- The governing body has delegated receipt and assessment of the application to the head teacher, as is required by the Document.
- The head teacher will promptly notify the pay committee of his decision on the application when it has been assessed and will give written feedback to the teacher within 20 school working days of informing the committee. .

Procedural Stages

1. The head teacher should return the completed application form and invite the teacher to a meeting to receive oral feedback on the assessment process, within 10 school working days.

[Equivalent to the Informal Representations Stage described in Section 3, Paragraph 16 of the Document, though this stage is not required in order to comply with the Employment Act 2002] After this stage the head teacher could revise his decision in light of additional evidence or representations from the teacher.

2. The outcome of any meeting held to consider informal representations should be confirmed to the teacher, in writing. If his application has been unsuccessful, he should be advised of his right to appeal against the decision if he wishes. This notification should include a statement of any additional feedback provided to the teacher during the oral feedback. Any appeal should be made in writing, to the head teacher, within 10 working days. The teacher's letter must include a statement of his concerns about the decision.

[Equivalent to the formal grievance process described in Section 3, Paragraph 16 of the Document and equivalent to a "step 2" meeting within the meaning of the Employment Act 2002].

3. The head teacher should then arrange to meet with the teacher to receive detailed representations about his decision. The head teacher will then reconsider his decision and write to the teacher to notify him of the outcome of his fresh deliberations and, in the event that the decision is that the applicant is unsuccessful, of the teacher's right of appeal to a committee of the governing body. If the teacher wishes to take advantage of this right, he should write to the clerk to the governing body within 10 school working days. He must include a statement of the grounds for his appeal and sufficient details of the facts on which he will rely.

[Equivalent to the appeal process described in Section 3, Paragraph 17 of the Document and to a "step 3 appeal hearing" within the meaning of the Employment Act].

4. The clerk to the governing body should convene a meeting of the appeal committee within 20 school working days of receiving written notification from the teacher. The head teacher will also be invited to attend this meeting. The committee members should be provided with copies of the assessed application form and of any written feedback provided by the head teacher.

5. The chair of the appeal committee will invite the teacher to set out his case in detail. The teacher may also call witnesses in support of his case. The teacher and his witnesses, if any, may then be questioned in turn by the other parties, in order to clarify the evidence that has been presented.

6. The head teacher will then be invited to explain the basis for his decision and to present additional evidence in response to the evidence presented by the teacher. The head teacher may then be questioned in turn by the other parties, in order to clarify the evidence that he has presented.

7. The appeal committee will then consider the evidence in private and reach a decision.

8. The appeal committee will write to the teacher to advise him of their decision. The notification should include a note of the evidence that they considered and the reasons for the decision. The head teacher and the pay committee should each receive copies of this notification.

ENGLAND ONLY

6. Appeals against entries on the Performance Management Statements of teachers

Context

The Education [School Teacher Performance Management] [England] Regulations 2006 grant, those teachers who are subject to the regulations, the right to appeal against any of the entries made by the reviewer[s] in his performance management statement. i.e.:

- the planning statement, including the Training and Development Annex;
- the addendum to the statement which follows any revision of the plans;
- the review statement, including any recommendation on pay progression;

Any appeal must be in accordance with the procedure established by the governing body.

Assumptions

- the teacher will have taken advantage of the opportunity, provided in the regulations, to make informal representations to the reviewer[s] while the statement[s] is still in draft form.
- Where the appeal is lodged by the head teacher, his reviewers will identify one of their number to represent them in the appeal meeting.

Procedural stages

1. If the teacher wishes to take advantage of the right of appeal, against an entry on his performance management statement, he must write to the clerk to the governing body within 10 school working days of receiving the final version of the statement that includes the entry. The teacher must include an explanation of the grounds for his appeal and sufficient details of the facts on which he will rely, along with a proposed alternative version of the statement at issue [if applicable].

2. The clerk to the governing body will convene a meeting of the appeal committee within 20 school working days of receiving written notification from the teacher. The reviewer[s] will also be invited to attend this meeting. The committee members should be provided, in advance of the meeting, with copies of all relevant documentation, including the plan that is the subject of the appeal.

3. The chair of the appeal committee will invite the teacher to set out his case in detail. The teacher may also call witnesses in support of his case. The teacher and his witnesses, if any, may then be questioned in turn by the other parties, in order to clarify the evidence that has been presented.

4. The reviewer will then be invited to explain the basis for making the entry and to present additional evidence in response to the evidence presented by the teacher. The reviewer may then be questioned in turn by the other parties, in order to clarify the evidence that he has presented.

5. The appeal committee, alone, will then consider the evidence and reach a decision.

6. The appeal committee will write to the teacher to advise him of their decision. The notification should include a note of the evidence that they considered and the reasons for the decision. The reviewer[s] should receive a copy of this notification.

7. If the committee decide that the statement will be amended, copies of the amended statement will be provided to those persons who were entitled to receive the original version.