



# **Model Pay Policy for Teachers**

## **Nottingham City Schools**

**September 2024**

**This policy has been consulted on through JCNC with representatives of the National Association of Head Teachers (NAHT), the National Education Union (NEU), the National Association of Schoolmasters and Union of Women**

**Teachers (NASUWT). It has been shared with the Association of School and College Leaders (ASCL) and Community Union.**

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## **PURPOSE AND STATEMENT OF INTENT**

- 1.1 This policy sets out the framework for making decisions on teachers' pay. The pay policy aims to achieve the following:
  - maximise and assure the quality of learning and teaching at this school;
  - support the recruitment, retention, recognition, reward and motivation of teachers; and
  - ensure accountability, transparency, objectivity and fairness in the decision-making process.
- 1.2 The governing body of Nottingham Nursery School will act with integrity, objectivity and honesty in the best interests of the school. The school will respect confidentiality and, at the same time, be prepared to be open about decisions made and actions taken, and to justify them, if appropriate, to relevant parties. Its procedures for determining pay will be consistent with the principles of public life: objectivity, openness and accountability.
- 1.3 Governing bodies will apply this policy to all teachers: in applying the policy, governing bodies must ensure that it is administered fairly and without bias in relation to pay decisions, whether or not there are budget constraints.

## **2. EQUALITIES**

- 2.1 The governing body will comply with relevant equalities legislation:
  - Employment Relations Act 1999
  - Equality Act 2010
  - 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 Regulations 2010
- 2.2 The governing body will promote equality in all aspects of school life, particularly as regards all decisions on the advertising of posts, appointing, promoting and the remuneration of staff, as well as training and development.

See 'Governing Body Obligations' in relation to monitoring the impact of this policy.

## **3. INCREMENTAL INCREASES**

- 3.1 The governing body must consider annually whether or not to increase the salary of teachers who have completed a year of employment since the previous annual pay determination and, if so, to what salary within the relevant pay ranges set out in Appendix D.
- 3.2 The relevant body must decide how pay progression will be determined, subject to the following:
  - a) a written pay recommendation is required for every teacher following the outcome of the school or authority's appraisal arrangements and, in making its decision, the relevant body must have regard to this recommendation;
  - b) pay progression must be awarded, where eligible within pay range, the only exception being where a teacher is in capability proceedings and a decision to withhold progression is taken until this has been concluded;

- c) in the case of early career teachers (ECTs), the relevant body must determine the teacher's performance and any pay recommendation by means of the statutory induction process set out in the Education (Induction Arrangements for School Teachers) (England) Regulations 2012. The relevant body must also ensure that ECTs are not negatively affected by the extension of the induction period from one to two years and pay progression should be considered at the end of the first year;
- d) Governing bodies are not obliged to remove the link between pay and performance; however, they are required consult locally on changes to the model pay policy, with the recognised trade unions.

### **Monitoring**

- 3.3 The governing body will adopt methods of equality monitoring proportionate with the objective of identifying potential discrimination in workplace policies and procedures.

### **September 2024 pay award and pay points**

- 3.4 The governing body has decided to continue to use pay points across all ranges in the national framework. Appendix D of the pay policy sets out the values of those pay points.

## **4. JOB DESCRIPTIONS**

- 4.1 The head teacher will ensure that each teacher is provided with a job description in accordance with the staffing structure agreed by the governing body. Job descriptions may be reviewed from time to time, in consultation with the individual teacher, in order to make reasonable changes in light of the changing needs of the school. Job descriptions will identify key areas of responsibility. All job descriptions will be reviewed annually as part of the appraisal process.

## **5. ACCESS TO RECORDS**

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

## **6. APPRAISAL**

- 6.1 Whilst incremental increases are no longer dependent on performance decisions made at appraisal, the governing body will comply with The Education (School Teachers' Appraisal) (England) Regulations 2012 concerning the appraisal of teachers. The appraisal regulations state that appraisal objectives, for all teachers, including the leadership group, must be such that, if they are achieved, they will contribute to:

- a) improving the education of pupils at that school; and

- b) the implementation of any plan of the governing body designed to improve that school's education provision and performance.

- 6.2 Assessment will be based on evidence from a range of sources (see the school's appraisal policy). Although the school will establish a firm evidence base in relation to the performance of all teachers, there is a responsibility on individual teachers and appraisers to work together. Teachers should also gather, over time, any evidence that they deem is appropriate in relation to meeting their objectives, the Teachers' Standards and any other criteria (e.g. application to be paid on Upper Pay Range) so that such evidence can be taken into account at the review, but they are not obliged to do so.

- 6.3 The head teachers will moderate objectives to ensure consistency and fairness. The head teachers will also moderate performance assessment to ensure consistency and fairness.

## 7. GOVERNING BODY OBLIGATIONS

7.1 The governing body will fulfil its obligations to:

- **Teachers:** as set out in the School Teachers' Pay and Conditions Document 2024 ('STPCD') and the Conditions of Service for School Teachers in England and Wales (the 'Burgundy Book') and will consider additional guidance available such as the DfE's publication *Implementing your school's approach to pay*.
- **Support employees:** the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service (Green Book) or any LA pay/grading scheme. Nottingham City Council has provided a separate Single Status Pay Policy that applies to all support employees.

7.2 The governing body will need to consider any updated pay policy and assure themselves that appropriate arrangements are in place for appraisal.

7.3 The governing body will ensure that appraisers, decision-makers and any appeal committee governors receive appropriate training to ensure fair and open decision-making (see Appendices B and C for further information on the Pay Committee and Appeals Procedure).

7.4 The governing body will ensure that mid-year reviews are undertaken for teachers, including all members of the leadership group, which should form part of the line management process throughout the year, enabling concerns to be raised and addressed as they occur.

7.5 The governing body will ensure that it makes funds available to support pay increases and progression decisions, in accordance with this pay policy (see 'Procedures') and the school's spending plan.

7.6 The governing body will monitor the impact of pay decisions, including the extent to which different groups of teachers may progress at different rates, ensuring the school's continued compliance with equalities legislation.

## 8. INDIVIDUAL OBLIGATIONS

8.1 The **head teacher** will do the following:

- ensure that staff and/or their trade union representatives are consulted on appraisal and pay policies
- submit any updated appraisal and pay policies to the governing body for approval;
- ensure that effective appraisal arrangements are in place and that all appraisers have the knowledge and skills to apply procedures fairly;
- ensure that mid-term reviews are undertaken for all teachers, including the leadership group, and that regular line management meetings take place, with concerns regarding performance raised in writing and addressed as they occur;
- submit written pay recommendations to the pay committee of the governing body and ensure the governing body has sufficient information upon which to make pay decisions; and
- ensure that teachers are informed about decisions reached, and that records are kept of recommendations and decisions made.

8.2 The **line manager/appraiser** will do the following:

- ensure that they are sufficiently trained and equipped to carry out appraisals, seeking further support where necessary;

- ensure that they understand the teacher's objectives and outcomes in order to consider evidence and appraise their progress;
- ensure that mid-year reviews and regular line management meetings take place with teachers;
- ensure that any concerns regarding performance are raised in writing and addressed throughout the year as they occur, providing support and guidance to assist teachers to make improvements;
- provide the head teacher with sufficient information; and
- be mindful of equality expectations and ensure consistent application of the appraisal process and pay policy.

### 8.3 All **teachers** will do the following:

- engage with the appraisal process – this includes working with their appraiser to ensure that there is a secure evidence base for assessment;
- ensure they have an annual review of their performance;
- participate in regular meetings with their line manager, including the mid-year review;
- respond to feedback provided during the year and engage with opportunities and support provided to improve their performance;
- keep records of their objectives and review them throughout the year; and
- share any evidence they consider relevant with their appraiser

## 9. DIFFERENTIALS

9.1 Appropriate differentials will be created and maintained between posts within the school, recognising accountability, job weighting and the governing body's need to recruit, retain and motivate sufficient employees of the required quality at all levels.

## 10. DISCRETIONARY PAY AWARDS

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

## 11. SAFEGUARDING OF PAY

11.1 Where a pay determination leads, or may lead, to the start of a period of safeguarding, the governing body will comply with the relevant provisions of the STPCD and will give the required notification as soon as possible (and no later than one month after the determination).

## 12. PROCEDURES

12.1 The governing body will determine the annual pay budget on the recommendation of the pay committee, considering paragraph 19.2(e) of the STPCD.

12.2 It will also allocate *[define additional increment applicable at the school – this could, for example, be a further pay point on the appropriate pay range adopted by the school, or a defined additional percentage of pay]* to allow for the best teachers to make more rapid progress within the relevant pay range.

12.3 The governing body has delegated its pay powers to the pay committee. Anyone attending the pay committee, who has a conflict of interest in relation to any individual's pay, must withdraw whilst that decision is considered, including the head teacher where their own pay is under consideration.

12.4 The pay committee will be attended by the head teacher in an advisory capacity.

Where the pay committee has invited either a representative of the local authority or an external adviser to attend and offer advice on the determination of the head teacher's pay, that person will withdraw while the committee reaches its decision. Any member of the committee required to withdraw will do so.

12.5 The terms of reference for the pay committee will be determined from time to time by the governing body. Further information on the structure, terms of reference and responsibilities of the pay committee are contained in Appendix B.

12.6 Reports of the pay committee will be placed in the confidential section of the governing body's agenda and will either be approved, or referred back for reconsideration only where it is felt that the pay committee has exceeded its powers under the policy.

### **13. ANNUAL DETERMINATION OF PAY**

13.1 All teachers' salaries, including those of the head, deputy head and assistant head teachers, will be reviewed annually to take effect from 1 September. The governing body will complete the process without undue delay and will endeavour to complete teachers' annual pay reviews by 31 October and the head teacher's annual pay review by 31 December. Where there is a delay, staff will be consulted.

13.2 In the case of early career teachers (ECTs), the governing body must determine any pay recommendation by means of the statutory induction process set out in the Education (Induction Arrangements for School Teachers) (England) Regulations 2012(8), ensuring that ECTs are not negatively affected by the extension of the induction period from one to two years. Governing bodies should consider ECTs for pay progression at the end of their first academic year.

### **14. NOTIFICATION OF PAY DETERMINATION**

14.1 Pay determination will be communicated in writing to each member of staff by the head teacher in accordance with paragraph 3.4 of the STPCD, and will set out the reasons why decisions have been taken. Decisions on the pay of the head teacher will be communicated in writing by a member of the pay committee.

### **15. APPEALS PROCEDURE**

15.1 The governing body has an appeals procedure in relation to pay in accordance with the provisions of paragraph 2.1 (b) of the STPCD. It is set out in Appendix C of this pay policy.

### **16. LEADERSHIP GROUP PAY**

16.1 Governing bodies are recommended to take note of the Department for Education's (DfE) guidance *Implementing your school's approach to pay*, which can be found on the DfE's website, with particular reference to the section entitled *Setting the pay of school leaders*.

#### **16.2 Head teachers – pay on appointment**

- The pay committee will review the school's head teacher group and the head teacher's pay range in accordance with paragraphs 4, 5, 6 and 8 (mainstream school), or paragraphs 4, 5, 7 and 8 (special schools) of the STPCD.
- If the head teacher takes on permanent accountability for one or more additional schools, the pay committee will set a pay range in accordance with the provisions of paragraph 6.6 or 7.9.
- The pay committee will determine a pay range and take account of the full role of the head teacher (Part 7), which includes all permanent responsibilities of the role, any challenges that



are specific to the role and all other relevant considerations (paragraph 9.2) such as recruitment issues. The pay committee will consider the factors set out in Appendix A of this policy when determining an appropriate pay range. It will also take account of any other considerations it feels are relevant, and it will minute its decisions and reasons for those decisions carefully.

- The pay committee will consider using its discretion, in exceptional circumstances only, to exceed the 25 per cent limit beyond the maximum of the group range when setting the pay range for the head teacher, as set out in paragraph 9.3. However, before doing so, it will make a fully-documented business case and seek external independent advice from an appropriate person or body.
- The pay committee will use pay points within the pay range.
- At the appointment stage, candidate specific factors will be taken into account when determining the starting salary. If necessary, the governing body will adjust the pay range to ensure appropriate scope of pay points for incremental pay progression over time.
- The pay committee will have regard to the provisions of paragraph 9.4 in particular, and it will also take account of the pay and ranges of other staff, including any permanent payments, to ensure appropriate differentials are created and maintained between posts of differing responsibility and accountability.
- The pay committee will consider whether the circumstances specific to the role or candidate warrant a higher than normal pay range. It will exercise its discretionary powers, where appropriate, in accordance with paragraph 9.3. It will only set a range, the maximum of which is more than 25 per cent above the maximum value of the group range, in exceptional circumstances. In such circumstances, it will make a business case to the governing body, and the governing body will seek external independent advice before giving agreement.
- The pay committee will consider whether there is a need for any temporary payments (paragraph 10) for clearly time-limited responsibilities or duties only. The total sum of the temporary payments made to a head teacher will not exceed 25 per cent of the annual salary that is otherwise payable to the head; the total sum of salary and other payments made to a head teacher must not exceed 25 per cent above the maximum of the head teacher group except in wholly exceptional circumstances.
- The pay committee may determine that temporary or other payments be made to a head teacher that exceed the limit above. These may be made in wholly exceptional circumstances when the committee has made a business case and secured the agreement of the governing body. The governing body will seek external independent advice before providing agreement.

### **16.3 Serving head teachers**

- The pay committee will only redetermine the pay range of a serving head teacher (in accordance with paragraph 9) if the responsibilities of the post change significantly; or if the pay committee determines this is required to maintain consistency with pay arrangements for new appointments to the leadership group or with pay arrangements for a member(s) of the leadership group whose responsibilities significantly change.
- It will also redetermine the pay range if the group size of the school increases, or if the head teacher takes on permanent accountability for an additional school(s) (STPCD paragraph 9 of the Section 3 guidance).
- If the pay committee redetermines the head teacher's pay range, it will take account of all indefinite responsibilities of the post, any specific challenges and all other relevant factors. The

pay committee will consider the factors set out in Appendix A of this policy when determining an appropriate pay range. It will also take account of any other considerations it feels are relevant, and it will minute its decisions and reasons for those decisions carefully.

- The pay committee will consider using its discretion, in exceptional circumstances, to exceed the 25 per cent limit beyond the maximum of the group range, as set out in paragraph 9.3. However, before agreeing to do so, it will make a fully-documented business case and seek external independent advice.
- The pay committee will use pay points within the pay range and leave points for performance-related pay progression depending on the head teacher's salary position within the salary range for the school.
- The pay committee will review the head teacher's pay in accordance with paragraph 11 of the STPCD, and, where sufficient points exist within the salary range, it will award one incremental point.
- A recommendation on pay must be made in writing as part of the individual's appraisal report and, in making its decision, the relevant body must have regard to this recommendation.
- When the head teacher's performance is exceptional, the pay committee may consider awarding accelerated pay progression, where this is consistent with the school's pay policy (see 12.2 above) and sufficient points exist within the salary range
- If the pay committee decides to redetermine the pay range, it will only determine the head teacher's pay range in accordance with paragraph 9 of the STPCD, and paragraph 9 of the section 3 guidance.
- The pay committee will consider the use of temporary payments for clearly temporary responsibilities or duties only, in accordance with paragraph 10 of the STPCD.
- The total sum of temporary payments made to a head teacher will not exceed 25 per cent of the annual salary which is otherwise payable to the head teacher; and the total sum of salary and other payments made to a head teacher will not exceed 25 per cent above the maximum of the head teacher group, except in wholly exceptional circumstances.
- The pay committee may determine that additional/temporary payments be made to a head teacher which exceeds the limit above in wholly exceptional circumstances and with the agreement of the governing body. The governing body will make a fully-documented business case and will seek external independent advice before providing agreement.

#### **16.4 Deputy/assistant head teachers - pay on appointment**

- The pay committee will determine a pay range and take account of the full role of the deputy/assistant head teacher (STPCD part 2), including all indefinite responsibilities of the role, any challenges that are specific to the role and all other relevant considerations (paragraph 9.2), such as recruitment issues. The pay committee will consider the factors set out in Appendix A of this policy when determining an appropriate pay range. It will also take account of any other considerations it feels are relevant, and it will minute its decisions and reasons for those decisions carefully.
- The pay committee will use pay points in the pay range.

- At the appointment stage, candidate specific factors will be taken into account when determining the starting salary. If necessary, the governing body will adjust the pay range to ensure appropriate scope of pay points for incremental pay progression.
- The pay committee will consider whether the award of any additional payments are relevant, as set out in paragraph 26 of the STPCD and paragraphs 60 to 69 of the section 3 guidance.

### **16.5 Serving deputy/assistant head teachers**

- The pay committee will review and redetermine the deputy/assistant head teacher pay range when there has been a significant change in the responsibilities of the serving deputy/assistant head teacher (paragraph 10 of the section 3 guidance). It will also review and, if necessary, redetermine the pay range to maintain consistency with pay arrangements for new appointments to the leadership group, or maintain pay arrangements for a member(s) of the leadership group whose responsibilities significantly change.
- When determining the pay range of a serving deputy/assistant head teacher, the pay committee will take account of all permanent responsibilities of the role, any challenges that are specific to the role and all other relevant considerations (paragraph 9.2), including retention issues. The pay committee will consider the factors set out in Appendix A of this policy when determining an appropriate pay range. It will also take account of any other considerations it feels are relevant, and it will minute its decisions and reasons for those decisions carefully.
- The pay committee will ensure the maintenance of appropriate differentials between different posts in its staffing structure, but it will note paragraph 9.4.
- The pay committee will consider whether the award of any additional payment is relevant, as set out in paragraph 26 of the STPCD and paragraphs 60 to 69 of the section 3 guidance.
- The pay committee will use pay points in the pay range, and it will leave appropriate scope for incremental pay progression where sufficient points exist within the salary range.
- The pay committee will review pay in accordance with paragraphs 11, and, where sufficient points exist within the salary range, will award one incremental point annually, unless an alternative recommendation is made.
- When performance is exceptional, the pay committee may consider awarding accelerated pay progression, where this is consistent with the school's pay policy (see 12.2 above) and sufficient points exist within the salary range.

## **17. ACTING ALLOWANCES**

- 17.1 Acting allowances are payable to teachers who are assigned and carry out the duties of the head teacher, deputy head teacher or assistant head teacher in accordance with paragraph 23 of the STPCD. The pay committee will, within a four-week period of the commencement of acting duties, determine whether or not the acting post holder will be paid an allowance. In the event of a planned and prolonged absence, an acting allowance will be agreed in advance and paid from the first day of absence.
- 17.2 Any teacher who carries out the duties of the head teacher, deputy head teacher, or assistant head teacher, for a period of four weeks or more, will be paid on the head teacher's, deputy head teacher's or assistant head teacher's range, as the case may be. Payment will be backdated to the commencement of the duties.

## **18. CLASSROOM TEACHERS**

### **New appointments**

- 18.1 The governing body will maintain the teacher's previous pay entitlement in relation to the Main Pay Range (MPR) or Upper Pay Range (UPR), where this falls within the minimum and maximum salary for the post. Schools retain the right to set the upper salary level for posts that they are advertising and it is for the applicant to decide whether they wish to apply on those terms. This does not preclude them from applying for UPR consideration after appropriate service/performance at the school and according to the school's staffing structure.
- 18.2 The governing body will, if necessary, use its discretion to award a recruitment incentive benefit to secure the candidate of its choice.

### **Annual pay determination**

- 18.3 The pay committee will use reference points. The pay scale for MPR teachers in this school is in Appendix D of this policy.
- 18.4 Appraisal objectives will become more challenging as teachers progress up the MPR. Objectives will, however, be such that, if achieved, they will meet the requirements of the appraisal regulations 2012 (see section 6 'Appraisal' above).
- 18.5 In accordance with this Policy, teachers will receive incremental pay progression annually, where eligible within the pay range, the only exception being where a teacher is in capability proceedings and a decision to withhold progression is taken until this has been concluded.

## **19. APPLICATIONS TO BE PAID ON THE UPPER PAY RANGE**

- 19.1 Qualified teachers can apply to be paid on the Upper Pay Range (UPR) in accordance with the school's provisions in 19.4 (below). If a teacher is simultaneously employed at another school(s), they may submit separate applications if they wish to apply to be paid on the UPR in that school(s). This school will not be bound by any pay decision made by another establishment.
- 19.2 All applications should include the result of the most recent appraisal, under the Appraisal Regulations 2012, including any recommendation on pay. Where such information is not applicable or available, e.g. those returning from maternity or disability-related sickness absence, a written statement and summary of evidence designed to demonstrate that the applicant has met the assessment criteria must be submitted by the applicant.
- 19.3 In order for the assessment to be robust and transparent, it will be an evidence-based process only. Teachers can, therefore, build an evidence base to support their application. Those teachers who have been absent, through disability-related sickness or maternity, may cite written evidence from previous years in support of their application.

### **Process**

- 19.4 One application may be submitted annually. The closing date for applications is normally 30<sup>th</sup> September each year; however, exceptions will be made in particular circumstances, e.g. those teachers who are on maternity leave or who are currently on sick leave. The process for applications is:
- Complete the school's application form
  - Submit the application form and supporting evidence (where provided) to the head teacher by the closing date (above)

- Applicants will receive notification of the name of the assessor of their application within 5 working days
- The assessor will assess the application, which will include a recommendation to the pay committee of the governing body
- The application, evidence and recommendation will be passed to the head teacher for moderation purposes, if the head teacher is not the assessor
- The pay committee will make the final decision, advised by the head teacher
- Teachers will receive written notification of the outcome of their application by 31<sup>st</sup> October. Where the application is unsuccessful, the written notification will include the areas where it was felt that the teacher's performance did not satisfy the relevant criteria set out in this policy (see 'Assessment' below)
- If requested, oral feedback will be provided by the assessor. Oral feedback will be given within 10 school working days of the date of notification of the outcome of the application. Feedback will be given in a positive and encouraging environment and will include advice and support on areas for improvement in order to meet the relevant criteria
- Successful applicants will move to the minimum of the UPR on 1 September.
- Unsuccessful applicants can appeal the decision. The appeals process is set out in Appendix C

### **Assessment:**

19.5 The teacher will be required to meet the criteria set out in paragraph 15 of the STPCD, namely that:

- the teacher is highly competent in all elements of the relevant standards; and
- the teacher's achievements and contribution to an educational setting or settings are substantial and sustained.

19.6 In this school, this means:

- "highly competent": the teacher's performance is assessed as having excellent depth and breadth of knowledge, skill and understanding of the Teachers' Standards in the particular role they are fulfilling and the context in which they are working.
- "substantial": the teacher's achievements and contribution to the school are significant, not just in raising standards of teaching and learning in their own classroom, or with their own groups of children, but also in making a significant wider contribution to school improvement, which impacts on pupil progress and the effectiveness of colleagues.
- "sustained": in relation to a UPR application only, the teacher must have had two consecutive successful appraisal reports and have made good progress towards their objectives during this period (see exceptions, e.g. maternity/sick leave, in the introduction to this section). They will have been expected to have shown the quality of teaching, learning and assessment are good to outstanding.

19.7 Further details, including information on sources of evidence is contained within the school's appraisal policy (and in section 4 of the City Council's 'Whole School Appraisal Guidance', available to HR advisory customers).

## **20. UPPER PAY RANGE (UPR)**

### **Annual pay determinations**

20.1 The UPR in this school will consist of three points: U1, U2 and U3, as set out in Appendix D of this policy.

20.2 Applications to progress to UPR will be considered annually, according to the deadlines set by this school (see 19.4 above and STPCD paragraph 15).

20.3 Incremental pay progression will be awarded annually, where eligible within pay range, the only exception being where a teacher is in capability proceedings and a decision to withhold progression is taken until this has been concluded

20.4 Where it is clear from the evidence that the teacher's performance is exceptional, in relation to the criteria set out above, the pay committee may use its flexibility to decide on enhanced progression on UPR, where this option is consistent with the school's policy in 12.2 above and where the pay range permits this. The quality of teaching, learning and assessment should be consistently outstanding.

20.5 The pay committee will be advised by the head teacher in making all such decisions.

## **21. LEADING PRACTITIONER ROLES**

21.1 The governing body will take account of paragraphs 16 and 49 of the STPCD when determining the role of leading practitioner in this school. Additional duties will be set out in the job description of the leading practitioner and will include the following:

- A leadership role in developing, implementing and evaluating policies and practices in the school that contribute to school improvement
- The improvement of teaching in school and in the wider school community that impacts significantly on pupil progress
- Improving the effectiveness of staff and colleagues

### **Pay on appointment**

21.2 The pay committee will determine a pay range of 3 points taken from the Leading Practitioner Range, appropriate to the school, in accordance with paragraph 16 of the STPCD and Appendix D of this policy, and paragraphs 33 - 37 of the section 3 guidance. The governing body will use reference points and will ensure that there is appropriate scope within the pay range to allow for incremental pay progression.

### **Annual pay determination**

21.3 The appraisal objectives will be determined in line with the School's Appraisal Policy for Teachers and agreed with the head teacher. i

21.4 The pay committee shall have regard to paragraph 19 of the STPCD and Section 3 above when determining incremental increases for Leading Practitioners .

21.5 Incremental pay progression will be awarded annually, where eligible within pay range, the only exception being where a teacher is in capability proceedings and a decision to withhold progression is taken until this has been concluded.

21.6 Exceptional performance will be considered in the same way as upper pay range (see 20.4 above). In such cases, accelerated pay progression will be clearly attributable to the performance of the individual teacher and the pay committee will be able to objectively justify its decision.

21.7 The pay committee will be advised by the head teacher in making all such decisions.

## **22. UNQUALIFIED TEACHERS**

## **Pay on appointment**

- 22.1 The pay committee will pay an unqualified teacher in accordance with paragraph 17 of the STPCD. The pay committee will determine where a newly appointed unqualified teacher will enter the scale, having regard to any qualifications or experience s/he may have, which they consider to be of value. The pay committee will consider whether it wishes to pay an additional allowance, in accordance with paragraph 22 of the STPCD.

## **Annual pay determinations**

- 22.2 Incremental pay progression will be awarded annually, where eligible within pay range, the only exception being where a teacher is in capability proceedings and a decision to withhold progression is taken until this has been concluded.

## **23. TEACHING AND LEARNING RESPONSIBILITY (TLR) PAYMENTS**

- 23.1 The pay committee may award a TLR to a classroom teacher (MPR or UPR) in accordance with paragraph 20 of the STPCD and paragraphs 47-54 of the section 3 guidance. A TLR 1 or 2 will be for clearly defined and sustained additional responsibility in the context of the school's staffing structure for the purpose of ensuring the continued delivery of high quality teaching and learning. All job descriptions will be regularly reviewed. The pay committee will make clear, if applicable, the responsibility or package of responsibilities for which a TLR is awarded, considering the criterion and factors set out in paragraph 20.4 of the STPCD.
- 23.2 The pay committee may award a TLR3 for clearly time-limited school improvement projects, or one-off externally driven responsibilities as listed in paragraph 20.3 of the STPCD. This includes temporary tutoring arrangements to support catch-up due to the pandemic.
- 23.3 The governing body will set out in writing to the teacher the duration of the fixed term TLR3, and the amount of the award, which will be paid in monthly instalments. If a TLR3 is awarded to a part-time teacher, the pro rata principle will not apply. No safeguarding will apply in relation to an award of a TLR3.
- 23.4 Further details of the value ranges of TLRs can be found in the STPCD paragraph 20.2 and 20.3 and in Appendix D of this Pay Policy.
- 23.5 The pay committee will ensure that sufficient differential exists between different levels of TLR, taking account of the responsibilities for which the TLR is awarded. All decisions will be objectively justified.

## **24. SPECIAL NEEDS ALLOWANCE**

- 24.1 The pay committee will award a SEN spot value allowance on the range shown in paragraph 21.1 on the STPCD and in Appendix D of this Pay Policy to any classroom teacher who meets the criteria as set out in paragraph 21.2 of the STPCD.
- 24.2 When deciding on the amount of the allowance to be paid, the governing body will consider the structure of the school's SEN provision, whether any mandatory qualifications are required for the post, the qualifications or expertise of the teacher relevant to the post; and the relative demands of the post (see paragraph 21.3 of the STPCD). The governing body will also establish differential values in relation to SEN roles in the school in order to reflect significant differences in the nature and challenge of the work entailed, so that the different payment levels can be objectively justified. The governing body will take account of paragraphs 55-59 of the STPCD section 3 guidance.

## **25. SUPPORT STAFF**

25.1 The pay committee notes its powers to determine the pay of support staff in accordance with paragraphs 17 and 29 of the School Staffing (England) Regulations 2009 and Chapter 7 of the associated guidance. The pay committee will determine the pay and grade of support employees on appointment in accordance with the job evaluation scheme and pay policy currently applicable to LGS (Local Government Scheme) employees of Nottingham City Council. In reaching its determination, the pay committee will consider the advice of the LA.

## **26. PART-TIME STAFF**

### **Teachers**

26.1 The governing body will apply the provisions of the STPCD in relation to part-time teachers' pay and working time, in accordance with paragraphs 40, 41 and 51.6 onwards of the STPCD, and paragraphs 28, 35, 39-44 and 79-87 of the section 3 guidance.

### **All staff**

26.2 It is the head teacher and governing body's intention that part-time employees will be treated no less favourably than a full-time comparator.

## **27. TEACHERS EMPLOYED ON A SHORT-TERM BASIS**

27.1 Such teachers will be paid in accordance with paragraph 42 of the STPCD.

## **28. ADDITIONAL PAYMENTS**

28.1 In accordance with paragraph 26 of the STPCD and paragraphs 60-69 of the section 3 guidance, the governing body may make payments as they see fit to a teacher in respect of the following:

- continuing professional development undertaken outside the school day;
- activities relating to the provision of initial teacher training as part of the ordinary conduct of the school;
- participation in out-of-school hours learning activity agreed between the teacher and the head teacher; and
- additional responsibilities and activities due to, or in respect of, the provisions of services by the head teacher relating to the raising of educational standards to one or more additional schools.

28.2 The pay committee will make additional payments to teachers in accordance with the provisions of paragraph 26 of the STPCD where advised by the head teacher.

28.3 Payment will be calculated on a daily basis at 1/195<sup>th</sup> of the teacher's actual salary.

## **29. RECRUITMENT AND RETENTION INCENTIVES AND BENEFITS**

29.1 The governing body can award lump sum payments, periodic payments, or provide other financial assistance, support or benefits for a recruitment or retention incentive (paragraph 27 of the STPCD and paragraphs 70-72 of the section 3 guidance).

29.2 The pay committee will consider exercising its powers under paragraph 27 of the STPCD where they consider it is appropriate to do so in order to recruit or retain teachers. It will make clear at the outset, in writing, the expected duration of any such incentive or benefit, and the review date after which they may be withdrawn.



29.3 The governing body should conduct an annual formal review of all such awards.

29.4 No new awards of recruitment and retention incentive benefits will be made to a head teacher, deputy or assistant head teacher, other than as reimbursement of reasonably incurred housing or relocation costs. All recruitment and retention considerations in relation to a new head teacher will be taken into account when determining the head teacher's pay range.

29.5 Where a governing body is already paying an incentive or benefit as part of a pre-2014 arrangement, it may continue with this at its existing value until such time as the leadership group member moves to new pay arrangements. At this point, all such considerations should be taken into account when determining the pay range.

### **30. SALARY SACRIFICE ARRANGEMENTS**

30.1 A teacher may participate in the City Council's salary sacrifice arrangements and his/her gross salary shall be reduced accordingly, in accordance with the provisions of paragraph 28 of the STPCD and paragraph 73 of the section 3 guidance (This does not apply to teachers in academies, who may have their own arrangements.)

### **31. OVERPAYMENTS**

31.1 Considerations and process for addressing overpayments can be found in Appendix E.

31.2 Overpayments must be handled fairly and consistently, with HR and payroll advice.

# Appendix A

## PAY RANGE FACTORS

The statutory provisions of the STPCD (paragraph 9.2) state that, when determining the pay range of a leadership group member, the relevant body must consider of “all of the permanent responsibilities of the role, any challenges that are specific to the role, and all other relevant considerations”.

- Social challenge:
  - Number of pupils eligible for the pupil premium/free school meals
  - Number and challenge of children with special needs (NB: pupils with statements or education, health and care plans are taken into account when calculating the group size of the school)
  - Number of ‘looked after’ children
  - The level of pupil mobility in the area
  - Level of pupils with English as a second language
- Complexity of pupil population and school workforce:
  - Number of staff
  - Variety of school workforce (e.g. teachers, speech therapists)
  - Small school
  - Rural school
  - Specialist units or centres
- Any specific challenges associated with running more than one school, e.g. managing geographically split sites, particular challenges of the additional school(s)
- Contribution to wider educational development:
  - NLE, SLE, LLE responsibilities which are not time-limited
  - Teaching school status
  - Other relevant issues (e.g. NQT lead, multi-stakeholders)
  - Ofsted inspections
- Recruitment and retention issues

## Appendix B

### THE PAY COMMITTEE

#### 1. Establishing the Pay Committee

- 1.1 The governing body shall establish a Pay Committee every year as part of its sub-committee structure.
- 1.2 The Pay Committee shall have fully delegated powers to consider and decide all matters relating to employees' pay in accordance with the relevant legislation and guidance, and in accordance with relevant school policies and in accordance with The School Governance (Procedures) (England) Regulations 2003 SI No. 2003/1377 as amended.
- 1.3 The Pay Committee shall consist of governors elected annually by a quorate meeting of the full governing body, together with the head teacher, or their representative, in an advisory capacity.
- 1.4 A quorum for the Pay Committee should ideally be a minimum of 3 governors.
- 1.5 If the Pay Committee loses a member or finds itself in difficulty over maintaining a quorum, the full body may appoint, at a quorate meeting, appropriate new members to the Pay Committee at any time of the year.
- 1.6 It is important when appointing to the Pay Committee that governors consider where any conflict of interest may lie. Anyone attending the Pay Committee, who has a conflict of interest in relation to any individual's pay, must withdraw whilst that decision is considered, including the head teacher where their own pay is under consideration. It is recommended that staff governors do not participate in the Pay Committee.
- 1.7 Similarly, no governor may serve on the Pay Committee and the Appeals Committee, nor should they be responsible for the head teacher's performance management. Ideally no governor should serve on the Appeals Committee and be responsible for the head teacher's performance management. However, if, due to availability, the latter is necessary, they must not hear any appeal from the head teacher, and alternative arrangements should be made in this instance.
- 1.8 The Pay Committee may invite other persons to serve in an advisory capacity should they deem it necessary to support the discharge of their responsibility in respect of certain tasks.
- 1.9 The Pay Committee shall be advised by the governors responsible for performance management when considering the head teacher's pay and any prospective movement along the pay spine.
- 1.10 The Pay Committee shall communicate details of all processes relating to specific pay issues to all employees, in writing, in an appropriate manner, and communicate in writing all decisions relating to the pay of individual employees to those individuals privately and personally.

#### 2. Terms of Reference

- 2.1 The terms of reference for the pay committee will be determined from time to time by the governing body. The current terms of reference are:
  - to achieve the aims of the pay policy in a fair and equal manner;

- to apply the criteria set by the pay policy in determining the pay of each employee at the annual review;
- to observe all statutory and contractual obligations;
- to minute clearly the reasons for all decisions and report the fact of these decisions to the next meeting of the full governing body;
- to recommend to the governing body the annual budget needed for pay, bearing in mind the need to ensure the availability of monies to support any exercise of pay discretion;
- to keep abreast of relevant developments and to advise the governing body when the school's pay policy needs to be revised;
- to work with the head teacher in ensuring that the governing body complies with the Appraisal Regulations 2012 (teachers).

### **3. The Role of the Pay Committee**

#### **3.1 The Pay Committee shall:**

- (i) Apply the Pay Policy on behalf of the governing body and ensure compliance with statutory obligations in respect of pay and conditions of service related to pay;
- (ii) Review the pay of all teachers annually;
- (iii) Ensure that job descriptions are provided for all teachers;
- (iv) Ensure that every teacher's salary is reviewed with effect from 1 September and no later than 31 October (except in the case of the head teacher) each year;
- (v) Provide an annual pay statement for all teachers based upon their situation on September 1<sup>st</sup> and issued before October 31<sup>st</sup>. (Model pay statements can be obtained from the HR Advisory team for customer schools.)
- (vi) Provide an interim pay statement for any teachers whose situation changes during the year;
- (vii) Where a pay determination leads or may lead to the start of a period of safeguarding, give the required notification as soon as possible and no longer than one month after the date of determination;
- (viii) Consider and make decisions relating to the levels of pay associated with specific posts, including both existing posts through the process of annual review and any new posts proposed by the head teacher;
- (ix) Receive recommendations from the governors responsible for performance management in respect of the head teacher's performance pay review;
- (x) Receive recommendations from the head teacher in respect of all other teachers' reviews including threshold assessment (please refer to Pay Policy, Section 3 in relation to incremental increases);
- (xi) Ensure that all pay decisions are minuted and that, appropriate to the requirements of the STPCD, any necessary business cases are fully documented and external independent advice is sought and considered before agreement;

(xii) Monitor the impact of all pay decisions, including the extent to which different groups of teachers may progress at different rates, ensuring the school's continued compliance with equalities legislation and, where anomalies are identified, investigated these and taken any necessary action.

(xiii) Hear and consider any representations from teachers regarding pay related decisions prior to a formal appeal.

#### **4. The Pay Committee and the Annual Pay Review**

4.1 In conducting the annual pay review the Pay Committee shall:

(i) Publish the date of the annual pay review meeting to all teachers at least 10 working days before the meeting;

(ii) Inform all teachers of the process to be followed by any employee wishing to make representations to the annual pay review to view the ISR and the pay ranges for other members of the leadership team;

(iii) Communicate in writing decisions in respect of any representations considered in the annual pay review to the teacher making the representation;

(iv) Inform the Finance Committee of any budgetary implications of the outcomes of the annual pay review

## Appendix C

### APPEALS PROCEDURE

#### **1. Appeal procedure: informal stage**

- 1.1 As part of the pay determination process, the line manager (the recommendation provider) will make a recommendation to the decision maker (the Pay Committee or other body responsible for approving the pay recommendation) supported by any relevant assessment evidence (e.g for upper pay applications). On determining a teacher's pay, the decision maker will write to the teacher advising them of the pay decision, the reasons for it and will, at the same time, confirm their right to appeal the decision to the decision maker.
- 1.2 If the teacher wishes to appeal the decision, they must do so in writing to the decision maker (normally within 10 school working days from the date of the outcome letter or within a mutually agreed alternative timescale). The appeal must include a statement, in sufficient detail, of the grounds of the appeal. In the event that an initial appeal is raised, the decision maker must then arrange to meet the teacher to discuss the appeal. The recommendation provider should also be invited to the meeting to clarify the basis for the original recommendation.
- 1.3 The decision maker will review their decision through a paper-based process and in the light of the documentation provided to them. They will then write to the teacher to notify them of the outcome of the review and the teacher's right of appeal to the governing body. If the teacher wishes to exercise their right of appeal, they must write to the clerk of the governing body at the earliest opportunity (normally within 10 school working days), including a statement of the grounds of the appeal and sufficient details of the facts on which they will rely.

This will invoke the formal stage of the appeal procedure.

#### **1. Appeal procedure: formal stage**

- 2.1 On receipt of the written appeal, the clerk of the governing body will establish an appeal committee that should consist of three governors, none of whom are employees in the school or have been previously involved in the relevant pay determination process. A meeting of the appeal committee should be convened at the earliest opportunity and no later than 20 school working days of the date on which the written appeal was received (unless agreed by both parties). Both the recommendation provider and the decision maker will be required to attend the meeting.
- 2.2 The chair of the appeal committee will invite the appellant to set out their case. Both the recommendation maker and the decision maker will also be asked to outline to the committee the process that was observed and their contribution to the pay determination process.
- 2.3 Following the conclusion of representations by all relevant parties, the appeal committee will then consider all the evidence in private and reach a decision. The appeal committee will write to the teacher notifying them of their decision and the reasons for it. Other attendees at the meeting will also be notified of the decision. The decision of the appeal committee is final.

#### **2. The modified procedure**

- 3.1 There will be no entitlement to invoke the appeal procedure in relation to a pay decision if the teacher has left the employment of the school.
- 3.2 When a teacher has lodged an appeal against a pay decision and then subsequently left the school's employment before any appeal hearing is held, the following steps will be observed:

- i) The teacher must have set out details of their appeal in writing
- ii) The teacher must have sent a copy of their appeal to the chair of the governing body
- iii) The chair of the governing body will consult with relevant school personnel and provide the teacher with an appropriate written response on behalf of the school.

## Appendix D

### TEACHERS' PAY SCALES 2024/25

All salary rates below are full time and reflect the pay increases from 1 September 2024. Pay should fall within the **minimum** and **maximum** for the appropriate range. Schools are not obliged to retain the spinal points shown for each pay scale, as they are discretionary. Schools must make their own arrangements with their payroll providers to ensure that pay points are established. Schools adopting different rates will also need to consult locally with their staff.

| Teachers – Main Pay Range 2024 |                |
|--------------------------------|----------------|
| Scale point                    | Annual Salary  |
| <b>1 (minimum)</b>             | <b>£31,650</b> |
| 2                              | £33,483        |
| 3                              | £35,674        |
| 4                              | £38,034        |
| 5                              | £40,439        |
| <b>6 (maximum)</b>             | <b>£43,607</b> |

| Upper Pay Range 2024 |                |
|----------------------|----------------|
| Scale point          | Annual Salary  |
| <b>U1 (min)</b>      | <b>£45,646</b> |
| U2                   | £47,338        |
| <b>U3 (max)</b>      | <b>£49,084</b> |

| Leading Practitioner Pay Range 2024 |                |
|-------------------------------------|----------------|
| Scale point                         | Annual Salary  |
| <b>LP1 (min)</b>                    | <b>£50,025</b> |
| LP2                                 | £51,280        |
| LP3                                 | £52,560        |
| LP4                                 | £53,867        |
| LP5                                 | £55,209        |
| LP6                                 | £56,593        |
| LP7                                 | £58,118        |
| LP8                                 | £59,457        |
| LP9                                 | £60,943        |
| LP10                                | £62,509        |
| LP11                                | £64,129        |
| LP12                                | £65,608        |
| LP13                                | £67,247        |
| LP14                                | £68,925        |
| LP15                                | £70,639        |
| LP16                                | £72,518        |
| LP17                                | £74,182        |
| <b>LP18 (max)</b>                   | <b>£76,050</b> |

| Unqualified Teacher Pay Range 2024 |                |
|------------------------------------|----------------|
| Scale point                        | Annual Salary  |
| <b>UNQ1 (min)</b>                  | <b>£21,731</b> |
| UNQ2                               | £24,224        |
| UNQ3                               | £26,716        |
| UNQ4                               | £28,914        |
| UNQ5                               | £31,410        |
| <b>UNQ6 (max)</b>                  | <b>£33,902</b> |



| TLR Payments 2024 |        |         | SEN Pay Range 2024 |        |        |
|-------------------|--------|---------|--------------------|--------|--------|
|                   | From   | To      |                    | From   | To     |
| TLR 1             | £9,782 | £16,553 | SEN                | £2,679 | £5,285 |
| TLR 2             | £3,391 | £8,279  |                    |        |        |
| TLR 3             | £675   | £3,344  |                    |        |        |

| LEADERSHIP GROUP 2024  |         |         |         |         |          |          |          |          |
|--|---------|---------|---------|---------|----------|----------|----------|----------|
| The pay ranges for each group size are as stated in the STPCD Part 1, paragraph 5.3  |         |         |         |         |          |          |          |          |
|  | Group 1 | Group 2 | Group 3 | Group 4 | Group 5  | Group 6  | Group 7  | Group 8  |
| <b>Points L1 – L5 may be used for Assistant and Deputy Head ranges</b> <span style="color: red;">Red signifies maximum salary for range</span> |         |         |         |         |          |          |          |          |
| L1   | £49,781 |         |         |         |          |          |          |          |
| L2   | £51,027 |         |         |         |          |          |          |          |
| L3   | £52,301 |         |         |         |          |          |          |          |
| L4   | £53,602 |         |         |         |          |          |          |          |
| L5   | £54,939 |         |         |         |          |          |          |          |
| L6   | £56,316 |         |         |         |          |          |          |          |
| L7   | £57,831 |         |         |         |          |          |          |          |
| L8   | £59,167 | £59,167 |         |         |          |          |          |          |
| L9   | £60,644 | £60,644 |         |         |          |          |          |          |
| L10  | £62,202 | £62,202 |         |         |          |          |          |          |
| L11  | £63,815 | £63,815 | £63,815 |         |          |          |          |          |
| L12  | £65,286 | £65,286 | £65,286 |         |          |          |          |          |
| L13  | £66,919 | £66,919 | £66,919 |         |          |          |          |          |
| L14  | £68,586 | £68,586 | £68,586 | £68,586 |          |          |          |          |
| L15  | £70,293 | £70,293 | £70,293 | £70,293 |          |          |          |          |
| L16  | £72,162 | £72,162 | £72,162 | £72,162 |          |          |          |          |
| L17  | £73,819 | £73,819 | £73,819 | £73,819 |          |          |          |          |
| L18  |         | £75,675 | £75,675 | £75,675 | £75,675  |          |          |          |
| L18A   | £74,926 |         |         |         |          |          |          |          |
| L19  |         | £77,552 | £77,552 | £77,552 | £77,552  |          |          |          |
| L20  |         | £79,475 | £79,475 | £79,475 | £79,475  |          |          |          |
| L21  |         |         | £81,441 | £81,441 | £81,441  | £81,441  |          |          |
| L21A   |         | £80,634 |         |         |          |          |          |          |
| L22  |         |         | £83,464 | £83,464 | £83,464  | £83,464  |          |          |
| L23  |         |         | £85,529 | £85,529 | £85,529  | £85,529  |          |          |
| L24  |         |         |         | £87,651 | £87,651  | £87,651  | £87,651  |          |
| L24A   |         |         | £86,783 |         |          |          |          |          |
| L25  |         |         |         | £89,830 | £89,830  | £89,830  | £89,830  |          |
| L26  |         |         |         | £92,052 | £92,052  | £92,052  | £92,052  |          |
| L27  |         |         |         |         | £94,332  | £94,332  | £94,332  |          |
| L27A   |         |         |         | £93,400 |          |          |          |          |
| L28  |         |         |         |         | £96,673  | £96,673  | £96,673  | £96,673  |
| L29  |         |         |         |         | £99,067  | £99,067  | £99,067  | £99,067  |
| L30  |         |         |         |         | £101,533 | £101,533 | £101,533 | £101,533 |
| L31  |         |         |         |         |          | £104,040 | £104,040 | £104,040 |
| L31A   |         |         |         |         | £103,010 |          |          |          |
| L32  |         |         |         |         |          | £106,626 | £106,626 | £106,626 |
| L33  |         |         |         |         |          | £109,275 | £109,275 | £109,275 |
| L34  |         |         |         |         |          | £111,976 | £111,976 | £111,976 |
| L35  |         |         |         |         |          |          | £114,759 | £114,759 |
| L35A   |         |         |         |         |          | £113,624 |          |          |
| L36  |         |         |         |         |          |          | £117,601 | £117,601 |
| L37  |         |         |         |         |          |          | £120,524 | £120,524 |
| L38  |         |         |         |         |          |          | £123,506 | £123,506 |
| L39  |         |         |         |         |          |          |          | £126,517 |
| L39A   |         |         |         |         |          |          | £125,263 |          |
| L40  |         |         |         |         |          |          |          | £129,673 |
| L41  |         |         |         |         |          |          |          | £132,913 |
| L42  |         |         |         |         |          |          |          | £136,243 |
| L43A   |         |         |         |         |          |          |          | £138,265 |

## Appendix E – Overpayments

- 1 On occasion, overpayments of salary or expenses may occur as a result of administrative oversight, error or late notification of payroll changes. After an investigation of the facts, recovery of the overpayment will be the normal approach taken where an overpayment of salary or expenses is discovered.

### Is the overpayment recoverable?

- 2 Under the Employment Rights Act 1996, an employer is entitled to deduct from an employee's wages (even without the consent of the employee) an overpayment of wages made to the employee as long as recovery is lawful under general legal principles. In order to decide whether recovery is lawful there needs to be an investigation of the cause and surrounding circumstances of the overpayment including the wording of any contractual documentation.
- 3 Overpayments are normally recoverable. There may be circumstances where the School considers writing off an overpayment, but these will be rare and, as a minimum, the following would need to apply:
  - The employer has led the employee to believe that he or she is entitled to treat the money as his/her own, **and**
  - The employee has, in good faith, changed his or her position (i.e. spent the money believing it to be his or her own), **and**
  - The overpayment was not caused primarily by the fault of the employee.
- 4 An example might be where an employee has queried their pay with payroll and been assured that the calculation is correct and the money due to the employee. Another example where the employee may have acted in 'good faith' is where an overpayment is made consistently over a substantial period, and the amount overpaid each month is a relatively small amount and not reasonably identifiable to the employee as an overpayment.

### Guidelines for recovery

- 5 Recovery of overpayments will be the normal approach in the majority of cases. There may be circumstances when partial repayment or writing off the overpayment is considered, for example, where the employee can demonstrate that they did not know, nor could reasonably have known, that an overpayment had occurred.
- 6 However an overpayment comes to light, the HR provider must be notified in all instances. The school, together with the payroll provider as appropriate, should prepare a written explanation of the overpayment which will detail, where relevant:
  - How the overpayment occurred
  - Over what period overpayment occurred
  - The total amount overpaid
  - The net amount to be repaid once deductions for tax and NI are taken into account
  - The correct rate for amendment

A letter, containing the same information, will be sent to the employee enclosing an Overpayment Recovery Option (ORO) Form.

- 7 The headteacher, having sought advice from their HR advisor, must attempt to meet with the employee to discuss the overpayment and how this is to be resolved, before repayment is commenced. An employee may choose to be accompanied at this meeting by a trade union representative or a work colleague if they wish.
- 8 The method of recovery of the overpayment could be decided at this meeting having regard to the options which are:
  - (a) A one-off payment for the full amount via salary deduction;
  - (b) A BACS payment for the full net value; or,
  - (c) In regular instalments via salary deduction

In discussing the options with the employee, headteachers/governing bodies should have regard to Financial Regulations which stipulate that the maximum recovery period for overpayments should not exceed 12 months unless the Governing Body has agreed an extended period in exceptional circumstances, with advice from the schools finance and HR advisors.

- 9 The employee should return the ORO Form to the school and/or payroll provider with their preferred recovery method. Although the employee's written consent to the recovery of the overpayment is not legally required, it is good practice to try and obtain written agreement for overpayments. Where the employee does not return their ORO Form or indicate their preferred recovery method within the timescales specified, recovery of the overpayment will proceed on a default basis. The default recovery method is option (c).
- 10 In implementing an overpayment recovery arrangement, the school will act reasonably and in all cases of recovery, the amount being repaid must not result in the employee's basic hourly rate falling below the national minimum wage.
- 11 It is important that overpayments are handled fairly and consistently to avoid any hint of favouritism or unlawful discrimination. It is not acceptable to pursue overpayments for some employees but agree to 'write them off' for others. Headteachers/governing bodies should not allow employees to work additional hours and receive paid overtime as a way of 'paying off' the overpayment. If overtime is necessary and approved this is a separate matter and should not be used to offset the amount owed by the employee who has been overpaid.
- 12 If there are compelling reasons why the overpayment is not to be recovered the headteacher/governing body should seek advice from the payroll provider and record their reasons for doing so. The payroll provider will need to be advised by the appropriate headteacher/governing body not to pursue the overpayment until the report has been considered and a decision communicated.

### **The process for school-employed staff**

13 While it is expected that the principles of this guidance are followed for school-employed staff, the method of recovery may differ depending on the nature of the buy-back arrangements for HR/Payroll Services with the school in question.

### **Disputes**

14 Where an employee disputes the overpayment or the proposed recovery arrangement, legal advice may be sought on the matter.

### **Overpayments where the employee is no longer employed or is on notice**

15 Where an employee leaves the employment of the school/Council within the period of an overpayment recovery arrangement, where appropriate any outstanding balance will be deducted from their final pay. Where final pay is not enough to cover the amount of the overpayment, then the outstanding amount will be due to be repaid to the school within one month after termination of employment.

16 Where an employee has been overpaid and has subsequently left the employment of the school, any outstanding balance will be dealt with as a sundry debt.

### **Confidentiality**

17 The confidentiality of employees will be strictly preserved in any overpayment situation and the details of the overpayment and the recovery arrangement will be released on a strict need-to-know basis.