

Pay Policy

Approval Arrangements

All statutory policies in the Trust are ultimately the responsibility of the Trust Board. To enable it to discharge this responsibility appropriately and in collaboration with the constituent schools, the Trust Board will

1. set a full Trust wide policy,
2. set a 'policy principles' document (a framework within which Headteachers develop a full and appropriately customised policy),
3. or delegate to Headteachers or LGBs the power to develop their own policy.

This is a level 1 policy which was adopted by the Trust Board, for implementation in Tenax Schools Trust on the date above and supersedes any previous policy or policies on Pay.

Review Body:	Board of Trustees
Date Approved:	09.12.21
Author:	Human Resources Director
Next review:	Autumn 2022
Review period:	1 year

INTRODUCTION

- 1** The Tenax School Trust employs teachers under the Terms and Conditions of Service for School Teachers (Burgundy Book) and the applicable School Teachers' Pay and Conditions Document (STPCD)

Support staff colleagues are employed under the terms and conditions of employment of the Local Authority in which the school is located.

- 2** Employees previously employed by a predecessor school have been transferred to the employment of Tenax Schools Trust with the protections afforded by Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) and as such have their previous terms and conditions of employment protected.
- 3** This policy covers the pay of teaching and support staff, including the headteachers at Tenax Schools Trust Academies and Free Schools, including the Trust central team and Chief Executive Officer.
- 4** Trustees will ensure that in determining the pay of teaching staff due consideration is given to STPCD and accompanying guidance, and to relevant guidance and documents in relation to support staff.
- 5** Trustees give a high priority to the need to recruit, retain and motivate high-quality staff and recognise their importance in ensuring that students can reach their full educational potential, and acknowledge the importance of pay in this regard.
- 6** Delegation of responsibilities for the implementation of the Pay Policy is determined annually as part of the Trust's Governance Plan and Scheme of Delegation. Levels of delegation may vary from school to school and from time to time. Decisions on delegation will be reflected in remits for the CEO, Headteacher, and the terms of reference for the Trust Pay & HR Committee.
- 7** Pay awards for teachers at Trust Schools, effective from 1st September each year are based on the performance of staff in the preceding academic year. Pay progression decisions will be made following a teacher's appraisal and pay decisions will be retrospective to 1st September each year.
- 8** Pay awards for support staff at Trust Schools will be made annually, effective from 1st September, save for any increases that may be required as a result of statutory changes such as the National Living Wage which will be effective from the date required by such legislation.

Pay reviews will take place as soon as possible after 1st September but no later than 31st December. In the event of pay progression being awarded this will take effect from 1st September.

BASIC PRINCIPLES

- 9** In reaching decisions in relation to pay, due regard will be given to issues of equality of opportunity as set out in national legislation, specifically the Equalities Act 2010, and the Public Sector Equality Duty.
- 10** Appraisal and performance management throughout the year, are key vehicles for the continuing improvement of performance. Pay decisions for teachers will reflect the outcomes of a teacher's appraisal in accordance with the requirements of STPCD.
- 11** Individual pay details of all employees will be confidential.
- 12** On appointment, employees will be placed on an appropriate starting salary. This will take into account the following factors: the scope, responsibilities and requirements of the role and where relevant previous salary; qualifications and experience; and any need for recruitment incentives.
- 13** All employees will be given an annual pay statement.

Headteachers should refer to the Trust's Financial Management Manual for conflicts of interest in line management / pay award decisions.

ABSENCE DURING THE PAY REVIEW CYCLE

- 14** Consideration will be given to adjusting the pay review process where a member of staff has had a significant period of absence during the pay cycle due to maternity, adoption or shared parental leave, long-term sickness absence or disability related absence. The precise nature of the adjustments will be determined on a case by case basis in consultation with the employee. Options to be considered include:

The pay decision may be deferred, with the agreement of the employee until the employee's return to work to enable the individual to participate fully in the pay review process.

Where absence is planned, consideration may be given to undertaking a pay review prior to the planned absence based on the evidence of performance available up to that point.

Support staff will need to have sustained an aggregate attendance of 9 months in any one year (pro-rata for staff who work term-time only) to be eligible for their pay to be reviewed. Where an employee has had a significant period of absence during the pay review cycle a decision may be taken to award proportionate pay progression based on their performance and contribution during the period they were at work

THE PAY OF TEACHERS ON THE MAIN RANGE

- 15** The Main Pay Range refers to the values stated in the School Teachers' Pay and Conditions Document as amended each year. The current values, and applicable Trust reference points can be found at Appendix 1.
- 16** Teachers on the Main Pay Range will have their pay reviewed annually. Pay review decisions will be made in the light of performance management outcomes. Two outcomes are possible:
- In cases where standard performance management has been successful, a pay award will be made.
 - In cases where standard performance management has not been successful, no pay award will be made, unless the teacher is paid on the minimum of their range.
- 17** Where an application is made to the Upper Pay Range, and such application is successful, the teacher will be placed at the lowest point of the Upper Pay Range. Where the application is not successful, the teacher's pay for the year in question will be limited to the highest point of the Main Pay Range.
- 18** If a teacher has not had a successful performance management for the year in question and would not therefore be eligible for a pay award, and if that teacher is also at the top of their pay range, either Main or Upper, they will not receive a pay increase which might arise from a change to the upper limit of that range. In line with the STPCD, where a teacher is paid on the minimum of their pay range, their pay will be uplifted to the new minimum for the range.
- 19** For Newly Qualified Teachers, who are outside the scope of the performance management policy, normal pay progression will be awarded at the successful conclusion of their NQT year. This will be taken to mean passing the NQT year with a grade of Good or higher.

THE PAY OF TEACHERS ON THE UPPER PAY RANGE

- 20** The Upper Pay Range refers to the values stated in the School Teachers' Pay and Conditions Document as amended each year. The current values can be found at Appendix 1.
- 21** A teacher must apply to move to the Upper Pay Range.

- 22** An application may be made once per year no later than 31st October and must be in writing to the headteacher. Pay progression resulting from a successful application to move to the Upper Pay Range will be retrospective to 1st September of the same year.
- 23** The application must demonstrate:
- (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.
- 24** This will be taken to mean that a teacher has fully met all performance management requirements in the school year preceding the date of application, and that they meet the criteria required for Upper Pay Range teachers by:
- Making a distinctive contribution to the raising of standards, progress and outcomes, and contributing effectively to the work of their wider team(s) or the school;
 - Mentoring or coaching for improvement in a sustained and successful way other teachers;
 - Taking advantage of appropriate opportunities for professional development and using the outcomes effectively to improve their own and other teachers' teaching.
- 25** The teacher will need to provide convincing evidence that these criteria are met at the time of application to move on to the Upper Pay Range and be aware that following any successful application to be paid on the Upper Pay Range the teacher's future performance will continue to be managed in line with the expectations of an Upper Pay Range teacher.
- 26** For progression on the Upper Pay Range, two consecutive successful annual performance management outcomes will be required where on both occasions the teacher has met all performance management requirements as defined in the terms of the performance management policy.
- 27** Pay progression within the Upper Pay Range will be a single level of award, if the performance management requirements as in paragraph 24 above have been met.

THE PAY OF UNQUALIFIED TEACHERS

- 28** The unqualified teacher pay range refers to the values stated in the School Teachers' Pay and Conditions Document as amended each year. The current values can be found at Appendix 1.
- 29** All unqualified teachers will be supported to achieve Qualified Teacher Status within an agreed time period as agreed in their appraisal / performance management discussions.
- 30** An unqualified teacher will have their pay reviewed annually.
- 31** Pay review decisions will be made in the light of performance management outcomes. Two outcomes are possible:

- In cases where standard performance management has been successful, a pay award will be made.
- In cases where standard performance management has not been successful, no pay award will be made, unless the teacher is paid on the minimum of their range.

- 32** Upon obtaining qualified teacher status (QTS), an unqualified teacher will be transferred to a salary on the Main Pay Range. The salary assigned will be at the reference point above their salary as an unqualified teacher.
- 33** Where QTS is achieved retrospectively, a lump sum will be paid. This sum will be the difference between the salary the teachers was actually paid as an unqualified teacher and the salary the teacher would have been paid as a qualified teacher from the time that QTS was obtained, to the date the lump sum is paid.

ADDITIONAL ALLOWANCES

- 33** Teachers carrying specific leadership responsibilities will be paid a TLR allowance within the ranges of TLR 1 or TLR 2 as specified in STPCD. The value of the allowances will be determined by the relative weight and scope of the responsibility and the level of accountability entailed.

Where the post holder for a TLR1 or TLR2 works part-time, the TLR value should be paid pro-rata to the percentage of a full-time post being worked.

- 34** The structure of TLR allowances will be regularly reviewed to take account of changes in the weight and scope of responsibilities.
- 35** For fixed-term specific responsibilities, teachers may be paid an allowance within the range specified for TLR3. The value of a TLR3 is paid in full regardless of the number of contracted hours worked.

All teachers receiving a TLR will have their performance against their TLR targets assessed as part of their annual performance review.

- 36** Where teachers take on additional responsibilities that do not fit within a TLR structure (e.g. defined mentoring roles that sit outside of UPR requirements), the school reserves the right to make payments commensurate with the scope and duration of those responsibilities. Such payments will be agreed with the individual prior to taking on these responsibilities. Such sums will not automatically be subject to any % increase to the Main and Upper Pay Ranges that may be applied.

Allowances may be paid to unqualified teachers where the teacher has:

- a) Taken on a sustained additional responsibility which is
 - i) Focused on teaching and learning; and
 - ii) Requires the exercise of the teacher's professional skills and judgment or
- b) Qualifications or experience which bring added value to the role being undertaken.

- 37** Acting allowances for a teacher “acting up” in the role of headteacher, deputy headteacher or assistant headteacher will be paid in line with Paragraph 23 of the STPCD.
- 38** Recruitment and retention: further allowances may be awarded for recruitment or retention in relation to the need to recruit or retain staff with particular experience or skills in particular circumstances. Recruitment and retention allowances are awarded for maximum of 3 years only in the first instance. In line with the School Teachers Pay and Conditions Document, recruitment and retention allowances will not be paid to Headteachers, Deputy Headteachers or Assistant Headteachers, whose salary ranges will be set on appointment, and reviewed as detailed below.

THE PAY OF TEACHERS ON THE LEADERSHIP RANGE

- 39** Teachers in the leadership team paid on the leadership range will have their salary range set in accordance with STPCD and taking account of the roles and responsibilities to which they are assigned. The Trust Board will use the flexibilities available in STPCD to ensure that the Trust’s strategic objectives are met through the recruitment and retention of high-quality school leaders. The Pay and HR Committee will determine salary ranges of headteachers, deputy headteachers, assistant headteachers, Director of Primary Education, SCITT Director (where not covered in previous categories) and the Chief Finance Officer. In determining the pay ranges for these posts, the Pay and HR Committee may take into consideration:
- The specific requirements of the post;
 - The school context and challenge;
 - The complexity of the post;
 - The requirement to recruit and retain appropriate candidates;
 - Affordability and comparable salary benchmarking.

The pay range for a headteacher will not normally exceed the group size for the school. The maximum of an Assistant or Deputy headteacher’s range will not exceed the maximum of the headteacher’s range and will only overlap the headteacher’s pay range in exceptional circumstances.

- 40** Teachers paid on a leadership range will have their salaries reviewed annually and will be determined in light of the annual review of performance.

School Group Sizes will be reviewed annually to ensure that Leadership pay continues to reflect the school context.

For Assistant Headteachers and Deputy Headteachers, the Headteacher will determine salary progression, in consultation with the Director of Primary Education or CEO as appropriate.

The Pay and HR Committee will receive recommendations for the salary progression of Headteachers, the Chief Finance Officer and any post holder whose full-time equivalent salary exceeds £60,000 per annum.

For the Chief Executive Officer, the Board of Trustees will seek advice from a suitably qualified external advisor. Salary progression will be determined in the light of the annual review of performance.

THE PAY OF SUPPORT STAFF

Support staff will be paid in accordance with the local pay scale for their school. Support staff roles will be assigned a grade and pay range when a post is advertised. New appointees will normally be appointed to the bottom of the pay range for the post.

Support staff pay will be reviewed annually with effect from 1st September each year, unless otherwise required to meet statutory minimum payments taking effect on a different date (e.g. uplifts applied to the National Living Wage etc). Support staff who are appointed prior to the start of Term 5 each year will be eligible for a pay review in the September immediately following their appointment. Staff joining the Trust in Terms 5 and 6 may be eligible for a pay award at the end of their 6-month probationary period where their performance has exceeded the expectations of the post. Such awards are at the discretion of the line manager. In all other cases, the first pay review will be in the following September, unless otherwise required to meet statutory minimum payments.

SAFEGUARDING

- 41** The provisions of the STPCD will be observed in respect of the safeguarding of teachers' pay where this is required by changes in role or structure.

Where a teacher chooses to relinquish responsibilities associated with an additional allowance, salary safeguarding will not apply.

Salary safeguarding will not apply to increases and allowances awarded on a temporary basis, including the award of recruitment and retention allowances or a TLR 3.

Salary safeguarding for support staff will apply where an employee is offered a post at a lower grade as an alternative to redundancy. Salary safeguarding will not apply where an employee applies for and is successful in securing a different post at a lower grade.

The "safeguarded sum" will be calculated as the difference between the post holder's current salary and the new, lower salary amount. This sum will be paid across the year in 12 equal monthly instalments. The sum will be reassessed annually following each pay review and will not normally be paid for more than 18 months following the effective date of the change. Where an employee has transferred to the Trust, the duration of payment will be based on the terms and conditions of employment at the point of transfer.

APPEALS

- 42** In cases where any employee wishes to appeal against a decision made about their pay, they may do so. The detailed provisions for appeals are set out in Appendix 2. The appeal will be heard by a member of

Trust Leadership, whose decision is final. For appeals from Primary School staff, appeals will normally be heard by the Trust's Director of Primary Education, and in Secondary Schools, appeals will normally be heard by the Chief Executive Officer.

Appendix 1

Teacher Pay Ranges

With effect from 1st September 2020

Review date 1st September 2021

i. Main Pay Range:

		ESCC and Kent (exc. Fringe)	Fringe area
Minimum Pay Value	1	£25,714.00	£26,948.00
<i>NB: These values are reference points only and there may be circumstances in which the school is justified in paying a different value</i>	2	£27,600.00	£28,130.00
	3	£29,664.00	£30,137.00
	4	£31,778.00	£32,202.00
	5	£34,100.00	£34,454.00
Maximum Pay Value	6	£36,961.00	£38,174.00

Criteria for Pay Progression

Teachers must be able to demonstrate sound evidence of consistently good teaching and learning. There will be good evidence across the professional standards including a clear and positive impact of CPD on practice. Pupil progress will be at least in line with national standards.

Individual schools may specify further details of relevant criteria for e.g.

- An increasing positive impact on pupil progress;
- An increasing impact on wider outcomes for pupils;
- Improvement in specific elements of practice identified to the teacher;
- An increasing contribution to the work of the school;
- For teachers with line management responsibilities – an increasing impact on the effectiveness of staff and colleagues.

Examples of Evidence (this is not an exhaustive list)

- Assessment against the relevant standards;
- Performance objectives;
- Classroom observation;
- Other evidence.

Where the evidence confirms performance has met these criteria then the teacher would normally expect to progress to the next reference point.

ii. Upper Pay Range:

Kent and East Sussex Local Authority Areas adopted different approaches to the Upper Pay Range; arrangements which have transferred across as part of the TUPE process.

East Sussex Area

Minimum Pay Value	1	£38,690.00
<i>NB: These values are reference points only and there may be circumstances in which the school is justified in paying a different value</i>	2	£39,405.00
	3	£40,124.00
	4	£40,861.00
Maximum Pay Value	5	£41,604.00

Kent Area

			Fringe area
Minimum Pay Value	1	£38,690.00	£39,864.00
<i>NB: These values are reference points only and there may be circumstances in which the school is justified in paying a different value</i>	2	£40,124.00	£40,888.00
Maximum Pay Value	3	£41,604.00	£42,780.00

Criteria for Pay Progression

In order to progress within the upper pay range a teacher will need to demonstrate evidence that they have continued to meet the criteria for moving onto the upper pay range and they have further developed their practice with a greater depth and breadth of evidence against the professional standards.

Schools may specify further details of relevant criteria for progression e.g. evidence of a greater impact across the work of the school.

Examples of Evidence (this is not an exhaustive list)

- Assessment against the relevant standards;
- Performance objectives;
- Classroom observation;
- Other evidence.

iii. Unqualified Range:

		ESCC and Kent (exc Fringe)	Fringe Area
Minimum Pay Value	1	£18,419.00	£19,613.00
<i>NB: These values are reference points only and there may be circumstances in which the school is justified in paying a different value</i>	2	£20,532.00	£21,723.00
	3	£22,644.00	£23,837.00
	4	£24,507.00	£25,699.00
	5	£26,622.00	£27,812.00
Maximum Pay Value	6	£28,735.00	£29,924.00

Criteria for Pay Progression

Progression on the unqualified teacher range requires evidence to the same level as that expected for a teacher on the main pay range. Where an unqualified teacher is in receipt of an additional allowance that takes their salary above the maximum value of the Main Pay Range (MPR) then the performance expectation will be in line with that expected for teachers on the Upper Pay Range (UPR)

Schools may specify further details of relevant criteria for progression e.g.

- An improvement in teaching skills;
- An increasing positive impact on pupil progress;
- An increasing impact on wider outcomes for pupils;
- Improvements in specific elements of practice identified to the teacher;
- An increasing contribution to the work of the school.

Examples of Evidence (this is not an exhaustive list)

Schools may set out examples of the range of evidence which will be considered

- Assessment against the relevant standards;
- Performance objectives;
- Classroom observation;
- Other evidence.

v. Leadership Pay Range:

Leadership posts will be assigned to a leadership range, and in schools that have retained the reference points, this will normally encompass a five (consecutive) point scale from the values below, or seven points for the headteacher. Headteachers and those in the Leadership group may be assigned a spot salary commensurate with their role, school context and performance. Where schools have retained the reference points within the Leadership Pay Range, the values with effect from 1st September 2021 are as follows:

L1 (Minimum Pay Value)	£42,195	L23	£72,497
L2	£43,251	L24	£74,295
L3	£44,331	L25	£76,141
L4	£45,434	L26	£78,025
L5	£46,566	L27	£79,958
L6	£47,735	L28	£81,942
L7	£49,019	L29	£83,971
L8	£50,151	L30	£86,061
L9	£51,402	L31	£88,187
L10	£52,723	L32	£90,379
L11	£54,091	L33	£92,624
L12	£55,338	L34	£94,914
L13	£56,721	L35	£97,273
L14	£58,135	L36	£99,681
L15	£59,581	L37	£102,159
L16	£61,166	L38	£104,687
L17	£62,570	L39	£107,239
L18	£64,143	L40	£109,914
L19	£65,735	L41	£112,660
L20	£67,364	L42	£115,483
L21	£69,031	L43 (Maximum Pay Value)	£117,197
L22	£70,745		

Criteria for Pay Progression:

Those on the Leadership Range 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 which 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.

Those on the Leadership Range should demonstrate positive, sustained and increasing impact on:

- Strategic development of the School*;
- Whole school standards and achievement;
- Short to mid- term evidence of school improvement;
- Management and development of staff;
- Development of external and internal relationships;
- Management of resources and budgets;
- Individual contributions as well as team-based assessments.

*School should also be taken to mean the Trust as relevant to the role

Examples of Evidence (this is not an exhaustive list)

Schools should set out examples of the range of evidence which will be considered:

- Assessment against relevant standards – including Ofsted (and SIAMs as appropriate) grade descriptors;
- Performance objectives;
- Classroom observation (where relevant);
- SIP/SEF;
- CPD;
- Other evidence.

Appendix 2

Procedure For Considering Pay Appeals.

Setting up an Appeal Hearing

Prior to an appeal hearing the employee is encouraged to request an informal meeting with the Headteacher to discuss the decision and the reasons in more detail. In the case of the Headteacher being dissatisfied regarding his/her pay decision then an informal meeting with the Chief Executive Officer should be arranged.

The school will appoint the appropriate member of the Trust Leadership team to consider any pay appeal lodged by a member of staff that is in accordance with the following requirements.

Leaders who may have a pecuniary interest or a conflict of interest or who have had prior involvement in the pay decision cannot be appointed to hear an appeal against that decision.

Within seven working days of receipt of the written confirmation of the pay decision an employee, who is dissatisfied with the decision, may register a formal appeal in writing to the Human Resources Director.

If, having had an informal discussion with the person making the pay recommendation, the employee believes that an incorrect recommendation has been made, they may wish to proceed to a formal appeal. Appeals should be made in writing, setting out clearly the reason for the appeal, which must be one or more of the following:

- Incorrectly applied the Trust's pay policy;
- Incorrectly applied any provision of the relevant national or local terms and conditions of service;
- Failed to have proper regard for any applicable statutory guidance;
- Failed to take proper account of relevant evidence;
- Took account of irrelevant or inaccurate evidence;
- Was biased;
- Otherwise unlawfully discriminated against the employee.

Upon receipt of the appeal notice the Human Resources Director will convene an Appeals Hearing with the appropriate leader within 20 working days of receipt of the appeal being registered. Appeal hearings will be held at a reasonable time during the working day with proper consideration of the work-life balance of all involved. For Primary schools, pay appeals will normally be heard by the Trust's Director of Primary Education, and for Secondary schools, appeals will normally be heard by the Chief Executive Officer.

The Human Resources Director should discuss the position with the Headteacher before establishing the person who will be the school's presenting officer to the Appeal Committee.

The employee must submit any documentation in support of their appeal together with a summary of their case at least five clear working days prior to the Appeal Hearing. Documents should be provided to the Human Resources Director.

If the school's presenting officer intends to rely on any additional evidence, this must be submitted at least five clear working days in advance.

The manager hearing the Appeal may decide to accept additional evidence at any time if it is deemed in the interests of a fair and transparent decision.

The employee is entitled to be represented at the Appeal Hearing by a workplace colleague or trade union/professional association representative.

The Appeal Hearing

At the Appeal Hearing the Trust representative will Chair the meeting and should introduce the meeting and the persons participating. The Chair should ask the employee to confirm the reasons for the appeal and establish that all parties are adequately prepared.

The Chair should remind the parties that the purpose is to reach a reasonable and objective decision in an atmosphere that is professional and conducive to good employee relations within the school.

The employee, or representative should then be invited to set out his or her case and may support this with documentary evidence or witness evidence where this has been submitted as required above.

At an appropriate point the Chair will invite the school's representative to question or challenge any of the evidence presented. The Chair will then have the opportunity to ask any questions.

The school's presenting officer will then be invited to set out the school's case and may also rely on documentary or witness evidence where this has been submitted as required above.

The employee or his/her representative may then question or challenge the school's evidence at an appropriate point as determined by the Chair, who may then ask questions.

To conclude both parties will be invited, if they wish, to make final summary statements with the employee allowed the final say.

The Chair will then adjourn to consider the evidence presented.

The Chair should endeavour to reach a decision that day and to communicate this directly to the parties. However, where this is not possible because they wish to deliberate further or seek further information then the parties should be informed that the decision will be communicated in writing at the earliest opportunity.

In the event that there is an adjournment to enable the Chair to consider professional advice on a particular matter then upon resumption all parties will be informed of the nature of the advice and the decision reached.

As an alternative to either upholding or dismissing an appeal the Chair is entitled to refer the matter for reassessment by the Headteacher. For example, the Chair might wish the Headteacher to reconsider the position in the light of new information or to seek the advice of an additional independent advisor.

Communicating the Decision

All Appeal decisions must be confirmed in writing, within ten working days of the decision being made with a summary of the reasons and this will be the final stage in the Pay Appeal process. There will be no further stage in the appeal process.