

St Antony's Catholic Primary School



PAY POLICY

*Learning together
in
God's love*

Agreed by staff: July 2014
Agreed by governors: July 2014
Review date: July 2015

St. Antony's Catholic Primary School Pay Policy

Our Mission Statement

At St. Antony's Catholic School we celebrate our special talents as children of God:

- We try to be like Jesus and always keep him in our hearts.
- We work together in our homes, school and parish to share our gifts and learn together.
- We understand that we are all different but we respect each other.
- We look after our world so that we may share it together in peace.

INTRODUCTION

The statutory pay arrangements for teachers give significant discretion to "relevant bodies" – normally governing bodies, but Local Authorities in some instances – to make pay decisions. The School Teachers' Pay and Conditions Document places a statutory duty on schools and LAs 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 and Local Authorities, 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 should be available with the pay policy.

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 its statutory guidance take precedence.

NEWHAM SCHOOLS PAY POLICY

1. PRINCIPLES AND PROCESSES

1.1 Background

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 viewed on-line at: <http://www.teachernet.gov.uk/paysite/>. Support staff are paid in accordance with the Local Government Conditions of Service as agreed by London Borough of Newham.

All pay-related decisions are made taking full account of the school improvement plan; staff and unions have been consulted on this policy.

1.2 Equalities

All pay related decisions are taken in line with the Equalities Act 2010. The Act provides a single legal framework to more effectively tackle disadvantage and discrimination with regard to the protected characteristics as follows: Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race – including ethnic or national origin, colour or nationality, Religion or Belief – including lack of belief, Sex, and Sexual Orientation.

The governing body will comply with relevant equalities legislation:

- Employment Relations Act 1999
- Employment Rights Act 1996
- The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000
- The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002
- The Agency Workers Regulation 2010

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.

The governing body will ensure that its processes are open, transparent and fair. All decisions will be objectively justified. Adjustments will be made to take account of special circumstances, e.g. an absence on maternity or long-term sick leave. The exact adjustments will be made on a case-by-case basis, depending on the individual teacher's circumstances and the school's circumstances.

1.3 Pay Reviews

The governing body will ensure that every teacher's salary is reviewed with effect from 1 September and by no later than 31 October each year and ensure that they are given 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.

The school is committed to award a minimum of 1% pay uplift to all existing pay points and allowances for all teachers with effect from 1st September 2013. A greater award by the STPR Body will be implemented accordingly.

1.4 Decision Making

The terms of reference for the relevant governors' committees include the following delegated powers:

- To agree the staffing structure (in consultation with the finance committee where there are financial costs).
- To decide any appeals by staff against pay determinations.
- To decide exceptional increment cases.
- To decide other payments to staff outside the scope of this policy.
- To decide discretionary payments to the head teacher.
- To review in consultation with union representatives and decide changes to this policy, except that changes to a school's group size for pay purposes will be made by the full governing body.

NB Head Teacher's increments and his/her application for Chartered London Teacher Status are decided by the appraisal review committee.

Individual decisions about progression up a pay range and movements through the threshold are made by the head teacher, taking account of any recommendations made through the appraisal policy. The exception to this is that awarding more than one increment to an assistant or deputy head teacher will be made by the head teacher's appraisal review committee, following a recommendation by the head teacher.

1.5 Appeals

A teacher may seek a review of any determination in relation to his/her pay or any other decision taken by the Head Teacher (or committee) that affects his/her pay. The following list includes the usual reasons for seeking a review of a pay determination.

- i. That the person or committee by whom the decision was made
 - 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.
- ii. The arrangements for considering appeals are set out in appendix 1.
- iii. This procedure for considering pay appeals applies instead of the Grievance Procedure which cannot be used to pursue them further.

1.6 Monitoring and Review

The implementation of this policy will be monitored and will be reviewed on an annual basis. A report will be submitted to the governing body on the operation of the policy, including an assessment of its equalities impact, in a suitably anonymised form; a copy of this report will be provided to staff and their unions on request.

2. USE OF DISCRETION IN BASIC PAY DETERMINATION FOR NEW STARTERS

2.1 Discretionary points for a newly qualified teacher

Appendix 2 sets out the main range values as 6 main points and 5 sub points. One main point is awarded for each complete 3 years of relevant paid work experience prior to gaining QTS in a relevant area after the age of 18, up to a maximum award of 2 such main points. Part time experience will be equated to the full-time equivalent. The definition of relevance is that the experience is as broadly relevant to teaching duties as teaching service would be. It would therefore include:

- Experience of working with children, eg nursery nurse, social worker.
- Industrial/commercial experience using subject specialism, eg scientist, book editor, commercial artist.

Teachers will be required to supply evidence that clearly supports the claim eg references, reports, testimonials, job description.

For a teacher who has previously been employed on the unqualified scale, teaching experience prior to gaining QTS will be assessed so far as it is necessary, in order that the qualified teacher receives a higher salary than their unqualified pay.

2.2 Experienced Teachers basic salary

The school is committed to the principle of pay portability and will apply this principle in practice when making all new appointments to the school.

The school will not restrict the pay available for appointees to vacant classroom teacher posts, other than the lower limit of the Main Pay Range and the upper limit of the Upper Pay Range.

2.3 Part-time Teachers

The calculation of the pay of part time teachers is based on the number of aggregate hours the teacher is employed to work within the capacity of the school's timetabled teaching week. Details of the calculation method are set out in the STPCD.

2.4 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 which will then be divided by 195 then divided again by 6.48 (1265/195) to arrive at the hourly rate. The agreed directed time, per day including non-contact time, will be paid.

2.5 Unqualified teachers

Unqualified teachers will start on the minimum of the unqualified scale unless the head teacher judges that a higher point is required due to previous experience as set out in 2.1 above.

2.6 Schools Direct (salaried) teachers, including overseas trained teachers and Teach First

This section applies to teachers who are on a Teaching Agency recognised route which is intended to lead to QTS.

Overseas trained teachers (OTTs) who are judged by the head teacher to already be meeting the QTS standards and therefore commence the assessment only route for QTS, will be offered a contract with pay equal to that of a QTS teacher, subject to signing the formal agreement to commence the assessment programme within two months. Previous teaching experience in the UK and abroad will be assessed on a 1 main point for 1 year basis.

School Direct (salaried) teachers (whether OTTs or not) and Teach First teachers who do not meet the QTS standards and therefore commence the full graduate training programmes will be paid as unqualified teachers as set out above.

2.7 Leadership Spine Posts

The School Teachers Pay and Conditions Document (STPCD) sets out a 43-point spine called the Leadership Spine. The responsibility for fixing the salary ranges rests with the relevant body.

2.7.1 Head Teacher's Range

The salary range on which a head teacher is paid is derived from the two steps, as set out in this paragraph and below.

Under the STPCD, schools are allocated to one of eight Groups depending on:

- i) the number of pupils
- ii) the key stage of pupils
- iii) the relevant body has discretion to take into account the number of pupils at the school with SEN statements. In Newham the relevant body has decided to exercise this discretion so that statemented pupil numbers (and those in resource provision or exceptional resource funding) are additionally taken into account in the group size calculation.

A range of points on the pay spine is specified for each group size.

From the group range, the relevant body must select seven points to form the Individual School Range (ISR), taking account of the full responsibilities of the post, including any responsibility for more than one school on a permanent basis and any additional responsibility for extended services, including Children's Centres.

The governing body has agreed to adopt the ISR structure set out in appendix 2.

The group size calculation of the school will be checked annually by the Authority, using the January pupil numbers and any increase in group size advised to the Chair of Governors. If the head teacher is currently on a salary point lower than the Individual School Range of the new group, he or she will progress to the minimum ISR point on the following 1st September. The head teacher has a right to make representation to the relevant body about the head teacher group at any time. The governing bodies of non-delegated schools also have such a right.

2.7.2 Head Teachers permanently accountable for more than 1 school

Remuneration will be based on the calculation of the total number of pupil units across all schools, as required by paragraphs 12.2.4 of the Document 2012.

2.7.3 Deputy Head Teachers Range

A range of five points must be chosen from the Leadership Spine. The governing body has decided to adopt the structure of deputy ranges set out in appendix 2 which complies with the statutory requirements set out in the STPC Document. Any changes will be agreed by the relevant governors committee.

2.7.4 Assistant Head Teachers Range

A range of five points must be chosen from the Leadership Spine. The governing body has decided that it will assess these on an individual basis, ensuring that the maximum is less than the maximum of any deputy head teacher's range and that other requirements in the STPC Document are met. Any changes will be agreed by the relevant governors committee.

2.7.5 Leadership Spine Starting Salary on Appointment

The relevant body has decided that any new appointment of head teacher, deputy or assistant head teacher will be made at the minimum of the ISR, unless either:

- it is necessary to match the salary of an existing head teacher: or
- the post is difficult to fill;

In which case, appointment may be made up to the fourth point on the ISR for a head teacher and up to the third point with a deputy and assistant.

2.8 Leading Practitioners

Leading Practitioners are posts which have the primary purpose of modelling and leading improvement of teaching skills. The STPCD sets out minimum and maximum points for Leading Practitioners. The school has agreed to use the points set out in Appendix 2. A range of five points will be chosen from this spine to reflect the responsibilities of the particular post. New appointments will be made at the minimum of the selected range.

3. MOVEMENT UP PAY RANGES

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

3.1 Main Pay Range Teachers, effective 1st September 2014. (September 2013 progression will be in accordance with the 2012 policy)

Teachers will be awarded pay progression on the Main Pay Range following a successful annual appraisal review which will encompass a review against their objectives and against the teacher standards. Successful reviews will be judged as one of the following:

- a) meeting objectives and standards partially – this will lead to one sub increment;**
- b) meeting objectives and standards fully – this will lead to one main increment (two sub increments);**
- c) exceeding meeting objectives and standards – this will lead to three sub increments.**

Reviews will be deemed to be successful unless significant concerns about standards of performance have been raised in writing with the teacher during the annual appraisal

cycle and have not been sufficiently addressed through support provided by the school and recorded in the appraisal statement by the conclusion of that process.

Teachers in their induction year will be awarded pay progression on the successful completion of induction in accordance with b) and c) above.

Progression will be from 1st September for the review of the previous year's performance, regardless of when the review is actually carried out.

3.2 Threshold Assessment, effective 1st September 2014. (September 2013 progression will be in accordance with the 2012 policy)

The STPC Document states as follows:

"An application from a qualified teacher will be successful where the relevant body is satisfied:

- a) that the teacher is highly competent in all elements of the relevant standards; and
- b) that the teacher's achievements and contribution to the school are substantial and sustained."

Applications will need to be made to the appraiser in writing by the date of the teacher's individual review meeting for progression on the previous 1st September.

Teachers who apply to move to the Upper Pay Range after twelve months on the maximum of the Main Pay Range will be awarded progression to that Range having regard to the two most recent appraisal reviews, provided that these demonstrate a) and b) above.

Reviews will be deemed to be successful if the teacher has been assessed as fully meeting the objectives and standards.

Teachers may be asked if they wish to draw any information to the head's attention but will not be required to submit evidence with their application, other than evidence as part of the appraisal cycle. The decision on progression will be taken by the head teacher after consideration of the evidence and consultation with other school managers. The decision will be advised to the teacher in writing.

Teachers who are not on the maximum of the Main Pay Range may apply if they consider that their performance meets the criteria.

3.3 Upper Pay Range Teachers (effective 1st September 2014) (September 2013 progression will be in accordance with the 2012 policy)

Teachers will be awarded pay progression on the Upper Pay Range following a successful annual appraisal review which will encompass a review against their objectives and against the teacher standards. Successful appraisal reviews will be judged as one of the following:

- a) meeting objectives and standards fully – this will lead to one sub increment;
- b) exceeding meeting objectives and standards – this will lead to one main increment.

3.4 Leading Practitioners

Leading Practitioners 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 point will be awarded. Any work undertaken at other schools, in higher education facilities, at facilities of the Local Authority and elsewhere will be taken into account.

3.5 Deputy Heads and Assistant Heads

Deputy heads 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 set out in 3.6 below will be taken fully into account.

The governors committee will consider movement by more than one point in the following circumstances set out in 3.6 below.

3.6 Head Teacher

The Head Teacher 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 STPCD guidance clarifies this as follows:

“Those on the leadership spine play a critical role in the life of the school. They inspire confidence in those around them and work with others to create a shared strategic vision that motivates pupils and staff. They take the lead in enhancing standards of teaching and learning and value enthusiasm and innovation in others. They have the confidence and ability to make management and organisational decisions and ensure equity, access and entitlement to learning.

To achieve progression, the School Teachers' Pay and Conditions Document (STPCD) requires individuals on the leadership spine to have demonstrated sustained high quality performance. To be fair and transparent, judgements must be properly rooted in evidence and there must have been a successful review of overall performance.

A successful performance review, as prescribed by the Regulations, will involve a performance management process of:

- Performance objectives;
- Classroom observation (where relevant);
- Other evidence

To ensure that there has been high quality performance, the performance review will need to assess that the teacher has grown professionally by developing their leadership and (where relevant) teaching expertise.”

The committee who carry out the head teacher's performance review will consider whether the Head's reviewed performance meets the criteria set out above. If it does, the

Head Teacher should be permitted to progress to the next increment within their approved pay range. The chair of the committee will sign the Schools HR Payroll form.

It should be noted that the performance review process must be followed with all Head Teachers, even those who are already at the top of their ISR and therefore cannot be considered for a performance increment.

The STPCD permits up to two increments to be awarded at each pay review using the criteria set out above, provided that the maximum of the teacher's range is not exceeded. The relevant body has decided that the normal expectation should remain as one increment; the use of a second increment should only apply in cases when a particular argument justifying this has been presented. In order to ensure consistency of approach to second increment cases, they will all be decided by the governors' committee who determine the Head Teacher's incremental position. Therefore the Head Teacher will put any proposal for a second increment to be granted to a teacher on the leadership spine to the committee. Any such consideration will take place at the same time as the consideration of the Head Teacher's incremental position.

As the review usually takes place in the first part of the autumn term, any increment will be backdated to 1st September. Heads, deputies and assistant heads cannot receive a performance increment without the review taking place. Therefore, an increment will only be considered for leadership teachers who were in post in the previous two terms.

3.7 Unqualified Teachers

As 3.1 above

4 DISCRETIONARY ALLOWANCES AND PAYMENTS

4.1 Teaching and Learning Responsibility Payments (TLRs)

TLRs will be awarded to the holders of the posts indicated in the school's staffing structure and in accordance with the criteria set out in STPC Document, as follows:

"TLR1 or TLR2 may be awarded to a teacher on the main or upper pay ranges for undertaking a sustained additional responsibility in the context of their staffing structure for the purpose of ensuring the continued delivery of high-quality teaching and learning and for which the teacher is made accountable.

TLR3 will only be awarded for a clearly time limited school improvement project or one-off externally driven responsibilities. The duration of the fixed term must be established at the outset and the payment made on a monthly basis for the duration of the fixed term.

With the exception of sub-paragraphs (c) and (e) which do not have to apply to the award of TLR3s, before awarding any 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

(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.

The TLR level 1 can only be paid to teachers whose duties include a requirement of line management responsibility for a significant number of people."

The level of TLR awarded will depend on the degree of significant responsibility, the workload involved and the time required.

The annual values of the TLRs to be awarded are set out in appendix 2.

The values will increase in line with pay award inflation or minimum and maximum values set in the Document and will be included in the annual salary assessment letter.

4.2 Special Educational Needs Allowance

The relevant body must award a Special Needs Allowance to a classroom teacher:

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

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

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

The governing body has decided that:

- a) "substantial element" means that more than 50% of the pupils have SEN;

- b) the higher allowance will only be awarded to a teacher who is in receipt of the lower allowance and who holds one of the recognised certificates for teaching pupils who are blind, deaf or autistic or other SEN aspect; and
- c) that the value of the two allowances is £2001 and £3954, as at 1st September 2012.

4.3 Recruitment and Retention Payments

4.3.1 General

The governing body may pay recruitment awards for a maximum of three years and retention awards for a maximum of three years. The latter may be extended in “exceptional circumstances”.

The governing body has agreed to adopt five Payments as set out in appendix 2. follows (as at September 2012):

The value of these Payments will be updated by the annual pay increase.

1. Recruitment

The governing body has decided to make these payments in the following exceptional circumstances for recruitment:

- i) newly qualified teachers who do not qualify for any relevant work experience points. They will receive Payment 1 as set out above, subject to this payment terminating at the same time as the teacher moves to main scale point.
- ii) Where there is clear evidence that proposed advertisement will not attract any suitable applicants, one of the above Payments will be allocated.

Retention

School specific provisions

4.4 Continuing Professional Development

Payment may be made to teachers for CPD undertaken outside the school day. The relevant body has decided not to make such payments.

-4.5 Out of School Learning Activities

Payments can be made to teachers, where the teacher has agreed to the Head Teacher’s request to participate, and they make a substantial and where appropriate regular commitment to such activity. The Authority’s advice is that payments may be made:

- a) For work outside the 195 days, at the hourly sessional rate higher rate; and
- b) For work on one of the 195 days outside 1265 hours a session of at least 2 hours at least once a week at the lower rate, see appendix 2.

The relevant body has decided not to make such payments.

4.5.1 Children's Centre

A Head Teacher's responsibility for a Children's Centre is recognised through the Individual School Range (ISR), as required by the STPC Document (see paragraph 2.6.1 above). However, the significant additional working time requirements will be recognised by a payment under the Out of Hours Learning Activities provision of the Document. The sum will be paid monthly and be increased each year by the percentage increase in point 20 of the leadership spine.

The additional working hours are significantly greater where the child care provision is provided by school employed staff, rather than by an external provider under a contract. Therefore in this former case the additional payment be £6279 p.a., as at 1st September 2012. In the latter case the sum is £4186 p.a., as at 1st September 2012.

Whether any such additional payment should apply to the deputy head teacher will be decided by the governing body following advice from the head teacher.

4.6 Unqualified teachers allowance

The governing body will 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 apply when in the absence of a suitably qualified and experienced teacher, the unqualified teacher is undertaking the responsibilities of a TLR and payment will be this TLR value.

4.7 Chartered London Teachers

Teachers who have registered their intention to apply for Chartered London Teacher status may apply when eligible, for assessment once in any school year to the Head Teacher against the standards set out in the STPC Document. This application should be by 31 December. An application by a head teacher will be decided by the governors' appraisal review committee.

4.8 Acting Up Allowances

If a teacher agrees to take on the full duties of a higher graded post, and does them for a period in excess of four weeks, they will be paid the higher grade with effect from the date of commencing the additional duties.

4.9 Safeguarding

The STPC Document contains details of how some elements of teachers pay may be safeguarded. The school will follow these provisions and ensure that teachers are correctly notified.

4.10 Discretionary payments to head teachers

The STPC Document permits head teachers to be paid discretionary payments for the following reasons:

Discretion Payments to head teachers	Relevant paragraphs of the STPC Document 2012
A school causing concern	12.5 (a) of s.2
If the relevant body consider the school would have substantial difficulty filling the vacant head teacher post.	12.5(b) of s.2
If the relevant body considers the school would have substantial difficulty retaining the existing head teacher.	12.5(c) of s.2
If the head teacher is appointed as a temporary head teacher of one or more additional schools.	12.5(d) of s.2; 43 to 50 of s.3
Continuing professional development undertaken outside the school day.	49.1(a) of s.2; 176 of s.3
Activities relating to the provision of initial teacher training as part of the ordinary conduct of the school.	49.1(b) of s.2; 177 – 180 of s.3
Participation in out-of-school hours learning activity, eg booster classes, extended services.	49.1(c) of s.2 181 of s.3

Discretion Payments to head teachers	Relevant paragraphs of the STPC Document 2012
Additional responsibilities/activities due to, or in respect of, the provision of services by the head relating to the raising of educational standards to one or more additional schools. This is for situations when a head is working under a contract for services, rather than under a contract of employment, and is personally responsible for the service being provided, eg NLE, SIP, Consultant Leader. It cannot be used when the head is appointed as head teacher of one or more additional schools on a temporary or permanent basis.	49.1(d) and 49.2 of s.2; 182 – 185 of s.3
Recruitment incentive benefits (includes monetary payments and other support/benefits, eg childcare, relocation expenses, medical insurance, leisure club membership.) Periodic payments/benefits are time-limited to 3 years and are non-renewable.	50.1, 50.2 and 12.6.1(b) of s.2; 186 – 189 of s.3
Retention incentive benefits (includes monetary payments and other support/benefits, eg childcare, relocation expenses, medical insurance, leisure club membership). Periodic payment/benefits are time-limited to 3 years but are renewable, in exceptional circumstances only.	50.1 and 50.3 of s.2 186 – 189 of s.3

All the discretionary payments can be made on a permanent or temporary basis as appropriate, except the recruitment and retention incentive benefits which can only be made on a temporary basis.

Discretionary payments will be approved by the relevant governors committee and the TAP form signed by the committee chair.

4.11 Teachers carrying out work in a professional capacity outside their own school

This Newham specific guidance is based on the national guidance issued as RIG note 5 and other relevant Newham guidance, and is written in consultation with the teacher unions.

Context

1. From time to time, teachers and Head Teachers are asked to undertake work outside their own institution for external bodies or other schools in a professional capacity (for example, exam marking, acting as an SLE or NLE or being on full-time secondment to help to turn round a 'failing school').
2. Traditional practice in the case of teachers undertaking examination marking is generally that the teacher is paid directly for the work done (this should be in his / her own time and at home) and where they need to attend meetings in school time, for example moderation purposes, the school is reimbursed for the cost of any supply cover that may be needed.

3. In the case of NLEs and SLEs the school should receive the agreed payment and then pass on an agreed proportion to the teacher / head teacher for the part of the work that has been undertaken in their own time. With regard to heads and other members of the leadership group, it is not easy to quantify 'own time', because their contracts are not time-limited. Therefore it is important to agree at school level as to what constitutes a 'normal working time' and when it might be reasonable to make additional salary payments for activities of this kind. Any payment to the head teacher falls within the 25% discretionary payments limit.
4. The principles and procedures outlined below are not intended to cover:
 - a) the circumstances where teachers/heads are seconded to other schools. Support of this nature is a major responsibility and should be remunerated appropriately within the provisions permitted in the STPCD; or
 - b) payments for duties specified in paragraph 49 of the STPCD 2012 (CPD, ITT and out-of-school hours payments) for which the relevant body may determine separate arrangements; or
 - c) the circumstances when schools, rather than individuals, agree to provide support to each other by way of sharing good practice etc.
 - d) the circumstances of teachers eg Advanced Skills Teachers, whose job description requires them to work in other schools.

Principles for release of staff

5. The following principles should apply for the release of staff:
 - a) Any absence from school for work of this kind should be authorised formally by a governors' committee in the case of the head and by the head in the case of other teachers. If the head puts a case to governors concerning themselves, they should advise governors of any other cases so that governors can ensure equitable treatment of all staff. All submitted cases should address the factors in b) below.
 - b) When deciding whether to release teachers to undertake such work, the governors/head teacher should take into account:
 - the needs of the school and its pupils;
 - the benefits that the activity would bring to the school;
 - the impact of the absence on other staff, including their workload; and
 - the workload and work/life balance of the individual teacher.
 - c) The Governors/Head Teacher should monitor the operation of the arrangements and their impact on staff and pupils.
 - d) All approvals should be reviewed annually and if appropriate approved for a further year.
 - e) A robust performance management process should play an important role in identifying the appropriateness of such development opportunities
 - f) Any teacher who considers they are treated unfairly in the application of this procedure has the right of appeal through the grievance procedure.

Principles for payment of staff

6. The following principles should apply regarding the payment to staff for external work:
 - a) Arrangements for payment for external work should be clearly set out in a protocol by the governing body (or the finance committee) and decisions duly recorded. A model protocol and approval paperwork is attached.
 - b) The proportion of any payment for external services that should be paid to the teacher or head and the proportion that should be paid to the school should be agreed in advance. The terms of such an agreement should be signed by the chair of governors or head and the teacher or head as appropriate.
 - c) Payment to the individual teacher or head should be based on the proportion of the work, including preparation, done outside of normal working hours. A specific determination should be made for members of the leadership group and ASTs as their contractual hours are not time-limited to 195 days or 1265 hours.
 - d) Teachers and heads should not be paid twice for the same time worked. If the external work takes place wholly in directed time, all of the payment received should be paid to the school.
 - e) Only if all of the work is carried out in time when the school is not in session, should the whole of the additional payment go to the individual.
 - f) Any payment to the head teacher falls within the 25% limit of discretionary payments.
 - g) Any work for which the head teacher is directly paid should be recorded on his/her Declaration of Pecuniary Interest Form.

Administration

1. Any such additional personal income should be paid to the teacher via Schools HR Payroll. Unless it is for a head teacher and is therefore a discretionary payment under 4.10 above, the payment is not superannuable as it falls outside the scope of the STPCD. Each payment should be requested by letter signed by an appropriate authorised person (the chair of governors / chair of committee in the case of the head teacher).

January 2014

APPEAL AGAINST PAY DETERMINATION

The order of appeal arrangements is as follows:

1. The employee receives written confirmation of the pay determination and where applicable the basis on which the decision was made.
2. If the employee is not satisfied, he/she should seek to resolve this by discussing the matter informally with the Head Teacher within ten working days of the decision.
3. Where this is not possible or where the employee continues to be dissatisfied, he/she may follow a formal appeal process.
4. The employee should set down in writing the grounds for questioning the pay decision and send it to the Head Teacher within ten working days of the notification of the decision being appealed against or of the outcome of the discussion referred to in 2 above.
5. The Head Teacher should provide a meeting with himself/herself within twenty working days of receipt of the written grounds for questioning the pay decision to consider this and give the employee an opportunity to make representations in person. The employee is entitled to be accompanied by a union representative or friend. Following this meeting the employee should be informed in writing of the decision and the right to appeal to governors.
6. The employee should write to the Head Teacher stating their wish to appeal to governors within five days of receiving the Head Teacher's letter set out in paragraph 5.
7. 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. Five days' notice should be given of the appeal date. Both parties should submit written evidence. The Head Teacher's evidence will explain the basis of the decision and the employee's evidence will set out the basis for the appeal. Witnesses will not be called unless agreed by both parties in exceptional circumstances. Copies of the evidence must be available to all parties at least three working days prior to the Committee meeting.
8. The procedure for the appeal hearing is set out below.

FORMAL PAY APPEAL HEARING PROCEDURE

1. The Committee should elect a Chair for the meeting.
2. The Chair to call in all parties.
3. The Chair to explain procedure.
4. Chair to establish that all parties and Governors have the written evidence that was submitted beforehand.
5. The Head Teacher to present their case, based on the written evidence.
6. At the conclusion of the presentation of their case, the Head Teacher to be questioned (in order) by:
 7. employee (or representative)
 8. Governors
9. Employee (or representative) to present their case, based on the written evidence.
10. At the conclusion of the presentation of their case, the employee should be questioned (in order) by:
 11. Head Teacher (or other respondent)
 12. Governors
13. The Head Teacher has the opportunity to summarise their case and respond to evidence raised without introducing any new evidence.
14. The employee has the opportunity to summarise their case and respond to evidence raised without introducing any new evidence.
15. Both parties will withdraw for the Governors to consider the case. A written decision with reasons will be issued within five working days. Where the appeal is rejected will include a note of the evidence considered and the reasons for the decision.
16. For centrally employed teachers, the formal appeal will be to the relevant second tier officer of the Authority.