

Title	Pay Policy (Support Staff)
Associated Policies	Non-Teaching Staff Performance Management and Capability (TPO/STA/05)

REVIEWED: SEPTEMBER 2015

NEXT REVIEW: SEPTEMBER 2016

1. Introduction

- 1.1 The Trust seeks to ensure that all employees are valued and receive proper recognition for their work and their contribution to school life. The Trust will act with integrity, objectivity and honesty in the best interests of the Trust and its staff.
- 1.2 The purpose of this Pay Policy for staff is to provide a clear framework for the Trust to exercise its powers in relation to the pay of employees. The Pay Policy will help to recruit, retain and motivate staff while providing the basis for sound financial and personnel planning that minimise the risk of grievance and discrimination.
- 1.3 The Trust strives to be an equal opportunities employer and as such, opposes all forms of unlawful or unfair discrimination. The Trust will operate a pay system that is transparent, based on objective criteria and free from bias. All employees will be recruited, trained and developed on the basis of their ability and the requirements of the job. The Trust will ensure pay decisions throughout each academy comply with the legal provisions of the Equalities Act 2010.
- 1.4 The Trust will make reference to national agreements concerning the pay and conditions for staff, but will not be bound by them.
- 1.5 The Trust will operate a Pay Policy as the 'relevant body' and for the pay arrangements agreed will
 - Grade posts appropriately with reference to conditions of employment identified in the conditions of service for support staff.
 - Take into account pay relativities between posts within the school (see 3.1.6.6)
 - Ensure that the annual appraisal of all support staff is fairly and properly conducted as soon as possible and by 30th September 2016 at the latest, as is reasonably practicable. Where a pay determination leads or may lead to the start of a period of safeguarding, the Academy Principal, following consultation with the Trust's Finance Director, will give the required written statement of notification as soon as possible and no later than one month after the date of the determination
 - Ensure that discretion is exercised in a fair and equitable manner for determining the starting salary for all support staff.
 - Ensure that salaries for support staff are determined with reference to salaries for similar posts across the Trust.
- 1.6 This policy statement will be available to the staff of the school.
- 1.7 This policy does not form part of any employee's contract of employment and is entirely non-contractual. It may be amended, withdrawn, suspended or departed from at the discretion of the Trust.

2. Who is responsible for carrying out this policy?

- 2.1 The implementation of this policy will be monitored by the Senior Leadership Team and governors and will remain under constant review by Brooke Weston Trust (Finance & Resources Committee).

3. Delegation of Decision Making

3.1 Executive Principal and Principal

- 3.1.1** Except where otherwise stated, the Trust, having determined the policy as set out below, will delegate the day to day management of the policy to the Executive Principal and Principal of each academy in consultation with the CEO and Trust Finance Director. The Principal will report to the Executive Principal, CEO and Trust Finance Director those occasions when the delegated responsibility has been exercised in respect of discretionary elements and the pay provisions for support staff.
- 3.1.2** The Principal has delegated responsibility for the line management of all staff within each academy. In accordance with this policy, the Principal shall make annual recommendations on the salary of all staff to the Executive Principal which will be agreed in consultation the CEO and Trust Finance Director.
- 3.1.3** The CEO requires that the Principal in exercising the delegated responsibilities has appropriate regard to the budget approved by the Finance Director and the requirements of employment legislation, particularly The Equality Act 2010, The Employment Rights Act 1996, The Employment Relations Act 1999 and The Employment Act 2002, as well as The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000, The ACAS Code of Practice (section 199 of the Trade Union and Labour Relations (Consolidation) Act 1992, and The Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.
- 3.1.4** The CEO expects the Principal to seek appropriate advice from any persons engaged by the Trust to provide such advice, including the Trust's link Executive Principals.

3.2 An appropriate decision making structure

- 3.2.1** The CEO will delegate to the Executive Principal and subsequently the Principal of each academy, following consultation with the Trust Finance Director, decisions arising out of this policy or the appraisal policy.
- 3.2.2** The Trust will delegate to the CEO and Executive Principals any appeals by individual members of staff against decisions made by their Principal arising out of this policy or the appraisal policy. Any appeal will normally be dealt with within 5 days of original pay determination or appraisal outcome following which a final decision is reported to the Trust. If there is no resolution, the matter will be referred to a pay review appeals committee.

3.3 Staffing structure

- 3.3.1** The Principal will annually recommend to the CEO (and link Executive Principal where relevant) and Trust Finance Director an indicative outline staffing structure for the school that:
- Takes account of any financial limits determined by the CEO and Trust Finance Director
 - Identifies the staffing structure for support staff posts
- The indicative outline staffing structure and pay ranges approved by the CEO and Trust Finance Director shall be made available as well as this pay policy.
- 3.3.2** In the event that the recommendation contains significant changes in the staffing structure, all affected employees will be informed and consulted before the final structure is published.

3.4 Review of decisions

- 3.4.1** If an employee, including the Principal, wishes to have a review of any decision that affects his/her performance review and/or his/her pay s/he shall, within 5 working days of being given the written statement of the assessment, make a written request to the decision maker of the decision about which the employee is seeking a review, for a formal written statement of reasons for the decision which s/he wishes to have reviewed.

3.4.2 The written statement of reason will be provided to the employee within 5 further working days by the decision maker. If, having considered the statement of reason the employee wishes for a review of the decision s/he shall submit written grounds for seeking a review to the CEO (or where relevant a link Executive Principal) within 5 working days of receipt of the written statement of reasons. The reason for a review will be one or more of the following:

That the decision:

- Incorrectly applied any provision of the appropriate salary and/or appraisal policy
- Failed to take proper account of relevant evidence
- Took account of irrelevant or inaccurate evidence
- Was biased; or
- Otherwise unlawfully discriminated against the employee

3.4.3 The CEO (or link Executive Principal) will, normally, within 10 working days of receipt of the written application for a review, make arrangements for the employee to make representations in person regarding the reasons for the written application. The employee may be accompanied at that meeting by a workplace colleague or representative of his/her trade union and the CEO may also have an adviser present. The CEO (or link Executive Principal) may also ask the Principal (or in the case of the request for a review coming from the Principal, the Chair of the Trust Board of Directors) to be present and to comment on the reasons for the application for the review. The decision will be provided to the employee in writing as soon after the review as possible. The employee will be advised that s/he has the right of appeal against the review decision.

3.4.4 The procedure to be followed for the review hearing is attached at Annex 1 of this policy.

3.5 Appeals against Salary or Appraisal Decisions

3.5.1 If the employee decides to appeal against the reviewed determination as defined in 3.3 above then the employee shall, within 5 days of receipt of the reviewed determination, notify the Clerk to the Trust's pay review appeals committee in writing of the appeal and the reasons for it. The Clerk will arrange, normally within 20 working days of the receipt of the written notice of appeal, giving at least 5 working days' notice, a meeting of the pay review appeals committee. The employee will be entitled to attend and the procedure to be followed for the appeal is attached at Annex 2 of this policy. The decision of the pay review appeals committee shall be final. Once any appeal has been resolved the final decisions regarding the assessment of salaries or performance management of staff shall be reported to the Trust.

3.5.2 All staff have the right to make representations and to appeal about any aspect of their pay or pay progression in accordance with the appeals procedure that meets, as a minimum the statutory requirements on dispute resolution.

4. Support Staff Pay Arrangements

4.1 Pay Award

The Trust has informed recognised unions it will enter into local negotiations regarding support staff pay awards and will seek to agree a fair and affordable award.

4.2 On appointing a member of the support staff the job description determined for the post to which the employee is to be appointed will be evaluated in accordance with similar roles across the Trust.

4.3 The Principal will determine the appropriate salary having regard to:

- Relevant qualifications and/or competencies

- Recruitment/retention needs of the school in respect of the post

The decision of the Principal will be reported to the CEO and Trust Finance Director.

- 4.4** If at any time the Principal considers that a member of the support staff is being asked to undertake, or has undertaken, increased or decreased responsibilities on a permanent basis, s/he shall re-evaluate the job description of the post. If the evaluation provides for a higher salary that salary will be paid to the post holder from a date determined by the Principal and, in the case of a temporary increase in responsibility, the date to which the new salary will be paid. In the event that the evaluation provides for a lower salary the employee will be entitled to salary safeguarding for a period of one year. The new salary level will be reported to the CEO and Trust Finance Director.
- 4.5** At the time of making the annual assessment the Principal will make recommendations to the CEO and Trust Finance Director in respect of the salary of any member of the support staff. Where the Principal considers it appropriate s/he may recommend that a named member(s) of the support staff shall be awarded an honorarium for the excellence of his/her performance during the previous year. The honorarium may either be paid as a lump sum payment at the next salary payment, or as a 1/12 increase in monthly salary over the next year.
- 4.6** If a support staff employee wishes to have a review of any decision that affects his/her performance review and/or his/her pay s/he shall, within 5 working days of being given the written statement of the assessment, make a written request to the decision maker of the decision about which the employee is seeking a review for a formal written statement of reasons for the decision which s/he wishes to have reviewed. The procedure outlined in 2.3 will be followed.
- 4.7** In the event that a member of the support staff decides to appeal against a decision of the CEO under paragraph 3.6 above, then s/he shall enter a formal written statement of appeal. The appeal shall be heard by the Trust pay review appeals committee referred to in 2.4 above.

5. Salary Sacrifice Arrangements

- 5.1** The Trust will consider and where possible seek to support any salary sacrifice scheme made available by the school, from which support staff employed in the school benefit where there is no additional cost to the school budget:
- a) a child care voucher or other child care benefit scheme;
 - b) a cycle or cyclist's safety equipment scheme; or
 - c) a mobile telephone scheme; and
 - d) other benefit-in-kind schemes which are exempt from income tax

6. Review of the Policy

- 6.1** The Trust will review this policy as part of a three year cycle unless there are changes in relevant legislation.
- 6.2** The Trust will consult with its staff at the time of review of the policy.

ANNEX 1 – PROCEDURE FOR A REVIEW OF A SALARY DETERMINATION OR A PERFORMANCE MANAGEMENT DECISION BY THE CEO

(This procedure complies with the statutory guidance of the Secretary of State and has been amended to reflect best practice)

1.	Case for the employee The employee or representative: - Presents the employee's written application for the review - The CEO may ask questions of the employee
2.	The CEO: - Explains the process and evidence used to come to the decision under review with reference to the written statement of reasons for the decision previously provided to the employee - If the CEO has asked the principal to be present at the hearing the principal may be asked questions by the CEO, and the employee or representative
3.	Summing up and withdrawal - The employee, or representative, has the opportunity to sum up his/her case if s/he so wishes - All persons other than the CEO and the adviser (See Note 5 below), are then required to withdraw
4.	Review decision - The CEO and the person who is advising are to deliberate in private, only recalling other persons to clear points of uncertainty on evidence already given. Any recall will involve all persons involved in the earlier hearing - The CEO will announce the decision of the review to the employee, which will be confirmed in writing within 5 working days
Notes:	- For the purposes of the review, the CEO and the employee will have the following documents: - The written statement of reasons for the decision of the Principal previously provided to the employee - The written statement of reasons for the application for the review from the employee. (The grounds for the appeal must comply with paragraph 2.3.2 of the pay policy) - All records of agreed objectives and lesson observations - Any additional documents to be used at the review hearing which must be provided to the other party at least 48 hours before the commencement of the hearing - For the purposes of the review, the CEO may ask the Principal to be present. In that event the Principal may also be asked questions by the members of the review committee and by the employee or his/her representative. The Principal may <u>not</u> be involved in the decision of the CEO. - Where the Principal has asked for the review, the Chair of the Board of Directors referred to in 2.8.1 above will conduct the review instead of the CEO. - The employee may be represented by a representative of his/her trade union or a workplace colleague. - The CEO may have an adviser present to advise on fact and the law. - The review is <u>not</u> an appeal against the decision. - The Principal may have an adviser present to advise on the law, procedure and merits of the case, who may not be an employee of the school.

ANNEX 2 – PROCEDURE FOR AN APPEAL AGAINST A SALARY OR PERFORMANCE MANAGEMENT DETERMINATION TO THE TRUST PAY REVIEW APPEAL COMMITTEE

(This procedure complies with the statutory guidance of the Secretary of State and has been amended to reflect best practice)

	The Appeal of the employee The employee or representative: - Introduces the employee's written reasons for the appeal and the CEO or her/his representative and then members of the Review Appeal Committee may ask questions of the employee - May call witnesses, each of whom will have provided a written statement of the information s/he wishes to give, and each witness may be asked questions by the CEO or her/his representative and then by the Review Appeal Committee
	The response of the CEO The CEO or her/his representative: - Explains the process and evidence used to come to the decision being appealed with reference to the written statement of reasons for the decision previously provided to the employee, and the employee or representative and then members of the Review Appeal Committee may ask questions of the CEO or her/his representative - May call witnesses, who will have provided a written statement of the information they wish to give, and each witness may be asked questions by the employee or his/her representative and then by the Review Appeal Committee
	Summing up and withdrawal - The CEO, or her/his representative has the opportunity to sum up if s/he so wishes. - The employee, or representative, has the opportunity to sum up his/her case if s/he so wishes. - All persons other than the Review Appeal Committee and its adviser are then required to withdraw.
	Review Appeal Committee decision - The Review Appeal Committee and the person who is advising on law, procedure, and merits of the case (See Note 4 below) are to deliberate in private, only recalling the parties to clear points of uncertainty on evidence already given. Any recall must involve both parties. - The Chair of the Review Appeal Committee will announce the decision to the employee, which will be confirmed in writing.
Notes:	- For the purposes of the appeal, the Review Appeal Committee will have the following documents;- - The written statement of reasons for the CEO's decision previously provided to the employee - The written statement of reasons for the appeal from the employee (The grounds for the appeal must comply with paragraph 2.3.2 of the pay policy) - Any additional documents to be used at the appeal hearing which must be provided to the other party at least 48 hours before the commencement of the hearing - For the purposes of the appeal, the CEO or her/his representative may call the Principal as a witness. In that event the Principal may be questioned as a witness. - Where the Principal has asked for the review the CEO may call the Chair of the Board of Directors as a witness. - The Review Appeal Committee may appoint an adviser to advise on the law, procedure, and merits of the case who may not be an employee of the school. - The employee may be represented by a representative of his/her trade union or a workplace colleague. - The Principal may have an adviser present, as in Note 4 above, who may not be an employee of the school.

ANNEX 3: RECRUITMENT AND RETENTION ALLOWANCES OR BENEFITS

The Trust has the right to award lump sum payments, periodic payments, or provide other financial assistance, support or benefits as part of a recruitment or retention incentive. Any such incentives will have a review date after which the additional allowance may be withdrawn.

The Trust devolves its discretion in this matter to the CEO and any arrangements for recruitment and retention allowances or benefits must be submitted by a Principal in writing to the Finance Director and are subject to approval by both the Finance Director and CEO.