



TWO RIVERS  
HIGH SCHOOL



# Pay Policy

## Endeavour Multi Academy Trust

DOCUMENT CONTROL		
Approved for operation within	All Endeavour Multi Academy Trust Schools	
Version number	1	
Consulted on with recognised trade unions	18-4-23	
Approved by	Trust Finance Committee	
Date approved	16-10-2023	
Review Period	Annual	
Review Date	Autumn 2024	
Policy status	Internal non statutory	
Location published	Internal	
Owner	CEO/CFOO	
DOCUMENT HISTORY DATE	DOCUMENT VERSION	DOCUMENT HISTORY
16-10-2023	1	Scheduled Review to include new 2023-24 teaching pay rates

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## 1. Introduction

This Policy sets out the framework for making decisions on pay for teachers' and support staff of Endeavour Multi Academy Trust including the procedures for determining appeals. It has been developed to comply with current legislation and the requirements of the School Teachers Pay and Conditions Document (STPCD) and the locally agreed 'Framework for Support Staff Profiles'. The Trust has a separate pay policy for the Central Executive Team.

The Trust is committed to taking decisions in accordance with the 'key principles of public life': objectivity, openness and accountability. It recognises the requirement for a fair and transparent policy to determine the pay and grading for all staff employed within the Trust, which takes account of the conditions of service under which staff are employed and relevant statutory requirements.

The Trust recognises its responsibilities under relevant legislation including the Equality Act 2010, the Employment Relations Act 1999, the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000, the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 and will ensure that all pay related decisions are taken equitably and fairly in compliance with statutory requirements.

In adopting this pay policy the decisions on pay will be managed in a fair, just and transparent way. This policy aims to support the School Improvement Plan by recognising that the staff within the Trust and its schools are its most important resource and by providing a system which will enable The Trust to recruit, retain and motivate staff of the best quality. Pay decisions at each school are made by the Trust with the recommendations made by the Finance Committee.

When taking pay decisions, Endeavour MAT will have regard both to this pay policy and to the individual's particular post within the staffing structure.

The Trust will accept any recommended pay awards agreed nationally.

Where a pay award is applied it may be awarded on the basis of whole school improvement. Pay progression will always be applied on the basis of individual performance.

All teachers employed by Endeavour MAT will be paid in accordance with the statutory provisions of the STPCD.

All support staff employed at this school will be paid in accordance with the scheme of conditions of service agreed by the National Joint Council for Local Government Services (referred to as the "Green Book" in this policy), unless specifically advised that alternative conditions apply.

Endeavour MAT will consult staff and unions on this policy and review it each year, or when other changes occur to:

- The School Teachers' Pay and Conditions Document, to ensure that it reflects the latest legal position. The pay policy will comply with the current School Teachers' Pay and Conditions Document and the accompanying statutory guidance. It will be used in conjunction with them, but, in the event of any inadvertent contradictions, the document and guidance will take precedence.
- The scheme of conditions of service agreed by the National Joint Council for Local Government Services (referred to as the "Green Book" in this policy), as adopted and applied through local agreement.

Endeavour MAT will consult staff in regard to the local provisions of their pay policy and any subsequent proposed changes.

## **2. Support Staff**

The Trust has adopted a Framework of Support Staff Profiles to ensure that the requirements of the Single Status Agreement 1997 are met. Endeavour MAT has the authority to determine the job description and person specifications within the Framework that match the duties and responsibilities covered by positions within the support staffing structure for the school.

In adopting the Framework, the Trust is assured that:

- all decisions will be based on an objective approach to pay and grading according to criteria laid down in the relevant national agreements;
- decisions will be applied as consistently as possible across the staff groups concerned as well as within those staff groups;
- any differences in pay between two employees within the same staff group will be justified in terms of a genuine and material difference in their circumstances and duties and responsibilities undertaken;
- all decisions will have regard to equality of opportunity, and in particular, relevant employment legislation;
- posts carrying similar levels of responsibility will be rewarded equally and all staff will be treated equitably.

The Local Governing Board of each school within the Trust will determine the staffing structure for each school. This will set out the agreed posts, duties and responsibilities, and reporting lines. Both the STPCD and Green Book require that salaries and salary ranges attached to each post be based on the duties and responsibilities attached to it in the staffing structure.

## **3. Teaching Staff Pay Reviews**

Endeavour MAT will ensure that every teacher's salary is reviewed annually, with effect from 1 September and by no later than 31 October each year and that all teachers are given a written statement, after this deadline, setting out their salary and any other financial benefits to which they are entitled. For Headteachers this will be by 31<sup>st</sup> December each year.

Reviews may take place at other times of the year to reflect any changes in circumstances or job description that lead to a change in the basis for calculating an individual's pay. A written statement will be given after any review and where applicable will give information about the basis on which it was made.

Where a pay determination leads or may lead to the start or cessation of a period of safeguarding, the Trust will give the required notification as soon as possible and no later than one month after the date of the determination.

Salary Safeguarding will apply in accordance with the STPCD.

## **4. The Trust Finance Committee**

The role and responsibilities of the Finance Committee are outlined at Appendix 1. Pay decisions are made by the Trust Board which has delegated pay responsibilities to the Finance Committee. The Finance Committee shall establish and review the pay policy, subject to the approval of the Trust Board and have the authority to take pay decisions on behalf of the Trust Board in line with the policy.

## **5. Determination of leadership pay ranges**

Determination of the pay and allowances for the leadership team will be considered in accordance with STPCD.

When determining the appropriate pay range, the Trust Board will ensure that there is appropriate scope within the range to allow for performance related progress over time.

The maximum of the Headteacher or Deputy Headteacher pay range must not exceed the maximum of the Headteacher group for the school. The pay range for a Headteacher or Deputy will not overlap the executive pay range.

The Leadership Pay Range is set out in Appendix 4.

## **6. Leadership Group Progression Criteria**

Members of the leadership group must demonstrate sustained high-quality performance, with particular regard to leadership, management and pupil progress at the school and will be subject to a review of performance against performance objectives before any performance points will be awarded.

Endeavour MAT will consider movement by more than one point in line with the provisions of the STPCD.

The salary point of members of the leadership group will be reviewed annually taking account of the performance objectives set under the school's appraisal system and the progression arrangement set out in the STPCD.

## **7. Recruiting Teaching Staff**

Central recruitment – all vacancies are reviewed by the central team and may include internal adverts.

Advertisements for vacant posts in a school must be considered by the Chief Executive and relevant Committee.

Advertisements for posts will include the relevant pay range for the post determined by the Trust Board as appropriate for the post and as contained in the relevant section of this pay policy. The advertisement will reflect the expected level of skills and experience for appropriate candidates relevant to the post and include details of any additional payments or allowances applicable to the post.

Where the post is on a temporary or fixed term basis, the advertisement will specify the reason for and duration of the post.

## **8. Basic Pay Determination on Appointment of a Classroom Teacher**

On appointment the Trust will determine the starting salary within that range to be offered to the successful candidate.

In making such determinations, the Trust will take into account a range of factors including;

- The nature of the post
- The nature of the qualifications, skills and number of years' experience required
- The wider school context
- Current salary

There is no assumption in the STPCD that a teacher will be paid at the same rate as they were being paid in a previous school. It is the responsibility of the Trust to decide on this issue.

## **9. Pay Progression based on Performance for Teachers**

In this Trust all teachers can expect to receive regular constructive feedback on their performance and are subject to annual appraisal that recognises their strengths, informs plans for their future development and helps to enhance their professional practice. The arrangements for teacher appraisal are set out in the Trust Appraisal Policy.

Progression between pay points will be based on the teacher demonstrating, through their appraisal that they meet the teacher standards and identified targets for the new pay point. In the case of ECT's, whose appraisal arrangements are different, pay decisions will be made by means of the statutory induction process.

Endeavour MAT has determined that normally progression within a range will be by annual increments. However, where a teacher's performance has been of a sustained high quality, exceeding school expectations at that level, the Trust Board may award accelerated progression within the range. Progression to the next point will be subject to the criteria for the higher point being met.

To be fair and transparent, assessments of performance will be properly rooted in evidence. In Endeavour Trust we will ensure fairness by the arrangements detailed in the Appraisal Policy.

The evidence used will be only that available through the appraisal process and this is detailed in the Appraisal Policy.

Teachers' appraisal reports will contain pay recommendations. Final decisions about whether or not to accept a pay recommendation will be made by the Trust Board, taking into account advice from the Senior Leadership Team who will have regard to the confidential appraisal report.

Progression within a pay range will be subject to a review of the teacher's performance set against the annual appraisal review and the Teacher Standards. Endeavour MAT may determine that no incremental progression will be awarded if a teacher's performance is below expectations and appraisal objectives are not met.

For main scale and upper pay scale teachers, pay progression will be awarded following each successful annual appraisal review.

For unqualified teachers on the Unqualified Teachers' Pay Range, pay progression will be awarded following each successful appraisal review.

## **10. Upper Pay Range and Assessment**

Any qualified teacher may apply to be paid on the Upper Pay Range and any such application must be assessed in line with this policy. It is the responsibility of the teacher to decide whether or not they wish to apply to be paid on the Upper Pay Range.

The Trust has established a pay structure for classroom teacher posts paid on the Upper Pay Range. See appendix 4.

### **Application Process**

Applications may be made once a year. A teacher wishing to apply for assessment against the threshold standards should submit an application to the Headteacher by no later than 31 October and their appraisal review. A template application form is at Appendix 2.

If a teacher is simultaneously employed in a school outside of Endeavour MAT, they may submit separate applications if they wish to apply to be paid on the Upper Pay Range in that other school or schools. The Trust will not be bound by any pay decision made by another school outside of Endeavour MAT.

### **Evidence to be included in the application**

All applications should be made using the application form and two consecutive appraisal reviews, including any recommendation on pay (or where that information is not available a summary or statement of evidence designed to demonstrate that the teacher has met the assessment criteria).

All pay related decisions will be taken in accordance with relevant equalities legislation, Employment Relations Acts and Part-time Workers and Fixed-term Employees Regulations.

Appropriate consideration will be given where staff have been absent for long periods e.g., due to sickness or maternity leave.

### **The Assessment**

An application from a qualified teacher will be successful where the Trust Board is satisfied that:

- the teacher is highly competent in all elements of the relevant standards and;
- the teacher's achievements and contribution to the school are substantial and sustained.
- 'highly competent' includes performance which demonstrates that all aspects of teaching over time are at least good and many aspects are outstanding, including evidence to show that the teacher can provide coaching and mentoring to other teachers, model effective teaching practice and show other teachers how to make a wider contribution to the work of the school which supports them to develop their teaching practice and meet the relevant standards.
- 'substantial' means of significant importance and value to the school, being a role model for teaching and learning and making a significant contribution to raising pupil progress and outcomes both in their own classroom and across the school;
- 'sustained' means continuously showing teaching practice which has grown over the appraisal period and is now consistently good to outstanding.

For the purposes of this policy the Trust will be satisfied that the teacher has met the expectations for progression to the Upper Pay Range where the above assessment criteria have been evidenced by two successful and consecutive appraisal reviews.

The assessment will be made within 10 working days of the receipt of the application or the conclusion of the appraisal process whichever is later.

If successful, a teacher will move to the Upper Pay Range from the previous 1 September and will be placed on point 1 of the range.

If unsuccessful, feedback will be provided by the Chief Executive as soon as possible and at least within 5 working days of the decision.

This will include the right of appeal against this pay decision under the appeal arrangements.

### **11. The Teachers Main Pay Range**

Other qualified teachers will be paid on the Main Pay Range within the minimum and maximum of the Main Pay Range as set out in STPCD.

Endeavour MAT has established a pay structure for classroom teacher posts paid on the Main Pay Range. See appendix 4.

### **12. Unqualified Teachers Pay Range**

An unqualified teacher will be paid on the pay range for unqualified teachers within the minimum and maximum of the Unqualified Pay Range set out in STPCD.

Endeavour MAT has established a pay structure for unqualified teacher posts paid on the Unqualified Teacher Pay Range. See Appendix 4.

### **13. Unqualified Teacher Allowance**

Endeavour MAT may pay an additional allowance to unqualified teachers when that the teacher has:

- taken on a sustained additional responsibility which is focused on teaching and learning and;
- requires the exercise of a teachers' professional skills and judgement or qualifications or experience which bring added value to the role being undertaken.

Unqualified teachers may not hold TLR's or SEN allowances.

### **14. Part-time Teachers**

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. The Trust will give them a written statement detailing their working time obligations and the mechanism used to determine their pay, subject to the provisions of the statutory pay and working time arrangements and by comparison with the school's timetabled teaching week for a full-time teacher in an equivalent post.

The remuneration of part time teachers including salary and any allowances, except for TLR3s, will be determined in accordance with the pro rata principle as defined in the STPCD.

### **15. Short Notice/Supply Teachers**

Teachers who work on a day-to-day or other short notice basis will be paid on a daily basis calculated on the assumption that a full working year consists of 195 days; periods of employment for less than a day being calculated pro-rata.

### **16. Allowances and Payments**

#### **Special Education Needs Allowance**

A SEN Allowance as prescribed by the STPCD of no less than specified minimum and no more than the specified maximum per annum is payable to a classroom teacher if that teacher:

1. is in any SEN post that requires a mandatory SEN qualification and involves teaching pupils with SEN;
2. is in a special school;
3. who teaches pupils in one or more designated special classes or units in a school or, in the case of an unattached teacher, in a Local Authority unit or service; and
4. in any non-designated setting (including any Pupil Referral Unit) that is analogous to a designated special class or unit, where the post:
  - involves a substantial element of working directly with children with SEN;
  - requires the exercise of a teacher's professional skills and judgement in the teaching of children with SEN; and
  - has a greater level of involvement in the teaching of children with SEN than is the normal requirement of teachers throughout the school or unit within the school or, in the case of an unattached teacher, the unit or service.

Endeavour will only award level 1 SEN allowances and use other recognised mechanisms to award for further responsibilities.



## **Recruitment and Retention**

Endeavour MAT will:

- pay recruitment awards where it is considered necessary as an incentive to the recruitment of new teachers, for a fixed period of time.
- pay retention awards where it is considered necessary to retain the service of existing teachers, for a fixed period of time.
- make clear at the outset the expected duration of any incentive and benefits and the review date after which they may be withdrawn.
- will conduct annual review of all incentives, support or benefits.

## **Teaching and Learning Responsibility Payments (TLRs)**

TLRs will be awarded to the holders of the posts indicated in the school's staffing structure. TLR Values within the school are detailed in Appendix 4.

Before awarding a TLR, the relevant body must be satisfied that the teacher's duties include a significant responsibility that is not required of all classroom teachers, and that:

- a) is focused on teaching and learning;
- b) requires the exercise of a teacher's professional skills and judgement;
- c) requires the teacher to lead, manage and develop a subject or curriculum area;
- d) or to lead and manage pupil development across the curriculum;
- e) has an impact on the educational progress of pupils other than the teacher's assigned classes or groups of pupils; and
- f) involves leading, developing and enhancing the teaching practice of other staff.

Before awarding a TLR 1, the Trust will be satisfied that the significant responsibility referred to in the previous paragraph includes in addition, line management responsibility for a significant number of people.

Endeavour MAT will ensure that the use of TLR3 applies only to clearly time limited school improvement projects or one-off externally driven responsibilities and where there is a genuine development or operational need.

TLR3 payments will not be used to replace or otherwise limit teachers' pay progression on the Main, Upper or Leading Practitioner Pay Ranges.

## **Additional Payments**

The circumstances in which additional payments may be made to teachers are set out in the School Teachers' Pay and Conditions Document (STPCD).

The STPCD does not provide for the payment of "honoraria" to teachers in any circumstances.

Endeavour MAT may make additional payments to all teaching staff (including the Leadership Group) in respect of continuing professional development and activities and out of school hours learning undertaken other than on any of the 195 days of the normal working year (i.e., at weekends and during school closure periods).

The Trust accepts that the absence from the normal duties of a teacher undertaking training will cause disturbance to the pupils' education. They have therefore authorised the payment of a special allowance where, in the opinion of the Chief Executive, essential training can be received outside of the normal year and it is in the interests of the school for it to be received then. All such payments must be contained within the in-service training budget.

The allowance will be calculated as follows:

Option A: a daily rate for each full-time teacher calculated as 1/195 of his/her actual salary (or of the full-time equivalent salary for part-time staff).

Option B: a daily rate of 1/195 of Point [to be determined by the Trust] on the Classroom Teachers' Scale, irrespective of the actual salary point of the Teacher concerned.

Payments for part days will be based on the hours involved; a full day being deemed to be 6½ hours.

The basis of these payments will be reviewed annually.

In all cases, the teacher's participation in training outside of the normal year is voluntary.

### **17. Support Staff**

The Framework of Support Staff Profiles and the Green Book Pay and Grading Structure form part of the Whole School Pay Policy.

All support staff will be appointed to a profile within the Framework of Support Staff Profiles.

The Pay and Grading Structure reflects a points-to-pay relationship; the points attached to each post within the framework determine the salary that will be paid.

The Pay and Grading Structure has grades with incremental points within it. New employees will normally start at the bottom of the grade. The penultimate point is a Contribution Based Point.

The staffing structure is normally reviewed annually. When this review covers the support staff staffing structure the Trust (through an appropriate Committee) will use the Framework of Support Staff Profiles to determine the positions within the support staff structure and the pay grade applicable to the post.

When the framework does not cover a position, advice will be taken to ensure that duties and responsibilities are evaluated, and an appropriate grade attached.

### **18. Pay Progression for Support Staff**

In April of each year employees will automatically move to the next incremental point plus any standard of living increase.

### **19. Acting-Up Allowances**

Endeavour MAT reserves the right to pay any member of staff additional salary where he/she covers in the prolonged absence of a more senior colleague. A review will take place within 20 working days of the start of the absence.

### **20. Salary Sacrifice Arrangements/Childcare Vouchers**

Endeavour MAT will offer salary sacrifice arrangements to allow staff to participate in voluntary schemes such as the Childcare Voucher Scheme.

## **21. Appeals**

All employees are entitled to seek a review of any determination in relation to their pay and therefore the appeals process contained in this document will be adopted in all cases where an employee wishes to make an appeal against a pay decision. This will take place at a local level.

The arrangements for considering appeals are as follows:

An employee may seek a review of any determination in relation to his/her pay or any other decision that affects his/her pay.

The following list includes the usual reasons for seeking a review of pay. i.e. that the person or committee by whom the decision was made:

- incorrectly applied any provision of the relevant conditions of service;
- failed to have proper regard for statutory guidance;
- failed to take proper account of relevant evidence;
- took account of irrelevant or inaccurate evidence;
- was biased; or
- otherwise unlawfully discriminated against the employee.

### **Procedure for Considering Appeals Relating to Salary at a Local School Level.**

The order of proceedings is as follows:

1. The employee receives written confirmation of the pay determination and where applicable the basis on which the decision was made.
2. If the employee is not satisfied, he/she should seek to resolve this by discussing the matter informally with the Headteacher making the recommendation to the Logistics Committee within ten working days of the decision. Where this is not possible or where the employee continues to be dissatisfied, he/she may follow a formal appeal process.
3. The employee should set down in writing the grounds for questioning the pay decision and send it to the Chair of the Appeal Committee who was not involved in the original determination normally within 10 working days of receiving the outcome of the informal discussion with the Headteacher.
4. Any appeal should be heard by a panel of three local governors who were not involved in the original determination. The teacher will be given the opportunity to make representations in person and has the right to be accompanied by a Trade Union representative. The decision of the Appeal Panel will be given in writing, and where the appeal is rejected will include a note of the evidence considered and the reasons for the decision.

There is no further right of appeal

## **Appendix 1**

### **Role and responsibility of the Finance Committee**

The Finance Committee will comprise at least three trustees determined annually. The Finance Committee reports to the Trust Board.

### **Establishment of the Policy**

The Finance Committee is responsible for establishing the policy, in consultation with the Chief Executive and other staff, and submitting it to the Trust Board for approval.

The Trust Board is responsible for formal approval of the policy.

### **Monitoring and Review of the Policy**

The Finance Committee is responsible for reviewing the policy annually, in consultation with the Chief Executive and other staff; and submitting it to the Trust Board for approval.

The Trust Board is responsible for considering an annual report, including statistical information, on decisions taken in accordance with the terms of the policy.

### **Application of the Policy**

The Chief Executive or Headteacher is responsible for:

- ensuring that pay recommendations for the Deputy Headteacher, Assistant Headteachers, classroom teachers and support staff are made and submitted to the Finance/Logistics Committee in accordance with the terms of the policy;
- advising the Finance/Logistics Committee on its decisions; and
- ensuring that staff are informed of the outcome of decisions of the Finance/Logistics Committee and of the right of appeal.

### **The Finance Committee is responsible for:**

- taking decisions regarding the pay of the Headteachers, Deputy Headteachers, Assistant Headteachers, classroom teachers and support staff following consideration of the recommendations of pay reviewers and the advice of the Chief Executive;
- submitting reports of these decisions to the Trust Board;
- ensuring that the Chief Executive is informed of the outcome of the decision of the Trust Board and of the right of appeal.

### **The Appeals Committee of the Trust Board is responsible for:**

- taking decisions on appeals against the decisions of the Finance Committee in accordance with the terms of the appeals procedure of the policy.

**The Local Governing Board must establish an Appeals Committee. All decisions will be made by the Logistics Committees other than the Headteachers, CEO, CFOO and EDO pay and agreeing to national pay awards. These will be agreed by the Trust Board.**

**Appendix 2**

**UPPER PAY RANGE APPLICATION FORM**

Teacher's Details:

Name \_\_\_\_\_

Post \_\_\_\_\_

Performance Management/Appraisal Details:

Years covered by planning/review statements

Schools covered by planning/review statements

Declaration:

I confirm that at the date of this request for assessment to cross the threshold I meet the eligibility criteria and I submit performance management/appraisal planning and review statements covering the relevant period.

Applicant's signature \_\_\_\_\_ Date \_\_\_\_\_

The signed proforma should be appended to the Teacher's appraisal planning record statement.

### **Appendix 3 - Procedure for Considering Appeals Relating to Salary**

1. Introduction by Chair: explanation of procedure.
2. The Finance/Logistics Committee representative (who may be the Chief Executive or Headteacher) should put the case for the salary assessment decision.
3. The employee (or representative) may ask questions of the Finance/Logistics Committee representative.
4. The Appeals Committee may ask questions of the Finance/Logistics Committee representative.
5. The employee (or representative) should put the case explaining the objection to the decision of the Finance/Logistics Committee.
6. The Finance/Logistics Committee representative may ask questions of the employee.
7. The Appeals Committee may ask questions of the employee and ask further questions of the Finance/Logistics Committee representative regarding the case made on behalf of the employee.
8. The Chief Executive or Headteacher to be invited to express their views if they have not already done so.
9. The Finance/Logistics Committee representative to sum up case.
10. The employee (or representative) to sum up case.
11. The parties to retire.
12. The Appeals Committee to consider the case and to notify parties of their decision.

**This procedure may be varied by agreement of all the parties.**

## Appendix 4 - Executive Headteacher and Leadership Pay

All Headteachers pay is calculated in accordance with the terms and conditions of the School Teachers Pay and Conditions Document

### 2023 Group Sizes for Headteachers

Group Size	Annual Full Time Salary	
1	54,685	- 72,311
2	57,383	- 77,730
3	61,789	- 83,554
4	66,316	- 89,818
5	73,034	- 98,935
6	78,507	- 108,995
7	84,391	- 120,021
8	92,933	- 132,352

### Unqualified Teacher Pay Range

Point	Annual Full Time Salary
1	£20,598
2	£22,961
3	£25,323
4	£27,406
5	£29,772
6	£32,134

### Teacher Main Pay Range

Point	Annual Full Time Salary
1	£30,000
2	£31,737
3	£33,814
4	£36,051
5	£38,330
6	£41,333

### Teacher Upper Pay Range

Point	Annual Full Time Salary
1	£43,266
2	£44,870
3	£46,525

### Teaching and Learning Responsibility (TLR) Payments

TLR payments are made in addition to a teacher's basic salary for fulfilling a specific responsibility in school. The figure is annual and is paid as 1/12th per month - only TLR 3 payments can be of a fixed term duration.

TLR Level	Min 2023	Max 2023
TLR 3 (fixed term)	639	3,169
TLR 2	3,214	7,847
TLR 1	9,272	15,690

### Special Educational Needs (SEN) Allowance

SEN Allowance	Min 2023	Max 2023
SEN Allowance	2,539	5,009

### Unqualified Teacher Allowance

Unqualified teachers may be paid an allowance as determined by the Trust. Unqualified teacher allowances are permanent and may be subject to 'salary safeguarding' if removed from the role.



## **APPENDIX 5- Special Payments**

Endeavour Multi Academy Trust recognise that on occasion they may have to offer severance or compensatory payments to end employment with staff. In these situations, the matter will be discussed with the Headteacher, CEO and HR provider and the Board of Trustees to ensure money is being spent in a commercially viable manner.

Any payments over the value of £10,000 will be discussed with the Board of Trustees before a decision is confirmed.

The Trust will follow the guidance outlined in the Academy Trust Handbook 2022, copied below for information.

### **Special Payments**

Certain transactions by public bodies may fall outside their usual planned range of activity and may exceed statutory and contractual obligations. HM Treasury calls these special payments and are subject to greater control than other payments.

They include:

- staff severance payments
- compensation payments
- ex gratia payments.

### **Special Staff Severance Payments**

Special staff severance payments are paid to employees outside statutory or contractual requirements when leaving public employment. They are different to ex-gratia payments.

If an academy trust is considering a staff severance payment above statutory or contractual entitlements, it must consider the following issues before making a binding commitment:

- that the proposed payment is in the Trust's interests
- whether the payment is justified, based on legal assessment of the Trust's chances of successfully defending the case at employment tribunal. If there is a significant prospect of losing the case, a settlement may be justified, especially if the costs of a defence are likely to be high. Where a legal assessment suggests the Trust is likely to be successful, a settlement should not be offered
- if the settlement is justified, the Trust would need to consider the level of settlement. This must be less than the legal assessment of what the relevant body (e.g., an employment tribunal) is likely to award.

Staff severance payments should not be made where they could be seen as a reward for failure, such as gross misconduct or poor performance. The only acceptable rationale in the case of gross misconduct would be where legal advice is that the claimant is likely to succeed in an employment tribunal because of employment law procedural errors. In the case of poor performance, an acceptable comparison would be the time and cost of taking someone through performance management and capability procedures.

Where the academy Trust is considering a staff severance payment including a non-statutory/non-contractual element of £50,000 or more, (gross, before income tax or other deductions), ESFA's prior approval must be obtained before making any binding offer to staff. ESFA will refer such transactions to HM Treasury, so Trusts should allow sufficient time for proposals to be considered. Examples of approval requirements are as follows:

Statutory/contractual payment		Non-statutory/non-contractual payment	<a href="#">ESFA</a> /HM Treasury approval required?
£30,000	+	£30,000	No
£60,000	+	£30,000	No
£30,000	+	£50,000	Yes – for £50,000

Academy Trusts should demonstrate value for money by applying the same scrutiny to a payment under £50,000 as those over £50,000 and have a justified business case. Settlements must not be accepted unless satisfying the conditions stated here and in ESFA’s guidance and submission template.

Additionally, in accordance with HM Treasury’s Guidance on Public Sector Exit Payments, academy Trusts must obtain prior ESFA approval before making a staff severance payment where:

- an exit package which includes a special severance payment is at, or above, £100,000; and/or
- the employee earns over £150,000.

### **Use of Confidentiality Clauses**

Academy Trusts must ensure confidentiality clauses associated with staff severance payments do not prevent an individual’s right to make disclosures in the public interest (whistleblowing) under the Public Interest Disclosure Act 1998.

### **Compensation Payments**

Compensation payments provide redress for loss or injury, for example personal injuries, traffic accidents or damage to property. If an academy Trust is considering a compensation payment, it must base its decision on a careful appraisal, including legal advice where relevant, and ensure value for money.

Academy Trusts have delegated authority to approve individual compensation payments provided any non-statutory/non-contractual element is under £50,000. Where the Trust is considering a non-statutory/non-contractual payment of £50,000 or more ESFA’s prior approval must be obtained. ESFA will refer such transactions to HM Treasury.

Trusts should consider whether cases reveal concerns about the effectiveness of internal control systems and take steps to correct failings.

### **Ex Gratia Payments**

Ex-gratia payments are another type of transaction going beyond statutory or contractual cover, or administrative rules. Annex 4.13 of Managing Public Money provides examples, including payments to meet hardship caused by official failure or delay, and to avoid legal action due to official inadequacy.

Ex-gratia transactions must always be referred to ESFA for prior approval. HM Treasury approval may also be needed. If Trusts are in doubt about a proposed transaction, they should seek ESFA advice.