

“Together in Achievement”



# Pay Policy

Approved by Board of Directors: **30 January 2025**

Revision date: **January 2028**

Version: **Version 3.0**

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# Pay Policy

## GLOSSARY

|       |  |
|-------|--|
| CEO   | Chief Executive Officer                      |
| DfE   | Department for Education                     |
| LGB   | Local Governing Body                         |
| MAT   | Aspire Multi-Academy Trust                   |
| NJC   | National Joint Council                       |
| STPCD | School Teachers' Pay and Conditions Document |
| STRB  | School Teachers Review Body                  |
| UPR   | Upper Pay Range                              |

## 1. Introduction

- 1.1. The Appraisal and Pay Committee (or equivalent) in each individual Local Governing Body (LGB) will review and monitor the impact of this policy annually. Their findings will inform the annual revision of the policy at Aspire Board level.
- 1.2. The Board of Directors (the Board) has adopted this policy to provide a clear framework for the exercise of its powers and discretions in relation to all staff employed within the academies who form the Aspire Multi-Academy Trust (MAT) and who are paid from within each academy's budget.
- 1.3. Aspire is committed to taking decisions in accordance with the principles of objectivity, openness and accountability.
- 1.4. The Board recognises the requirements placed upon them by the Education Act 2002 and subsequent legislation together with the current School Teachers' Pay and Conditions Document (STPCD) and the National and Local Conditions of Service for National Joint Council (NJC) staff and the Education (School Teacher Appraisal) (England) Regulations 2012.
- 1.5. The Board recognises its responsibility to consider and implement any cost of living pay awards approved by the STRB and NJC.
- 1.6. The policy set out in this document has been formulated and agreed by the Board and Individual Academy LGBs and in consultation with staff as appropriate. Staff will continue to be consulted as part of the annual review process.
- 1.7. The Board will take into consideration advice and guidance from the Local Authority and DfE relating to this policy.
- 1.8. This policy should be read in conjunction with the Appraisal Policy and Capability Procedures.

## 2. Equal Opportunities and Employment Legislation

- 2.1. The Board recognises its responsibilities to staff under the Equality Act 2010 and this policy will ensure equality and fairness regardless of race, sex (gender), sexual orientation, religion or belief, gender re-assignment, pregnancy and maternity, marriage and civil partnership, disability or age. This policy will also ensure equality and fairness regardless of trade union membership.

All pay related decisions will be taken in accordance with relevant equalities legislation, the Employment Relations Act 1999, the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 and the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002. In doing so the Board and LGBs will ensure that pay decisions and processes are open, transparent and fair.

- 2.2. The Board is aware of its responsibilities and those of the local authority in respect of the Equal Pay Act 1970 which requires that men and women have a right to equal treatment and equal pay for work of equal value.
- 2.3. The Board is also aware of its responsibilities under the Freedom of Information Act 2000 and to make available this policy to all staff within ASPIRE.
- 2.4. The Board will consider from time to time methods of ensuring equality of pay, for example, through conducting an equal pay audit as and when appropriate.

### **3. Aims of the Policy**

- 3.1. To maintain and improve the quality of education provided for pupils in the school by having a pay policy that supports the MAT's and each academy's stated aims and improvement plan priorities.
- 3.2. To show all teaching staff that the Governing Board is implementing its pay policy in a fair, consistent and responsible way

### **4. Job Descriptions and Change of Duties**

- 4.1. The CEO, in consultation with academy Headteachers, will ensure that all employees are provided with a job description. The job description will be kept up to date and identify the appropriate grade and duties of the post. Where the Board, in consultation with individual LGBs and Headteachers, considers that the duties and responsibilities for a particular post have substantially changed this will be considered as part of the annual review process [apart from in exceptional circumstances when there is a significant immediate change to a role].
- 4.2. Where the Board determines that the staffing structure of the school should be changed such changes will only be introduced following consultation with the staff affected and the recognised trade unions. In the case of changes to individual job descriptions, every attempt will be made to secure the agreement of the member of staff concerned prior to the changes being implemented.

### **5. Determining Pay Ranges and Allowances**

- 5.1. All employees will be paid with reference to the statutory provisions of the STPCD and the 'Burgundy Book' or the National Joint Council 'Green Book' conditions of service and NJC pay scales.
- 5.2. Each LGB, in consultation with the Board, will determine the pay range and pay band for each vacancy prior to advertising. For teachers this will take into account the provisions of the STPCD and for support staff the job evaluation scheme adopted by Aspire.
- 5.3. For Headteachers, the Board, in consultation with individual LGBs, will undertake a review of the Individual Salary Range (ISR) in line with the STPCD and advice provided by the local authority to determine a consecutive seven-point range within each academy's 'group size'. Each LGB, in consultation with the Board, will determine any discretionary payments to be made to the

Headteacher, which will be reviewed annually. Such discretionary payments may also be considered for any Head of School whose position on the Leadership Scale will be considered annually. Head of School roles will normally be placed within a five-point range.

- 5.4. The role and pay of the CEO will be considered separately on an annual basis by the Board and with reference to the CEO's appraisal and any national/local advice and example available.
- 5.5. Where a Headteacher is appointed as Headteacher of more than one school on a permanent basis, the LGB of the Headteacher's original school or, under the Collaboration Regulations, the collaborating body, will determine the ISR by the application of the total unit score of all of the schools calculated in accordance with paragraphs 8, 9 and 10 of the STPCD. The contractual implications will be confirmed in writing to the Headteacher.
- 5.6. For deputy Headteacher and all other leadership posts, the Board, in consultation with each LGB, will determine a five-point range on the Leadership Group Pay Spine as set out in the STPCD. The range determined will take into account the duties and responsibilities of the individual post and give consideration to pay differentials within academy structures.
- 5.7. For all other teachers there are four pay ranges: the main pay range (MPR), the upper pay range (UPR), the leading practitioner pay range (LPR) and the unqualified teacher range (UTR). For teachers appointed to MPR, UPR, LPR and UTR, the Board recognises its responsibility for determining the salary range/pay band between the national minimum and maximum of the relevant scale as set out in the STPCD.
- 5.8. LGBs, in consultation with the Board, may appoint to the post of leading practitioner, in line with the conditions set out in the STPCD, for the primary purpose of modelling and leading improvement of teaching skills. Appointment to these posts will take place where those duties fall outside the criteria for the payment of a TLR. The Board will determine a five-point individual pay range for each leading practitioner role established. The STPCD sets out the overall pay range for leading practitioners.
- 5.9. LGBs, in consultation with the Board, will ensure the appropriate Teaching and Learning Responsibility payments (TLRs) are assigned to teaching posts.

## **6. Salary on Appointment**

- 6.1. Following interviews, the appointing panel will determine the starting salary to be offered to the successful candidate. Appointment to all leadership and leading practitioner posts will be to the minimum point of the pay range of the post, unless there are exceptional circumstances for not doing so.
- 6.2. The appointment to MPR and UPR posts will normally be to the minimum point within the pay band advertised. Appointment to the UTR will normally be to the minimum point of the range.

## **7. Recruitment and Retention Payments**

- 7.1. LGBs, in consultation with the Board, may make payments or provide such other financial assistance, support or benefits to teachers that it considers necessary, as an incentive for the recruitment of new teachers and the retention of existing teachers.
- 7.2. To ensure consistency of approach across the MAT, LGBs will require Board approval for recruitment and retention payments. Where the Board agrees, it will determine the value of the amount and the fixed period for which it will be paid. The LGB will set a review date after which

the incentive and benefits may be withdrawn. In the case of head teachers, the value is subject to the overall limit of discretionary payments as detailed in the STPCD.

## **8. Salary Sacrifice Schemes**

- 8.1. Childcare vouchers are currently facilitated within the Trust. Other salary sacrifice arrangements would be considered as requested.

## **9. Pay Reviews**

The Board adopts the principle that continued performance at the required standard provides all staff (teachers and support) with an expectation that through appraisal they will progress annually to the maximum point of their respective pay range, (bi-annually for UPR).

### **Teachers**

- 9.1. Teachers will be eligible to be considered for salary progression where they meet the service requirement of a minimum of one year of employment in any academic year. A year of employment for a teacher is interpreted in accordance within the STPCD as at least 26 weeks' reckonable service in the school year.
- 9.2. Pay progression for all teachers, including senior leaders, will be effective from 1 September each year. In this context whenever the appraisal process is completed any resulting pay increase will be back dated to September 1<sup>st</sup>.
- 9.3. Reviews may take place at other times of the year to reflect any changes in circumstances or job description(s) that lead to a change in the basis for calculating an individual's pay. A written statement will be given to the employee after any pay review and where applicable will provide information about any salary safeguarding arrangements so that the basis of the pay decision is clearly recorded.
- 9.4. Where a pay determination leads or may lead to the start of a period of safeguarding, the LGB will give the required written notification as soon as possible and no later than one month after the date of the safeguarding determination.
- 9.5. The nominated appraiser will make a pay recommendation in the teachers' annual appraisal report for consideration by the Headteacher, who will then refer it to the relevant LGB for ratification.
- 9.6. Decisions regarding pay progression will be made with reference to the teachers' appraisal reports and the pay recommendations they contain. In the case of NQTs, whose appraisal arrangements are different, pay decisions will be made by means of the statutory induction process. It will be possible for a 'no progression' determination to be made without recourse to the underperformance procedure.
- 9.7. To be fair and transparent, assessments of performance will be properly rooted in evidence. The evidence used will include pupil progress data and lesson observations. In this each Aspire academy, judgements of performance will be made against the agreed objectives and teachers will be eligible for pay progression if they have met 2 of their 3 objectives, apart from exceptional circumstances where other tangible indicators may be identified, for example, where a significant majority of all three indicators have been met, or partial progress can be measured where relevant absence has occurred during the period in question

9.8. Final decisions about whether or not to ratify a pay recommendation for teachers – including those of the leadership scale – will be made by each LGB Pay Committee, having regard to appraisal reports. Recommendations for pay progression will be supported by sufficient information to enable the Pay Committee to carefully consider the recommendation. Decisions regarding pay progression for Headteachers and deputy/assistant Headteachers will be formally notified at Board level.

### **Support Staff**

9.9. Support staff will normally receive an annual increment on 1 April each year, until they reach the maximum of the scale. Withholding of increments will only be considered by the LGB where the employee is experiencing performance difficulties and is being monitored accordingly. Performance related pay is not a feature in determining support staff pay progression.

## **10. Teachers Paid on the Leadership Pay Spine**

10.1. Teachers paid on the Leadership Pay Spine are eligible to be considered for pay progression within their pay range annually. The same principle as that for classroom teachers – i.e. meeting 2 of their 3 objectives (apart from exceptional circumstances where other tangible indicators may be identified, for example, where a significant majority of all three indicators have been met, or partial progress can be measured where relevant absence has occurred during the period in question) – will be used to determine pay progression. Headteachers will ensure that the objectives for the teachers paid on the leadership pay spine are sufficiently challenging, reflecting their status and required contribution in the school. LGBs, with advice from the CEO, will ensure that the objectives for Headteachers and heads of school are suitably robust and in line with the key priorities of their school improvement plan.

10.2. In reviewing the performance of Headteachers and heads of school, the LGB will, under normal circumstances employ (without cost) the services of the CEO.

10.3. It is recognised that up to two performance points can be awarded in any one school year for members of the Leadership Group, subject to the completion of a successful annual appraisal review. The award of a second point will only be made where performance has been exceptional. The LGB, in consultation with the Board, may choose to change the points within the ISR that are achievable.

10.4. LGBs should give active and careful consideration to the issue of temporarily or permanently enhancing the salaries of Headteachers and heads of school if circumstances require this; for example, to retain an exceptional leader or reward exceptional achievement. The STPCD 2018 allows for both permanent salary increases and temporary payments not exceeding 25% of the Headteacher's salary. See STPCD 2018 10.1-10.2. Other considerations for considering enhancement could be to take account of MAT wide accountabilities and responsibilities (as opposed to specific activities as accounted for in clause 12) Any such proposals from an LGB will require ratification at Board level when a decision will be taken on any MAT level contribution to the enhancement.

## **11. Movement to the Upper Pay Range (UPR)**

11.1. Each LGB recognises its legal responsibilities for this process and as a result of this, delegates to each academy Headteacher or head of school the responsibility for the receipt, assessment and feedback of requests to access the UPR.

- 11.2. Each LGB recognises that assessment to access the UPR is a voluntary process and entirely a matter for individual teachers. Any qualified teacher may apply to be paid on the UPR following two consecutive, successful appraisal reviews and any such application must be assessed in line with this policy.
- 11.3. Where a teacher is simultaneously employed at another School/Academy, they may submit separate applications if they wish to apply to be paid on the UPR in that School/Academy. Any Academy will not be bound by any pay decision made by another establishment.
- 11.4. Applications may be made once per year and should be submitted to the relevant Headteacher or head of school no later than 30 August. Where a teacher wishes to be assessed, they should notify their appraiser in writing by **31<sup>st</sup> October**.
- 11.5. For an application to UPR to be successful, the governing body must be satisfied that the teacher is highly competent in all elements of the relevant teacher standards and that the teachers' achievements and contribution to the academy are substantial and sustained.
- 11.6. For the purposes of this pay policy, 'highly competent' means performance which is not only good but also good enough to provide coaching and mentoring to other teachers, give advice to them and demonstrate to them effective teaching practice and how to make a wider contribution to the work of the academy, in order to help them meet the relevant standards and develop their teaching practice.
- 11.7.** For the purpose of this policy, 'substantial' means of real importance, validity or value to the academy and 'sustained' means over at least 6 years, although not necessarily in the same institution. For exceptional candidates, or in exceptional circumstances, headteachers have the discretion to interpret 'sustained' as less than 6 years; however, this discretion should only be exercised following consultation with the appropriate sub-committee of the academy's governing body – i.e. an exceptional case should be presented by the headteacher and agreed by governors.
- 11.8. The LGB will have regard to the two most recent appraisals when considering applications for UPR progression within the range. Normally at least two years will elapse between a teacher being placed on the first point of the UPR after accessing the UPR and being awarded the next point on the UPR. This will be evidenced by two successful and consecutive annual appraisal reviews, including the development of experience within the relevant Teachers' Standards and continued meeting of the relevant pay progression criteria.

## **12. Teaching & Learning Responsibility Payments (TLRs) and MAT-level additional payments**

- 12.1. TLRs 1 & 2 will only be awarded in the context of each academy's staffing structure where a classroom teacher undertakes a sustained additional responsibility, for the purpose of ensuring the continued delivery of high-quality teaching and learning, that is not required of all classroom teachers and:
- is focused on teaching and learning;
  - requires the exercise of a teacher's professional skills and judgement;
  - requires the teacher to lead, manage and develop a subject or curriculum area; or to lead and manage pupil development across the curriculum;
  - has an impact on the educational progress of pupils other than the teacher's assigned classes or groups of pupils;

- involves leading, developing and enhancing the teaching practice of other staff.

12.2. The values of the TLRs within each academy are to be determined by LGBs, in consultation with the Board.

12.3. A teacher may not hold an academy level TLR1 and a TLR2 concurrently, but may, in addition to an academy level TLR 1 or TLR2, hold a concurrent academy level TLR3.

12.4. With regard to additional MAT Level payments, Aspire's Finance and Business Manager will be responsible for administering additional payments for any staff member required by the CEO to assist in school improvement work, including the provision of training. These payments are made in acknowledgement of the extra workload generated by such out-of-school tasks and the higher level of responsibility involved. Rather than adopt hourly rates based on individual salaries, Aspire will follow the example of other MATs and adopt a simplified structure for payment as set out below. The STPCD 2018 allows for personal remuneration if agreed in advance at LGB level: *"The governing body should decide whether it would be appropriate for individual members of staff to receive additional remuneration for these activities and, if so, determine the appropriate amount."*

12.5. In our context, the central funds of the MAT would make payments to the individual academies to both cover the member of staff's absence, as required, and facilitate the personal remuneration payments outlined below.

| Session                                    | Aspire Award Payment |
|--|----------------------|
| Half day or twilight session [up to 3 hrs] | £50                  |
| Whole day                                  | £100                 |

### 13. Safeguarding Teaching and Learning Responsibility Payments

13.1. If the LGB determines, whether as a result of a change to the school's pay policy or to the school's staffing structure, or otherwise that the teacher's duties are no longer to include the significant responsibility for which the TLR1 or TLR2 was awarded; or that the significant responsibility merits a TLR of lower value, the LGB, in consultation with the Board, will pay the teacher a safeguarded sum, for a period of up to three years in accordance with the **STPC Document 2018**. TLR 3s are not subject to safeguarding.

### 14. Part Time Teachers

14.1. Teachers employed on an ongoing basis at the school but who work less than a full working day or week are deemed to be part-time. LGB will give them a written statement detailing their working time obligations and the mechanism used to determine their pay.

14.2. Part-time staff are paid a proportion of the pay that would be appropriate if they were full-time. This also applies to TLR payments (except TLR3).

### 15. Special Educational Needs (SEN)

15.1. In line with the STPCD 2018, LGBs will award a SEN allowance to a qualified classroom teacher in the SENCO post that requires the mandatory SEN qualification (The National Award in Special Educational Needs Co-ordination)

## **16. Acting up Allowances and Honoraria Payments**

- 16.1. Where a teacher is required to ‘act up’ to a higher graded post and takes on the full duties and responsibilities of the post, the LGB will determine whether or not any “acting allowance” will be paid in line with the STPCD. The determination will be made within four weeks of new duties being assigned and any temporary allowance will be paid to the employee on the minimum point on the substantive grade for the new post (providing this is more than the teacher’s current salary).
- 16.2. LGB will not pay any honoraria to any member of the teaching staff for carrying out their professional duties as a teacher.

## **17. Salary Safeguarding**

- 17.1. Aspire recognises its responsibilities for safeguarding the salaries and allowances of teachers as set out in the STPCD 2018. The arrangements for the safeguarding of salaries of support staff will be determined according to the circumstances of the case and normally consistent with the provisions applied by the Local Authority.

## **18. Pay Appeals Procedure**

- 18.1. The procedures for addressing a teacher’s grievances in relation to pay are set out in Appendices 1a & 1b. These apply to all staff and sets out the grounds on which an appeal against pay may be considered. The Appeals procedure has three stages:
- Stage One – Informal;
  - Stage Two – Formal Hearing;
  - Stage Three – Formal Appeal.
- 18.2. Pay appeal decisions are final and binding on both parties and may not be reopened under grievance procedures.
- 18.3. The procedure for appeals against grading for support staff will be as determined within the agreed scheme for Job Evaluation.

## **19. Monitoring and Review**

- 19.1. The Board will monitor the outcomes and impact of this Policy on an annual basis. As part of this review it will undertake an Equality Impact Assessment that will monitor trends on progression across all groups of staff, the school’s continued compliance with equalities legislation and the provisions of the STPCD, the Burgundy Book and the Green Book – NJC Conditions of Service.
- 19.2. The Board will make available to staff the outcomes of the Equality Impact Assessment as required.

## **APPENDIX 1a: Pay Appeals Procedure**

- 1 Any member of staff may appeal against any determination in relation to his/her pay or any other decision taken by the Board/Governing Body that affects his/her pay.
- 2 The grounds for appeals are that the Committee who made the decision:
  - a) Incorrectly applied any provision of the STPCD/NJC Conditions of Service.
  - 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.
  - f) Otherwise unlawfully discriminated against the member of staff.
- 3 The stages are as follows:

### **Stage One – Informal**

- a) The member of staff receives written confirmation of the pay determination/re-grading request and where applicable the basis on which the decision was made;
- b) If the member of staff is not satisfied he/she should seek to resolve this matter informally, initially through the Headteacher and/or chair of the LGB Pay Committee, within ten working days of the decision;
- c) Where this is not possible or where the member of staff continues to be dissatisfied, he/she may follow a Stage 2 Formal Appeals Process.

### **Stage Two – Formal Hearing**

- a) Formal appeals against pay decisions should be notified in writing to the head teacher (or, in the case of the Headteacher or head of school, to the Chair of the Board or Governors) within 10 working days of the receipt of the pay statement or regrading decision, or the outcome of the informal discussion;
- b) The member of staff will be offered a hearing normally within 15 working days of the receipt of the written outcome of Stage One. The hearing will provide an opportunity for the employee to make representations in person and to be accompanied by their Trade Union or colleague and will be held in accordance with Appendix 1b;
- c) The outcome of the hearing will be confirmed to the person in writing within 5 working days and where appropriate the right of appeal.

### **Stage Three – Formal Appeal**

- a) If the member of staff continues to be dissatisfied they may submit an appeal in writing to the head teacher within 10 working days of the outcome letter. The written appeal must re-affirm the grounds of the appeal and the remedy sought;
- b) In accordance with Appendix 1b the appeal will be heard by a panel of 3 governors who were not involved in the original pay determination and will be held normally within 15 working days of the receipt of the written appeal notification, or as soon as possible thereafter with the agreement of all parties.

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**APPENDIX 1b: Pay Appeal Hearing & Appeal Procedures – Order of Events**

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1. The employee and/or their representative will:
  - a) State their case.
  - b) Answer any questions put by the Headteacher.
  - c) Answer questions put by the Pay Appeal Panel.
  - d) Call any witnesses in support of their case. The witness may be asked questions.
2. The Headteacher will:
  - a) State their case.
  - b) Answer any questions from the aggrieved employee and/or their representative or colleague.
  - c) Answer questions from the Pay Appeal Panel.
  - d) Call any witnesses in support of their case. The witness may be asked any questions by the representative or colleague and the Panel.
3. At the conclusion of the presentation of each case and where the panel hearing the case are satisfied they have sufficient information about the issues they will invite:
  - a) The employee and/or their representative/colleague to summarise their case.
  - b) The Headteacher to summarise their case.
4. The Hearing will then be adjourned to enable the panel to:
  - a) Consider the issues.
  - b) Take any necessary advice.
  - c) Deliberate and decide whether or not to uphold the appeal.
  - d) Consider an appropriate remedy or follow up actions as appropriate.
5. All parties reconvene.

The Chair of the Panel will normally announce the decision at the end of the hearing however in exceptional cases this may be delayed if further time is needed by the Panel to consider the evidence.
6. The decision will be confirmed in writing within 5 working days of the conclusion of the Hearing.

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## **APPENDIX 2 – Pay Scales**

### **Important Note**

For all teaching and support posts within our academies, Aspire is committed to following the same salary scales as determined by Nottinghamshire County Council.

The current NCC pay scales for teachers and support staff are detailed in a separate document for Appendix 2 which is revised annually.

**APPENDIX 3 – UPR Application Form**

**Appraiser:**

**Name** \_\_\_\_\_

**Teacher:**

**Name** \_\_\_\_\_

**Post** \_\_\_\_\_

**Appraisal Evidence:**

**Attach and/or refer to relevant Appraisal documentation.**

**Declaration:**

**I confirm that at the date of this request for assessment to cross the threshold I am;**

- a) Highly competent in all elements of the relevant Teacher Standards and
- b) My achievements and contribution to an educational setting or settings i.e. the Academy or Aspire as a whole, are substantial and sustained.

**I submit appraisal planning and review statements covering the relevant period.**

**Applicant's signature** \_\_\_\_\_

**Date** \_\_\_\_\_