



Walsall Council

Personnel Committee

Monday, 23 November 2020 at 12.00 noon

To be held via a Microsoft Teams Virtual Meeting

Public access to meeting via: <https://youtu.be/VXQBYwgHAP8>

Membership:

Councillor M. Bird (Chair)
Councillor A. Andrew (Vice-Chair)
Councillor B. Allen
Councillor N. Gultasib
Councillor A. Harris
Councillor K. Hussain
Councillor A. Nawaz

Quorum:

Three Members

A g e n d a

Part 1 – Public Session

1. Apologies.
2. Declarations of Interest.
3. Local Government (Access to Information) Act 1985 (as amended):

To agree that, where applicable, the public be excluded from the private session during consideration of the agenda items indicated for the reasons shown on the agenda.
4. To approve the Minutes of the meetings held on 22 and 29 October and 5 and 12 November 2020 – Copies **enclosed**
5. Employment Policies Review – Phase 6 – Copy **enclosed**
6. Schools Model Pay Policy 2020 and Unattached Teachers' Pay Policy 2020 – Copy **enclosed**
7. Retention Payments Policy – Copy **enclosed**

Part 2 – Private Session

8. To approve the Minutes of the meetings held on 22 and 29 October and 5 and 12 November 2020 – [Private Versions] Copies **enclosed**

(Exempt information under Paragraphs 1, 2 and 4 of Part I of Schedule 12A of the Local Government Act, 1972) (As amended)

The Relevant Authorities (Discloseable Pecuniary Interests) Regulations 2012

Specified pecuniary interests

The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Localism Act 2011 are the interests specified in the second column of the following:

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out duties as a member, or towards the election expenses of a member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Regulations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority: (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to a member's knowledge): (a) the landlord is the relevant authority; (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where: (a) that body (to a member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either: (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Schedule 12A to the Local Government Act, 1972 (as amended)

Access to information: Exempt information

Part 1

Descriptions of exempt information: England

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:
 - (a) to give any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Information being disclosed during a meeting of a Scrutiny and Performance Panel when considering flood risk management functions which:
 - (a) Constitutes a trades secret;
 - (b) Its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the risk management authority);
 - (c) It was obtained by a risk management authority from any other person and its disclosure to the public by the risk management authority would constitute a breach of confidence actionable by that other person.

PERSONNEL COMMITTEE

Thursday, 22 October 2020 at 3.00 pm

Virtual meeting via Microsoft Teams

Held in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020; and conducted according to the Council's Standing Orders for Remote Meetings and those set out in the Council's Constitution.

Committee Members present: Councillor M. Bird (Chair)
Councillor A. Andrew (Vice-Chair)
Councillor A. Harris
Councillor N. Gultasib
Councillor K. Hussain
Councillor A. Nawaz

In attendance: Dr H. Paterson, Chief Executive
Ms D. Hindson, Interim Executive Director – Resources
and Transformation (Item 5/Minute 90/20 only)
Mr I. Sutheran, Human Resources Manager –
Recruitment and Transactional
Dr P. Fantom, Democratic Services Officer
Mr D. Slatter, Penna (Item 6/Minute 91/20 only)
Ms H. Alwell, Penna (Item 6/Minute 91/20 only)

WELCOME

The Chair opened the meeting by welcoming everyone, and explaining the rules of procedure and legal context in which the meeting was being held. He also directed the members of the public viewing the meeting to the papers, which could be found on the Council's Committee Management Information system (CMIS) webpage.

Members and officers confirmed that they could both see and hear the proceedings.

84/20 APOLOGIES

Apologies for absence were received on behalf of Councillors Allen and Chattha.

85/20 SUBSTITUTIONS

There were no substitutions.

86/20 DECLARATIONS OF INTEREST AND PARTY WHIP

There were no declarations of interest or party whip for the duration of the meeting.

**87/20 LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
(AS AMENDED)**

Resolved (by assent):

That the public be excluded from the meeting during consideration of the item set out in the private agenda for the reasons set out therein and Section 100A of the Local Government Act 1972.

88/20 PRIVATE SESSION

Exclusion of the Public

Resolved (by assent):

That, during consideration of the remaining item on the agenda, the Committee consider that the item for consideration is exempt information for the reasons set out therein and Section 100A of the Local Government Act 1972 and accordingly resolved to consider the item in private.

89/20 MINUTES

Resolved (unanimously by roll call):

That the minutes of the meeting held on 22 September 2020, a copy having previously been circulated, be approved and signed by the Chair as a true and accurate record.

**90/20 RECRUITMENT TO THE POSITION OF DIRECTOR OF TRANSFORMATION
AND DIGITAL**

A report on the recruitment to the post of Director of Transformation and Digital was submitted [Annexed].

The Human Resources Manager – Recruitment and Transactional presented the report and highlighted the salient points. The position of Director of Transformation and Digital had become vacant on 20 October 2020 and recruiting on an interim and permanent basis was a priority to ensure that the Council's transformation programme remained on track to deliver against its corporate objectives. Authority was sought to commence the recruitment process to make both an interim and a permanent appointment to this post.

To improve the efficient scheduling of meetings, the Chair asked that in future Members be advised by email of the number of candidates to be considered for short listing.

Resolved (by assent):

1. That the officers be authorised to commence the internal recruitment process for the appointment of an Interim Director of Transformation and Digital, with this being made on an acting-up basis;

2. That the Interim Executive Director – Resources and Transformation seek the agreement of the Leader of the Council and the Leader of the Opposition for the authorisation to:
 - (a) Shortlist internal applications received for this position;
 - (b) Interview and appoint a successful internal applicant on an acting-up basis for a period of up to six months with the option to extend for a further six months, if required.
3. That, should the internal recruitment process be unsuccessful, the Interim Executive Director – Resources and Transformation seek the agreement of the Leader of the Council and the Leader of the Opposition for the authorisation to:
 - (a) Procure an external recruitment consultancy;
 - (b) Consider CVs, interview and appoint a successful external applicant for a period of up to six months with the option to extend for a further six months, if required.
4. That the Interim Executive Director – Resources and Transformation be authorised to recruit to this position on a permanent basis, with:
 - (a) The longlisting being carried out by the Leader of the Council, the Leader of the Opposition and the Portfolio Holder;
 - (b) The short listing and final interviews to be carried out by the Personnel Committee, with performance feedback on the officer selection activities supporting this process (including technical, values-based (Lumina) and staffing panel interviews) being provided to the Personnel Committee prior to short listing.
5. That the officers be authorised to procure the services of an external recruitment consultancy to carry out the search and selection activities for the permanent position of Director of Transformation and Digital.

Ms Hindson left the meeting following this item of business.

(Exempt information under Paragraphs 1, 2 and 4 of Part I of Schedule 12A of the Local Government Act 1972) (As amended).

91/20 **SENIOR RECRUITMENT TO THE POSITION OF EXECUTIVE DIRECTOR – RESOURCES AND TRANSFORMATION: SHORT LISTING**

A report on short listing with reference to the recruitment to the permanent post of Executive Director – Transformation and Digital was submitted [Annexed].

The Human Resources Manager – Recruitment and Transactional presented the report and highlighted the salient points. Five candidates had initially been long listed but two had withdrawn for personal reasons. The three long listed candidates were interviewed by a stakeholder and staffing panel and by a technical and values panel, and feedback on their performance was provided for the Committee by the representative of Penna, with only one candidate being deemed to be worthy of consideration for progression.

Due to technical difficulties, Councillor Harris had been unable to join the meeting until this point in the proceedings and did not, therefore, take part in the discussion or vote on this matter.

Resolved (by assent):

1. That none of the three candidates be short listed for final interview by the Personnel Committee for the permanent position of Executive Director – Resources and Transformation;
2. That a further report on this matter be presented to a future meeting of the Personnel Committee.

(Exempt information under Paragraphs 1, 2 and 4 of Part I of Schedule 12A of the Local Government Act 1972) (As amended).

There being no further business, the meeting terminated at 3.21 pm.

Chair.....

Date.....

PERSONNEL COMMITTEE

Tuesday, 29 October 2020 at 9.30 am

Virtual meeting via Microsoft Teams

Held in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020; and conducted according to the Council's Standing Orders for Remote Meetings and those set out in the Council's Constitution.

Committee Members present: Councillor M. Bird (Chair)
Councillor S. Craddock
Councillor K. Ferguson
Councillor A. Harris
Councillor R. Martin
Councillor A. Nawaz

In attendance: Dr H. Paterson, Chief Executive
Mr I. Sutheran, Human Resources Manager –
Recruitment and Transactional
Dr P. Fantom, Democratic Services Officer
Mr D. Slatter, Penna

WELCOME

The Chair opened the meeting by welcoming everyone, and explaining the rules of procedure and legal context in which the meeting was being held. He also directed the members of the public viewing the meeting to the papers, which could be found on the Council's Committee Management Information system (CMIS) webpage.

Members and officers confirmed that they could both see and hear the proceedings.

92/20 APOLOGIES

Apologies for absence were received on behalf of Councillors Andrew, Allen, Gultasib and Hussain.

93/20 SUBSTITUTIONS

Councillor S. Craddock substituted for Councillor A. Andrew and Councillor K. Ferguson substituted for Councillor B. Allen.

94/20 DECLARATIONS OF INTEREST AND PARTY WHIP

There were no declarations of interest or party whip for the duration of the meeting.

95/20 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
(AS AMENDED)**

Resolved (by assent):

That the public be excluded from the meeting during consideration of the item set out in the private agenda for the reasons set out therein and Section 100A of the Local Government Act 1972.

96/20 **PRIVATE SESSION**

Exclusion of the Public

Resolved (by assent):

That, during consideration of the remaining item on the agenda, the Committee consider that the item for consideration is exempt information for the reasons set out therein and Section 100A of the Local Government Act 1972 and accordingly resolved to consider the item in private.

97/20 **SENIOR RECRUITMENT TO THE POSITION OF EXECUTIVE DIRECTOR –
ADULT SOCIAL CARE: SHORT LISTING**

A report on short listing with reference to the recruitment to the permanent post of Executive Director – Adult Social Care was submitted [Annexed].

The Human Resources Manager – Recruitment and Transactional presented the report and highlighted the salient points. Two candidates had been long listed and they were interviewed by a stakeholder and staffing panel and by a technical and values panel. Feedback on their performance was provided for the Committee by the representative of Penna, with both candidates being recommended for short listing for final interview.

Resolved (by assent):

That for the permanent position of Executive Director – Adult Social Care, KA and PH be short listed for final interview at the meeting of the Personnel Committee to be held on 5 November 2020.

(Exempt information under Paragraphs 1, 2 and 4 of Part I of Schedule 12A of the Local Government Act 1972) (As amended).

There being no further business, the meeting terminated at 9.46 am.

Chair.....

Date.....

PERSONNEL COMMITTEE

Thursday, 5 November 2020 at 9.30 am

Virtual meeting via Microsoft Teams

Held in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020; and conducted according to the Council's Standing Orders for Remote Meetings and those set out in the Council's Constitution.

Committee Members present: Councillor M. Bird (Chair)
Councillor A. Andrew (Vice-Chair)
Councillor S. Craddock
Councillor N. Gultasib
Councillor K. Hussain
Councillor R. Martin
Councillor A. Nawaz

In attendance: Dr H. Paterson, Chief Executive
Mr I. Sutheran, Human Resources Manager –
Recruitment and Transactional
Dr P. Fantom, Democratic Services Officer
Ms H. Alwell, Penna
Mr D. Slatter, Penna

WELCOME

The Chair opened the meeting by welcoming everyone, and explaining the rules of procedure and legal context in which the meeting was being held. He also directed the members of the public viewing the meeting to the papers, which could be found on the Council's Committee Management Information system (CMIS) webpage.

Members and officers confirmed that they could both see and hear the proceedings.

98/20 APOLOGIES

Apologies for absence were received on behalf of Councillors Allen and Harris.

99/20 SUBSTITUTIONS

Councillor S. Craddock substituted for Councillor B. Allen.

100/20 DECLARATIONS OF INTEREST AND PARTY WHIP

There were no declarations of interest or party whip for the duration of the meeting.

**101/20 LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
(AS AMENDED)**

Resolved (by assent):

That the public be excluded from the meeting during consideration of the item set out in the private agenda for the reasons set out therein and Section 100A of the Local Government Act 1972.

102/20 PRIVATE SESSION

Exclusion of the Public

Resolved (by assent):

That, during consideration of the remaining item on the agenda, the Committee consider that the item for consideration is exempt information for the reasons set out therein and Section 100A of the Local Government Act 1972 and accordingly resolved to consider the item in private.

**103/20 SENIOR RECRUITMENT TO THE POSITION OF EXECUTIVE DIRECTOR –
ADULT SOCIAL CARE**

A report was submitted on recruitment to the permanent position of Executive Director – Adult Social Care [Annexed].

The Human Resources Manager – Recruitment and Transactional presented the report and highlighted the salient points. Two candidates had been short listed for interview and feedback in respect of their performance at a stakeholder and staffing panel and at a technical and values panel was provided by the representative of Penna.

Members interviewed the two candidates for this position and each candidate was asked a series of seven identical questions.

The Committee considered the performance of the candidates at interview, together with the feedback from the stakeholder and staffing panel and the technical and values panel.

Resolved (unanimously by roll call):

1. That subject to the well-founded objection procedure, the permanent position of Executive Director – Adult Social Care be offered to KA;
2. That responsibility for final contract arrangements be delegated to officers.

(Exempt information under Paragraphs 1, 2 and 4 of Part I of Schedule 12A of the Local Government Act 1972) (As amended).

There being no further business, the meeting terminated at 11.31 am.

Chair.....

Date.....

PERSONNEL COMMITTEE

Thursday, 12 November 2020 at 9.30 am

Virtual meeting via Microsoft Teams

Held in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020; and conducted according to the Council's Standing Orders for Remote Meetings and those set out in the Council's Constitution.

Committee Members present: Councillor A. Andrew (Vice-Chair in the Chair)
Councillor N. Gultasib
Councillor A. Harris
Councillor K. Hussain
Councillor A. Nawaz

In attendance: Mr S. Neilson, Executive Director – Economy,
Environment and Communities
Mr I. Sutheran, Human Resources Manager –
Recruitment and Transactional
Mr N. Picken, Senior Democratic Services Officer
Mr N. Raper, Penna
Mr P. John, Penna

WELCOME

The Chair opened the meeting by welcoming everyone, and explaining the rules of procedure and legal context in which the meeting was being held. He also directed the members of the public viewing the meeting to the papers, which could be found on the Council's Committee Management Information system (CMIS) webpage.

Members and officers confirmed that they could both see and hear the proceedings.

104/20 APOLOGIES

Apologies for absence were received on behalf of Councillors Bird and Allen.

105/20 SUBSTITUTIONS

There were no substitutions.

106/20 DECLARATIONS OF INTEREST AND PARTY WHIP

There were no declarations of interest or party whip for the duration of the meeting.

**107/20 LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
(AS AMENDED)**

Resolved (by assent):

That the public be excluded from the meeting during consideration of the item set out in the private agenda for the reasons set out therein and Section 100A of the Local Government Act 1972.

108/20 PRIVATE SESSION

Exclusion of the Public

Resolved (by assent):

That, during consideration of the remaining item on the agenda, the Committee consider that the item for consideration is exempt information for the reasons set out therein and Section 100A of the Local Government Act 1972 and accordingly resolved to consider the item in private.

**109/20 SENIOR RECRUITMENT TO THE POSITION OF DIRECTOR OF
REGENERATION AND ECONOMY: SHORT LISTING**

A report on short listing with reference to the recruitment to the permanent post of Director – Regeneration and Economy was submitted [Annexed].

The Human Resources Manager – Recruitment and Transactional presented the report and highlighted the salient points. Two candidates had been long listed and they were interviewed by a stakeholder and staffing panel and by a technical and values panel. Feedback on their performance was provided for the Committee by the representative of Penna, with both candidates being recommended for short listing for final interview.

Resolved (by assent):

That for the permanent position of Director of Regeneration and Economy the following candidates be short listed for final interview at the meeting of the Personnel Committee to be held on 19 November, 2020:

- PV
- PP

(Exempt information under Paragraphs 1, 2 and 4 of Part I of Schedule 12A of the Local Government Act 1972) (As amended).

There being no further business, the meeting terminated at 10.00 am.

Chair.....

Date.....

Personnel Committee – 23 November 2020

Employment Policies Review – Phase 6

1. Purpose of the report

1.1 To gain Personnel Committee approval for the revised employment policies (detailed below) endorsed by CMT at their meeting of 01 October 2020.

2. Recommendations

2.1 Personnel Committee is recommended to approve the following employment policies (detailed below) endorsed by CMT (01 October 2020).

3. Background Information

3.1 This report covers the revision of 2 existing employment policies, as follows;

a) Relocation and Temporary Accommodation Expenses Policy (revised policy) – (Appendix 1)

b) Recovery of Overpayment of Salary Policy (revised policy) – (Appendix 2)

Aim

3.2 In order to ensure the Council is enabled to deliver against its priorities it is imperative that the council has an effective employment framework of policies, procedures and guidance and that these align to the vision and values of the Council. It has been agreed that the current suite of employment policies be reviewed across the board to provide the opportunity to ensure they are up to date, fit for purpose and support and enable the development of the Walsall Proud Programme (WPP) ensuring a consistent approach that reinforces the councils standards and behavioural framework. This report covers phase 6 of the employment policies review and includes specifically 2 policies outlined in section 3.1. As part of the review all of the policies have been re-formatted and/or designed to reflect the following principles;

- Alignment with Walsall Proud Programme and vision;
- Clear identification of accountabilities in line with behaviours;
- Clear, consistent and concise policy containing easily identifiable principles and procedure;
- Streamlined detail in the policy document with more in-depth guidance provided in the supporting documents where applicable.

Know

3.3 Policy a) Relocation and Temporary Accommodation Expenses Policy, this is a review of the existing procedure (last revised in 2014) and has been designed in line with WPP principles and best practice, the main changes are as follows;

- The removal of a basic (15%) and enhance (25%) option for the relocation allowance for managers to choose from, which has been replaced with just one option allowing for 20% (capped at £15,000) relocation allowance as a maximum. This simplifies the process for managers as the option of applying discretion always resulted in the higher category being selected and so the two option approach was not utilised as initially intended. The policy now reads, 'The maximum level of relocation assistance provided by the council will not exceed a total value equivalent to 20% of the employees starting salary and will not exceed a maximum amount of £15,000'. In addition the introduction of a maximum capped value limits relocation costs (Appendix 1, section 3.6).
- An update on the taxation section in line with HMRC guidelines (Appendix 1, section 5.2).
- Clarity on what can and cannot be claimed for (Appendix 1, section 5.1) and what approvals are required for all posts claiming relocation assistance including the Chief Executive (Appendix 1, section 3.1, 3.2).
- A revised repayment schedule which simplifies the approach for claiming back relocation allowance in the event an employee leaves their employment (Appendix 1, section 5.4)

3.4 Policy b) Recovery of Overpayment of Salary Policy has no significant amendments and has primarily been reviewed and updated in line with WPP principles. The policy was last reviewed in 2014 therefore even though there were no significant changes it has been consulted on with Senior Managers and Trade Union Colleagues.

Council corporate plan priorities

3.5 These policy reviews are directly aligned to the internal focus priority within the Corporate Plan, reference I2, developing 'a resilient council'.

Response

3.6 Subject to approval, HR/Payroll will finalise all associated guidance/forms (where applicable) and prepare a workforce communications and implementation plan ready for publication.

Review

3.7 Employment policies will usually be reviewed on a three yearly cycle, unless legislation or internal organisational need prompt a review earlier.

4. Financial Implications

- 4.1 There are no anticipated financial issues arising from this report. Relocation expenses will be met by the individual service area's budgets.

5. Legal Considerations

- 5.1 There are no anticipated legal issues arising from this report.

6. Risk Management

- 6.1 Relevant equality impact assessments are attached as follows;

EqlA Relocation and Temporary Accommodation Expenses Policy (Appendix 3)

EqlA Recovery of Overpayment of Salary Policy (Appendix 4)

7. People

- 7.1 The revised WPP policy principles include a scope section in all employment policies (where applicable) and in each policy clearly sets out who the policy applies to and who it doesn't (reference section 2.0 of Appendices 1 & 2).
- 7.2 There is no direct impact on our citizens as a result of these policies. However the policies are part of the employment framework that's helps to ensure that the residents of Walsall get the best possible service from council employees.

8. Consultation

- 8.1 Relocation and Temporary Accommodation Expenses Policy was consulted upon with senior managers and trade unions colleagues across the council between 3 August 2020 and 18 August 2020. Trade Union colleagues raised no specific issues or concerns with the policy revision.
- 8.2 Recovery of Overpayment of Salary Policy, was consulted upon with senior managers and trade unions colleagues across the council between 31 July 2020 and 19 August 2020. Trade union colleagues raised no specific issues or concerns with the policy revision.

Author

Nic Rickhuss
HR Manager – Strategy & Planning
Human Resources

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Appendix 1

Relocation and Temporary Accommodation Expenses Policy



Walsall Council

Version Control

Document title	Relocation and Temporary Accommodation Expenses Policy		
Owner	Human Resources	Status	Draft
Version	5	Approved on	TBC
Effective from	TBC	Review date	TBC
Last updated	23/09/20	Last updated by	HR Strategy and Planning
Purpose	This policy sets out the criteria and process for the application and payment of relocation expenses.		

This policy links to:

- Corporate Plan
- Walsall Proud Programme
- Recruitment & Selection Policy
- Code of Conduct for Employees
- Equality & Diversity Protocol
- Workforce Strategy
- Behaviour & Standards Framework
- Reimbursement of Personal Expenses Policy

This list is not exhaustive.

For further advice or guidance on this policy, or if you would like this information in another language or format please contact:

HR Operational Services Team

Telephone: 01922 655671

Text phone: 01922 654000

Email: hrdoperationalservices@walsall.gov.uk

Or

Payroll and Pensions Team

Email: PayrollandPensionsTeam@walsall.gov.uk

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1.0 Introduction

- 1.1 Walsall Council is PROUD. We are proud of our past, our present and for our future. The council is committed to reducing inequalities and ensuring all potential is maximised and its employment policies, procedures and guidelines are designed to support this vision and deliver the council's priorities.
- 1.2 The council is committed to creating an environment that provides opportunities for all individuals and communities to fulfil their potential. This policy provides a framework in which employees will be supported to deliver the council's priorities in line with the council's expected behaviours and values; professionalism; leadership; accountability; transparency and ethical.
- 1.3 The council's values and behaviours will be at the core of everything the council deliver and through a culture of continuous improvement the council will increase performance, efficiency and champion the design of services to meet the needs of customers. As a digital by design council, employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment. The council is committed to technological investment to deliver transformation in order to improve the efficiency and effectiveness of its services, both internally and externally.
- 1.4 This policy framework promotes the council's strategic priority of internal focus ensuring all council services are effective and efficient and helps embed the behaviours and values expected of all employees as part of the Behaviour and Standards Framework.
- 1.5 Relocation assistance may be given by the council to help with out-of-pocket expenses incurred when a newly appointed employee relocates as a result of their employment with the Council. This policy sets out the council's provisions regarding relocation expenses and helps to supports the council to attract, recruit and retain high calibre candidates, encourages them to apply for particular roles and assists them to quickly move more closely to their work base (particularly where there are skills shortages or hard to fill roles).

2.0 Scope

- 2.1 This procedure applies to all council employees, including Directors, Executive Directors and the Chief Executive;
- 2.2 With the exception of;
 - 2.2.1 School-based employees/workers where the governing body has delegated authority and for whom separate arrangements apply.
- 2.3 This policy does not apply to contractors, consultants, agency workers, casual workers or any self-employed individuals working for the council.

3.0 Principles

- 3.1 Relocation assistance must be approved by an Executive Director or the Chief Executive before being offered/discussed with the appointee.
- 3.2 Where any approvals stated in this policy are required to authorise any payments for the Chief Executive, the Chief Executive approval stated should be substituted for Personnel Committee approval. Personnel Committee may delegate such approval to the Director of HR, in consultation with the Chair of Personnel Committee, and the s151 Officer.
- 3.3 To qualify for relocation assistance, the employee must be a new employee to Walsall Council and be moving to a new base (this can be either purchased or rented) because of accepting an offer of employment with the council.
- 3.4 To be eligible for relocation assistance, the employee must be living more than 40 miles away from their new work base and must be moving to a residence that is located within a 15 mile radius of their new work base. (As determined by the council's radius measuring tool / taking the most direct route).
- 3.5 Employees are required to mitigate all expenses involved in their relocation and expenses will be reimbursed only if they are deemed to be reasonable. This policy provides for a contribution to the cost of relocation only and is not intended to meet fully all costs associated with relocation, although it may do so in some circumstances.
- 3.6 The maximum level of relocation assistance provided by the council will not exceed a total value equivalent to 20% of the employees starting salary and will not exceed a maximum amount of £15,000. This amount is not a lump sum but can be reimbursed for eligible expenditure (as set out in section 5 of this policy) against valid receipts and invoices where these are approved. No discretion is allowed on this element of the policy.
- 3.7 All claims for relocation expenses must be submitted on the relevant claim form and approved by an Executive Director or Chief Executive. A claim submitted by the Chief Executive must be approved as set out in para 3.2 above.
- 3.8 To be eligible for any aspect of the relocation allowance you must live in the property you rent or buy.
- 3.9 Where a spouse, partner or colleague is also taking up employment with the council either jointly or separately (or is already employed), the allowance will only be paid in respect of one appointment (i.e. only one individual in the household will be eligible to receive payment of these allowances).
- 3.10 Relocation expenses are considered and approved on a case by case basis as each employee situation and circumstance will be unique, therefore the council

retains discretion to pay an amount as deemed appropriate for relocation expenses up to the maximums specified in this policy.

- 3.11 Where in exceptional circumstances there is a need to deviate from this policy, a business case detailing the rationale must be documented with approval from an Executive Director or Chief Executive and the Directors of HR and Finance and included on the employees personnel file. Where this applies to the Chief Executive approval must be sought as set out in 3.2 above.
- 3.12 Relocation assistance is discretionary. It is not a contractual entitlement and the Council reserves the right to withdraw it at any time.
- 3.13 Relocation costs will be met through individual service areas budgets.
- 3.14 Acting outside of the policy may amount to a breach of the Employee Code of Conduct.

4.0 Accountabilities

- 4.1 Managers are accountable for the following;
- Applying this policy and procedure consistently, fairly and objectively in accordance with the council's vision and purpose and clearly demonstrate the council's management behaviours and values, seeking further advice and guidance from HR where necessary;
 - Ensuring employees who are eligible for relocation are aware of the policy and where to find more information regarding tax exemption (as detailed in the policy);
 - Approving relocation expenses where supported by valid evidence in line with this policy and maintaining a record of these to ensure the maximum allowance is not exceeded;
 - In approving relocation expense claims managers should be mindful that relocation expenses are public monies and therefore all claims should be reasonable, evidenced and justified;
 - Obtaining all the required authorisations in accordance with this policy before passing for payment.
- 4.2 Employees are accountable for the following;
- All employees should support the delivery of the council's vision and purpose, clearly demonstrating the council's behaviours and values;
 - Actively engage in employment practices and processes in which they are involved and ensure they understand this procedure, seeking further advice and guidance from managers where necessary;
 - Ensuring they are familiar with the relocation policy and the tax exemptions where these apply;
 - Ensuring that all relocation expense claims are submitted in good faith, evidenced, and in line with the eligibility criteria outlined in this policy;

- Ensuring that the total value of relocation expenses claimed do not collectively exceed the maximum allowance that can be claimed;
- In submitting relocation expense claims employees should be mindful that relocation expenses are public monies and therefore all claims should be reasonable, evidenced and justified;
- Complying with the requirements of this policy and procedure.

5.0 Procedure

5.1 Eligible expenditure

5.1.1 Depending on the employees personal circumstances they can be authorised to claim for any of the following (where considered reasonable, evidenced by valid receipts/invoices and up to a total of their maximum relocation allowance);

- House Hunting and investigatory visits (5.1.2)
- Buying and selling property (5.1.3)
- Rented to rented accommodation (5.1.4)
- Temporary accommodation (5.1.5)
- Late purchase of accommodation (5.1.6)
- Interim travel (5.1.7)

5.1.2 House hunting and investigatory visits

The Council will reimburse reasonable travelling, accommodation and meal costs incurred by the employee, their partner and/or direct dependents in respect of a maximum of four visits to the area to select accommodation and, where necessary, schools. Details of travel rates are given in section 5.1.7 Interim Travel.

5.1.3 Buying and selling property

- The estate agency, auctioneer and advertising fees associated with selling the employee's existing property.
- The legal and conveyancing fees associated with selling the employee's existing property.
- Mortgage redemption penalty payable as a result of early redemption of the mortgage loan in relation to the employee's existing property.
- Any charges for disconnection/connection of public utilities and white goods (such as washing machines) serving the employee's existing property/new property.
- The legal and conveyancing fees (including survey, Land Registry, search and mortgage arrangement fees) associated with the purchase of a new property.

- The stamp duty incurred in connection with the purchase of a new property (up to 1% based on a maximum property value of £250,000).
- The costs of moving the employee's furniture, domestic goods and personal possessions from their existing property to the new property, including insurance taken out to cover goods in transit.
- The costs of temporary storage and associated insurance of the employee's furniture, domestic goods and personal possessions if not moving directly from the existing property to the new property, for a maximum of 12 months.
- A contribution towards the costs of carpets and curtains required for the new property where those used in the old property are not suitable for the new home.

Relevant relocation expenses in accordance with the above can also be claimed where there is a 'late purchase of accommodation' in accordance with section 5.1.6, however, the value of total claims must not exceed the total relocation allowance.

Relevant relocation expenses in accordance with the above can also be claimed where an employee is moving from their family home into rented accommodation, however the value of total claims must not exceed the total relocation allowance.

Where the employee is living in rented accommodation but intends to purchase a property in the new work location, relocation allowance is limited to the costs reasonably incurred in moving from the rented accommodation as set out above and no contribution will be made towards the purchase of the new property. Property purchase expenses will be paid only where an existing property has been sold. (This is because employees should not gain financially as a result of the relocation). The same applies where the employee did not substantially maintain a household (e.g. if living with parents or in student accommodation) prior to appointment but needs to move home on taking up the post.

5.1.4 Rented to rented accommodation

- Any charges for disconnection of public utilities and white goods serving the existing rented property.
- Any associated administration costs from the letting agent or agents (including check-out fees, penalty clauses and lease arrangement fees).
- Any charges for connection of public utilities and white goods serving the new rented property.
- The costs of moving the employee's furniture, domestic goods and personal possessions from their existing property to the new property, including insurance taken out to cover goods in transit.

- The costs of temporary storage and associated insurance of the employee's furniture, domestic goods and personal possessions if not moving directly from the existing property to the new property, for a maximum of 12 months.
- The deposit payable to the landlord for the new rented property may be advanced to the employee; however this must be reimbursed to the Council within three months of the employee moving to the new rented property.

5.1.5 Temporary accommodation

In circumstances where the employee has not been able to move to a new permanent property (whether purchased or rented) by the time of commencing work in the new work location, the Council will give consideration to the reimbursement of the costs of temporary hotel, bed and breakfast or rental accommodation. Temporary hotel, or bed and breakfast or temporary rental accommodation will be allowed up to a maximum of 12 months and will not exceed 30% of the total relocation allowance. To extend beyond these limits, a business case detailing the rationale must be documented with approval from an Executive Director or Chief Executive and the Directors of HR and Finance and included on the employees personnel file. Where this applies to the Chief Executive approval must be sought as set out in 3.2 above.

If the employee is renting out their existing property before or while trying to sell it, any rent received on the rented out property must be offset against the cost of temporary accommodation. The difference only will be covered by the relocation allowance.

Where employees sublet rooms in their new property for which they are receiving relocation allowance, they must offset any rent received against the relocation allowance claimed.

A return journey home at weekends as set out in section 5.1.7 interim travel may also be claimed.

Relevant relocation expenses in accordance with buying and selling a property (as set out in section 5.1.3. of this policy) can also be claimed where there is a 'late purchase of accommodation' (section 5.1.6) following temporary accommodation expense claims in accordance with the above, however, the value of total claims must not exceed the total relocation allowance.

5.1.6 Late purchase of accommodation

If the employee decides to buy a property subsequent to their appointment, they may qualify for reimbursement of the relevant costs provided that they have made a firm commitment to buy within twelve months of their date of appointment. This means that they may make a temporary move into rented accommodation, and then claim towards the cost of moving into a purchased property at a later date (as set out in section 5.1.3 of this policy), however, the value of total claims must not exceed the total relocation allowance.

In order to qualify for tax exemption the relocation expenses must be incurred or the benefits provided before the end of the tax year (5 April) after the one in which the employee takes up their new position. It does not matter when the employee moved to the new home.

5.1.7 Interim travel

If the post attracts a relocation allowance and the employee wishes to claim interim travel instead of a temporary accommodation allowance, they may do so if the journey enables them to get to work reasonably and effectively. The total claims made must not exceed the total relocation allowance and will be allowed up to a maximum of 12 months.

You may claim travel as follows:

- If you travel by car, subject to the prevailing HMRC approved car mileage rate.
- If you use public transport, subject to the prevailing standard rate of travel (i.e. 2nd class), the actual cost will be reimbursed.

Mileage from temporary accommodation to the new work location is not eligible for reimbursement.

5.2 Taxation

- 5.2.1 Relocation expenses that meet certain qualifying criteria may be exempt from tax in accordance with the HMRC regulations up to a maximum amount which at the time of writing is £8,000. Relocation expenses above £8,000 and/or that are provided outside of the HMRC qualifying criteria are a taxable benefit.
- 5.2.2 To qualify for tax exemption the relocation expenses must be incurred or the benefits provided before the end of the tax year (5 April) after the one in which the employee takes up their new position.
- 5.2.3 Employees are responsible for ensuring they understand the tax implications and are aware of the qualifying criteria for tax exemption; further information on expenses that may qualify for tax exemption can found at <https://www.gov.uk/> alternatively employees can contact Payroll for further information on tax exemption.

5.3 Payment of relocation expenses

- 5.3.1 Before expenses can be claimed employees are required to sign their acceptance of the terms of the relocation procedure.
- 5.3.2. The employee must submit all claims for expenses using the relocation and temporary accommodation expenses claim form as soon as possible and within twelve months of taking up appointment. However, if there are any difficulties

in relation to this (e.g. because of abnormal delays in selling a home) any extension to this timeframe must be supported with a business case detailing the rationale which must be documented with approval from an Executive Director or Chief Executive and the Directors of HR and Finance and included on the employees personnel file. Where this applies to the Chief Executive approval must be sought as set out in 3.2 above.

- 5.3.3 In order to qualify for tax exemption the relocation expenses must be incurred or the benefits provided before the end of the tax year (5 April) after the one in which the employee takes up their new position.
- 5.3.4 Claim forms need to be signed by the budget holder (authorised signatory) and counter signed by either an Executive Director or Chief Executive. In the case of claims submitted by the Chief Executive they need to be signed off as set out in 3.2. above.
- 5.3.5 All claims need to be in accordance with this policy, the total amount claimed must not exceed the maximum relocation allowance and the individual expenditure must be deemed reasonable by the budget holder. Employees are advised to obtain written confirmation of budget holder agreement before committing any spend where they would be reliant on claiming the expenses as part of this policy.

5.4 Re-payment of relocation expenses

- 5.4.1 Employees will be offered relocation assistance only if they agree to repay some, or all, of the amount given by the Council in the event that their employment terminates for whatever reason (certain exclusions apply, refer to section 5.4.2 of this policy) within two years from the date their employment commences. Those offered relocation assistance will be required to sign an agreement to this effect when submitting any claim forms. The amount payable is reduced proportionally and is as follows:

Period of service (from date of commencement in post)	Amount to be repaid (as % of total expenses)
Leaving between 0-6 months	100%
Leaving between 7-12 months	75%
Leaving between 13-18 months	50%
Leaving 19-24 months	25%

- 5.4.2 Repayment will not, however, be required if the reason for termination of the employee's contract of employment is due to compulsory redundancy or ill health capability.
- 5.4.3 If the employee subsequently moves home again (having been eligible and received a payment for relocation) within the two-year period to an address outside of the 15 mile radius, it is the employees responsibility to inform their line manager. Managers may request employees to repay any relocation allowances previously paid in line with 5.4.1 above.
- 5.4.4 In the event that the employee does not relocate, they may be asked to repay all or part of any relocation assistance given. In exceptional circumstances there may be instances where employees are not required to repay relocation assistance, e.g. where an employee has been prevented from relocating due to unforeseen circumstances, such as legal issues/ill health, they may not be asked to repay expenses covering visits to the area for the purpose of house hunting. Authorisation for repayments not to be made must be sought as set out in 3.11 above.

Appendix 2

Recovery of Overpayment of Salary Policy



Walsall Council

Version Control

Document title	Recovery of Overpayment of Salary Policy		
Owner	Human Resources	Status	Draft
Version	2.0	Approved on	TBC
Effective from	TBC	Review date	TBC
Last updated	18/09/2020	Last updated by	HR Strategy and Planning
Purpose	This document sets out the arrangements for the recovery of overpayment of salary.		

This policy links to:

- Corporate Plan
- Walsall Proud Programme
- Code of Conduct for Employees
- Workforce Strategy
- Behaviour & Standards Framework

This list is not exhaustive.

For further advice or guidance on this policy, or if you would like this information in another language or format please contact:

HR Operational Services Team

Telephone: 01922 655671

Text phone: 01922 654000

Email: hrdooperationalservices@walsall.gov.uk

Or, alternatively you can contact Payroll directly by emailing
Payrollandpensionsteam@walsall.gov.uk

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4.0	Accountabilities	4
5.0	Procedure	4

1.0 Introduction

- 1.1 Walsall Council is PROUD. We are proud of our past, our present and for our future. The council is committed to reducing inequalities and ensuring all potential is maximised and its employment policies, procedures and guidelines are designed to support this vision and deliver the council's priorities.
- 1.2 The council is committed to creating an environment that provides opportunities for all individuals and communities to fulfil their potential. This policy provides a framework in which employees will be supported to deliver the council's priorities in line with the council's expected behaviours and values; professionalism; leadership; accountability; transparency and ethical.
- 1.3 The council's values and behaviours will be at the core of everything the council deliver and through a culture of continuous improvement the council will increase performance, efficiency and champion the design of services to meet the needs of customers. As a digital by design council, employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment. The council is committed to technological investment to deliver transformation in order to improve the efficiency and effectiveness of its services, both internally and externally.
- 1.4 This policy framework promotes the council's strategic priority of internal focus ensuring all council services are effective and efficient and helps embed the behaviours and values expected of all employees as part of the Behaviour and Standards Framework.
- 1.5 The council has procedures, systems and controls in place, which are audit compliant to avoid overpayments occurring, however on occasions, it is accepted that overpayments do unfortunately happen. The purpose of this policy is to set out the process that should be followed in the event that an overpayment of salary occurs and how the overpayment is repaid to the council.

2.0 Scope

- 2.1 This policy applies to all council employees (including Chief Officers);
- 2.2 With the exception of;
 - 2.2.1 School-based employees/workers where the Governing Body has delegated authority and for whom separate arrangements apply.
- 2.3 This policy also applies to casual workers.

3.0 Principles

- 3.1 Where the council has made an accidental overpayment of salary or expenses to an employee, the council can legally recover this overpayment.
- 3.2 Whilst it is accepted that certain overpayments may not have been the direct result of any individual's fault, the council has a responsibility to seek to recover the overpayment and therefore the following paragraph is contained within all employee's statement of particulars.

All overpayment of salary, wages and expenses will be recovered. You [the employee] agree that the Council is entitled to make deductions from your salary in accordance with this clause and the Recovery of Overpayment of Salary Procedure.

You [the employee] must review your pay slips and you must notify the Council immediately of any potential overpayment or underpayment.

- 3.3 There are a variety of reasons in which an overpayment can occur however it is often caused by payroll information not being received in sufficient time to amend the payroll. If information is received too late for the payroll deadline for the month in question, however it can be implemented the month afterwards, it is accepted that this would constitute a payroll amendment not an overpayment for the purposes of this procedure.
- 3.4 The council procedure is to recover overpayments in all cases unless there are agreed exceptional circumstances not to do so.
- 3.5 Overpayments of salary usually have to be recovered within the same financial year, where possible.
- 3.6 Throughout the process of recovery it is essential that the employee is not placed under any undue financial hardship.
- 3.7 There are three stages in the overpayment recovery procedure (see section 5.0 for further details of the process);
- Stage 1 - Payroll discuss the overpayment with the employee and agree an instalment plan for repayment.
 - Stage 2 - Where no instalment plan is agreed at stage 1– a review is undertaken by the Payroll Manager having due regard to the amount of overpayment and employees actual net salary and an instalment plan agreed with (where possible) or set out for, the employee.
 - Stage 3 - Appeal - Where the employee feels that they should not repay the overpayment they may appeal.
- 3.8 Employees are entitled to be accompanied by their recognised trade union representative or a Walsall Council work colleague at any meetings required to discuss the overpayment.

- 3.9 The financial regulations of the council do not give managers, Human Resources or Payroll the delegations to write off overpayments, this delegation rests solely with the Authorities Section 151 Officer. However, the Section 151 Officer only has authority to consider appeals for monetary amounts up to and including £10,000. Any successful appeal to write off overpayments which are in excess of £10,000 will require the Section 151 Officer to seek formal approval from Cabinet.
- 3.10 If an employee leaves before the recovery can be made in full, a sundry debtor's invoice will be issued in all cases, following the normal finance process for the recovery of money owed to the council.

4.0 Accountabilities

4.1 Managers are accountable for the following;

- Applying this policy and procedure consistently, fairly and objectively in accordance with the council's vision and purpose and clearly demonstrate the council's management behaviours and values, seeking further advice and guidance from HR where necessary;
- Ensuring that overpayments are minimised by providing information to the Payroll and Pensions team and updating the HR information system in a timely manner;
- To raise any issues related to employee overpayments with Payroll as soon as they are aware so that the overpayment can be rectified at the earliest opportunity.

4.2 Employees are accountable for the following;

- All employees should support the delivery of the council's vision and purpose, clearly demonstrating the council's behaviours and values;
- Actively engage in employment practices and processes in which they are involved and ensure they understand this procedure, seeking further advice and guidance from managers where necessary;
- To check their pay slips on a monthly basis to ensure payments and deductions have been processed correctly;
- To raise any issues relating to their pay with their manager at the earliest opportunity, including highlighting any overpayments;
- Comply with the requirements of this policy and procedure.

5.0 Procedure

5.1 Stage 1 – Employee discussion to agree instalment plan

- 5.1.1 In the first instance a representative from Payroll will contact the employee to notify them of the overpayment and the reason for the overpayment.
- 5.1.2 As part of this contact Payroll will advise the employee of details of a proposed repayment instalment plan, which will have due regard to the amount of the overpayment and will consider the employees ability to repay.
- 5.1.3 The employee is able to request a meeting with a payroll colleague to discuss the overpayment should they wish.
- 5.1.4 Once an instalment plan has been agreed between Payroll and the employee, Payroll will confirm this agreement in writing to the employee.
- 5.1.5 It is hoped in the majority of cases that an agreement can be reached with the employee regarding the overpayment, however where this is not possible the matter will progress to stage 2.

5.2 Stage 2 – Review by Payroll Manager

- 5.2.1 If the initial instalment plan is not agreed by the employee within 10 working days following the date of the notification letter, then the overpayment will be referred to the Payroll Manager for further consideration and discussion with the employee, with a view to agreeing an instalment plan.
- 5.2.2 The employee is able to request a meeting with the Payroll Manager to discuss the overpayment should they wish.
- 5.2.3 Where no agreement can be reached then the overpayment will be recovered in instalments giving due regard to the amount of the overpayment and the employee's actual net salary. This will be confirmed in writing to the employee confirming the instalment amounts to be deducted and the dates of the deductions.

5.3 Stage 3 – Appeal

- 5.3.1 If an employee feels that they should not be repaying the overpayment they have the right of appeal within 10 working days of the date of the notification letter under stage 2.
- 5.3.2 All appeals should be in writing to the Authorities Section 151 Officer and clearly state the ground for the appeal (i.e. why the employee believes they should not be required to pay back the overpayment). A copy of the appeal should also

be sent to the Payroll Manager to ensure no deductions are taken until the appeals process has been exhausted.

5.3.3 There is no further right of appeal after this stage.

Equality Impact Assessment (EqIA) for Policies, Procedures and Services

Proposal name	Relocation and Temporary Accommodation Expenses Policy		
Directorate	Resources and Transformation		
Service	HR Strategy and Planning		
Responsible Officer	Rebecca Harrison		
Proposal planning start	July 2020	Proposal start date (due or actual date)	December 2020

1	What is the purpose of the proposal?	Yes / No	New / revision
	Policy	Yes	Review
	Procedure	No	N/A
	Guidance	No	N/A
	Is this a service to customers/staff/public?	No	N/A
	If yes, is it contracted or commissioned?		
	Other - give details		
2	What is the business case for this proposal? Please provide the main purpose of the service, intended outcomes and reasons for change?		
	<p>The purpose of this policy is to ensure that managers and employees have a clear understanding of the criteria and process for the application and payment of relocation expenses.</p> <p>In response to feedback from the organisation and to bring the HR policies in line with the PROUD Programme and the Behaviour Framework, this procedure has been re-formatted and redesigned to reflect the following principles;</p> <ul style="list-style-type: none"> • Alignment with Walsall Proud Programme and vision • Clear identification of accountabilities in line with behaviours • Clear, consistent and concise policy containing easy to use procedure • Streamlined detail with more in the supporting guidance documents <p>The following amendments have been made to the policy:</p> <ul style="list-style-type: none"> • The removal of an option of a Basic or Enhanced relocation allowance (previously 15% to 25%) and this has been replaced with just one option (3.6) • An update on the taxation section in line with HMRC guidelines • Clarity on what can and cannot be claimed for and what approvals are required • Revision of repayment proportions (5.41) • Further clarification on approval levels • Revision of repayment amounts 		



3	Who is the proposal likely to affect?														
	People in Walsall	Yes / No	Detail												
	All	No	This policy applies to all council employees. With the exception of; school based employees/workers where the governing body has delegated authority and for whom separate arrangements apply.												
	Specific group/s	No													
	Council employees	Yes													
	Other (identify)	N/A													
4	Please provide service data relating to this proposal on your customer's protected characteristics.														
	<p>As of 31 March 2020 the total number of Walsall Council employees (excluding Schools) were 3097. The Council's workforce is made up of 67.74% females. 22.41% of the workforce are classified as minority ethnic. In total there were 151 employees (4.88% of the workforce) who declared they had a disability, as defined by the Equality Act 2010.</p>														
5	Please provide details of all engagement and consultation undertaken for this proposal. (Please use a separate box for each engagement/consultation).														
	<p>Stakeholders who have a specific interest/involvement in the policy were consulted at the start of the review (HRMT).</p> <p>Consultation commenced on 3 August 2020 with Assistant Directors, Heads of Service, and staff who were involved in the review of the policy. The consultation ended on 18 August 2020.</p> <p>A draft was emailed to the unions on 3 August 2020 seeking their comments and feedback of which responses received was that they were happy with the changes made.</p> <p>The other main points of feedback following the consultation are as follows:</p> <ul style="list-style-type: none"> • The single level of reimbursement for relocation is much simpler • Change of wording in the policy to reflect that claims for 2nd class only travel will be reimbursed • Relocation policy makes reference to the Equality and Diversity Protocol <p>The policy was submitted to CMT on 01/10/2020 followed by Personnel Committee for approval on 14/12/20</p> <p>Consultation Activity</p> <table border="1" data-bbox="212 1720 1444 1955"> <tr> <td data-bbox="212 1720 635 1798">Type of engagement/consultation</td> <td data-bbox="635 1720 1121 1798">Initial stakeholder engagement</td> <td data-bbox="1121 1720 1241 1798">Date</td> <td data-bbox="1241 1720 1444 1798">18/06/2020</td> </tr> <tr> <td data-bbox="212 1798 635 1877">Who attended/participated?</td> <td colspan="3" data-bbox="635 1798 1444 1877">HRMT</td> </tr> <tr> <td data-bbox="212 1877 635 1955">Protected characteristics of participants</td> <td colspan="3" data-bbox="635 1877 1444 1955">A range of protected characteristics including, gender, race, age, disability.</td> </tr> </table> <p>Feedback</p> <p>As part of the consultation process, the policy was emailed to initial stakeholders to review and make comments on. A meeting then took place to discuss the feedback. Minor amendments requested. Page 45 of 142</p>			Type of engagement/consultation	Initial stakeholder engagement	Date	18/06/2020	Who attended/participated?	HRMT			Protected characteristics of participants	A range of protected characteristics including, gender, race, age, disability.		
Type of engagement/consultation	Initial stakeholder engagement	Date	18/06/2020												
Who attended/participated?	HRMT														
Protected characteristics of participants	A range of protected characteristics including, gender, race, age, disability.														

6	Type of engagement/consultation				Senior Manager consultation	Date	03/08/2020 to 18/08/2020
	Who attended/participated?				Senior Managers across the council		
	Protected characteristics of participants				A range of protected characteristics including, gender, race, age, disability.		
	Feedback				As part of the consultation process, the policy was emailed to senior managers across the council welcoming feedback and comments and suggested improvements. Feedback was limited. There were no real concerns raised.		
	Type of engagement/consultation				Trade Union consultation	Date	03/08/2020 to 18/08/2020
	Who attended/participated?				Unison, GMB, UNITE, NEU, NASWT		
	Protected characteristics of participants				A range of protected characteristics including, gender, race, age, disability.		
	Feedback				As part of the consultation process, the policy was emailed to each of the trade unions, welcoming feedback, comments, suggestions and improvements. Feedback was limited, UNISON responded that they were happy with changes made to the document.		
	Concise overview of all evidence, engagement and consultation						
	Formal consultation with senior managers across the council and trade unions raised no concerns in relation to protected characteristics and the proposed changes to the policy.						
7	How may the proposal affect each protected characteristic or group? The effect may be positive, negative, neutral or not known. Give reasons and if action is needed.						
Characteristic			Affect	Reason		Action needed Yes / No	
Age			Neutral	The policy applies to all employees – no impact foreseen.		No	
Disability			Negative	Potential impact on employees who require reasonable adjustments for communication who do not understand the policy e.g. employees with learning		Yes	

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		Positive	disabilities. Potential impact on employees who require reasonable adjustments as a result of a disability-related condition. The policy allows for reasonable adjustments and references Access to Work.	No
	Gender reassignment	Neutral	The policy applies to all employees – no impact foreseen	No
	Marriage and civil partnership	Neutral	The policy applies to all employees – no impact foreseen	No
	Pregnancy and maternity	Neutral	The policy applies to all employees – no impact foreseen	No
	Race	Negative	Potential impact on employees where English is not their first language as they may not understand the policy.	Yes
	Religion or belief	Neutral	The policy applies to all employees – no impact foreseen	No
	Sex	Neutral	The policy applies to all employees – no impact foreseen	No
	Sexual orientation	Neutral	The policy applies to all employees – no impact foreseen	No
8	Does your proposal link with other proposals to have a cumulative effect on particular equality groups? If yes, give details.			(Delete one) No
	N/A			
9	Which justifiable action does the evidence, engagement and consultation feedback suggest you take?			
	A	No major change required		
	B	Adjustments needed to remove barriers or to better promote equality		
	C	Continue despite possible adverse impact		
	D	Stop and rethink your proposal		

Action and monitoring plan				
Action Date	Action	Responsibility	Outcome Date	Outcome
Day of launch	The policy to be explained/made available to employees	Employee's line manager should make themselves available to explain the policy to ensure understanding and offer support to allow individuals to achieve the requirements.	As and when required	
Day of launch	The policy to be explained/made available in other languages on request for employees whose first language is not English.	Appropriate liaison as required with the council's Interpretation, Translation, Transcription and Easy Read (ITTE) service provider.	As and when required	
Day of launch	Alternative formats (audio and Easy Read) for disabled employees to be made available on request.	Liaison as required with the appropriate council procured services via the Community, Equality and Cohesion team.	As and when required	

Update to EqIA	
Date	Detail
Use this section for updates following the commencement of your proposal.	

Contact us

Community, Equality and Cohesion
Resources and Transformation

Telephone 01922 655797

Textphone 01922 654000

Email equality@walsall.gov.uk

Inside Walsall: [http://int.walsall.gov.uk/Service information/Equality and diversity](http://int.walsall.gov.uk/Service_information/Equality_and_diversity)

Equality Impact Assessment (EqIA) for Policies, Procedures and Services

Proposal name	Recovery of Overpayments of Salary Policy		
Directorate	Resource and Transformation		
Service	HR Strategy and Planning Team		
Responsible Officer	Rebecca Lloyd		
Proposal planning start	July 2020	Proposal start date (due or actual date)	December 2020

1	What is the purpose of the proposal?	Yes / No	New / revision
	Policy	Yes	Revision
	Procedure	Yes	Revision
	Guidance	No	NA
	Is this a service to customers/staff/public?	No	NA
	If yes, is it contracted or commissioned?	No	NA
	Other - give details		
2	What is the business case for this proposal? Please provide the main purpose of the service, intended outcomes and reasons for change?		
	<p>Recovery of Overpayment of Salary Policy has been revised as part of the overall review of HR policies. There have been no fundamental changes, it has been re-formatted and redesigned to reflect the following principles;</p> <ul style="list-style-type: none"> • Alignment with Walsall Proud Programme and vision • Clear identification of accountabilities in line with the Behaviours Framework • Clear, consistent and concise policy containing easy to use procedure • Streamlined detail with more in the supporting guidance documents <p>However, as this policy was last reviewed in 2014 it was put out for consultation for views on who the policy had worked and any comments for improvement.</p>		
3	Who is the proposal likely to affect?		
	People in Walsall	Yes / No	Detail
	All		This policy applies to all council employees, including Chief Officers and casual workers, but excluding those in schools where the Governing Body has delegated authority.
	Specific group/s		
	Council employees	Yes	
	Other (identify)		
4	Please provide service data relating to this proposal on your customer's protected characteristics.		



As of 31 March 2020 the total number of Walsall Council employees (excluding Schools) were 3097. The Council's workforce is made up of 67.74% females. 22.41% of the workforce are classified as minority ethnic. In total there were 151 employees (4.88% of the workforce) who declared they had a disability, as defined by the Equality Act 2010.

5 Please provide details of all engagement and consultation undertaken for this proposal. (Please use a separate box for each engagement/consultation).

Consultation was undertaken with the Senior Management Group across the Council and Trade Union Representatives between 31/07/2020 and 19/08/2020.

On the whole the feedback from consultation was that the policy read well and no changes were required.

The policy was submitted to CMT on 01/10/2020, followed by Personnel Committee for approval on 14/12/2020.

Consultation Activity

Complete a copy of this table for each consultation activity you have undertaken.

Type of engagement/consultation	Consultation within Senior Management Group	Date	31/07/20
Who attended/participated?	Senior Management Group		
Protected characteristics of participants	A range of protected characteristics including, gender, race, age, disability.		
Feedback			
A manager asked for more engagement with managers in the process when employees are notified. However, the response from Payroll was that the process is confidential between them and the employee, therefore they could not as a matter of course put in the policy they will inform managers when there is an overpayment. However, if the employee wishes to notify their manager they can do so.			

Type of engagement/consultation	Consultation with trade unions	Date	31/07/20
Who attended/participated?	Trade unions representatives		
Protected characteristics of participants	A range of protected characteristics including, gender, race, age, disability.		
Feedback			
The trade unions raised no concerns.			

6	Concise overview of all evidence, engagement and consultation			
	Formal consultation with senior managers across the council and trade unions raised no concerns in relation to protected characteristics and the proposed changes to the procedure.			
7	How may the proposal affect each protected characteristic or group? The effect may be positive, negative, neutral or not known. Give reasons and if action is needed.			
	Characteristic	Affect	Reason	Action needed Yes / No
	Age	Neutral	The policy applies to all employees – no impact foreseen.	No
	Disability	Negative	Potential impact on employees who require reasonable adjustments for communication who do not understand the policy e.g. employees with learning disabilities.	Yes
	Gender reassignment	Neutral	The policy applies to all employees – no impact foreseen	No
	Marriage and civil partnership	Neutral	The policy applies to all employees – no impact foreseen	No
	Pregnancy and maternity	Neutral	Potential impact on employees who are pregnant or on maternity leave	No
	Race	Negative	Potential impact on employees where English is not their first language as they may not understand the policy.	Yes
	Religion or belief	Neutral	The policy applies to all employees – no impact foreseen	No
	Sex	Neutral	The policy applies to all employees – no impact foreseen	No
	Sexual orientation	Neutral	The policy applies to all	No

			employees – no impact foreseen	
8	Does your proposal link with other proposals to have a cumulative effect on particular equality groups? If yes, give details.			(Delete one) No
9	Which justifiable action does the evidence, engagement and consultation feedback suggest you take?			
	A	No major change required		
	B	Adjustments needed to remove barriers or to better promote equality		
	C	Continue despite possible adverse impact		
	D	Stop and rethink your proposal		

Action and monitoring plan				
Action Date	Action	Responsibility	Outcome Date	Outcome
Day of launch	The policy to be explained/made available to employees	Employee's line manager should make themselves available to explain the policy to ensure understanding and offer support to allow individuals to achieve the requirements	As and when required	
Day Of launch	The policy to be explained/made available in other languages on request for employees whose first language is not English.	Appropriate liaison as required with the council's Interpretation, Translation, Transcription and Easy Read service (ITTE)	As and when requested	
Day of launch	Alternative formats (audio and Easy Read) for disabled employees to be made available on request.	Liaison as required with the appropriate council procured services via the Community, Equality and Cohesion team.	As and when requested	

Update to EqIA	
Date	Detail

Contact us

Community, Equality and Cohesion
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Inside Walsall: http://int.walsall.gov.uk/Service_information/Equality_and_diversity

Personnel Committee – 23 November 2020

Schools Model Pay Policy 2020 and Unattached Teachers' Pay Policy 2020

1. Purpose of the report

- 1.1 To gain Personnel Committee approval for the updated School's Model Pay Policy 2020 and Unattached Teachers' Pay Policy 2020 (detailed below) endorse by CMT at their meeting of 05 November 2020.

2. Recommendations

- 2.1 Personnel Committee is recommended to approve the School's Model Pay Policy 2020 and Unattached Teachers' Pay Policy 2020 (detailed below) endorsed by CMT (05 November 2020).

3. Background

- 3.1 This report covers the annual update of the following policies;
- a) The Schools' Model Pay Policy 2020 (Appendix 1)
 - b) The Unattached Teachers Pay Policy 2020 (Appendix 2)
- 3.2 Governing Bodies of all schools and academies are required annually to adopt a pay policy following full consultation with representatives of recognised unions and professional associations. The attached Schools' Model Pay Policy (at appendix 1) is recommended for Governing Bodies to adopt.
- 3.3 The Unattached Teachers' Pay Policy 2020 (at appendix 2) sets out the Council's policy on pay and conditions for all unattached teachers (i.e. those employed corporately by the council in Children's Services, Specialist Inclusion Team and in Economy, Environment and Communities - Music Education Hub). The policy incorporates the requirements of the School Teachers Pay and Conditions Document and reflects the Schools Model Pay Policy to ensure a fair and consistent approach. The pay scale values do differ in the two policies as the Corporate Unattached Teachers Pay Policy scales reflect the current pay structure and practice within the Council, which includes the 1% reduction legacy of the 2017 terms and conditions (T&C's) review.
- 3.4 Both of the attached pay policies have been updated to reflect the requirements of the School Teachers' Pay and Conditions Document (STPCD), which was approved on 14 October 2020;
- Minimum of the Main Pay Range is increased by 5.5 per cent.
 - Maximum of the Main Pay Range and the minima and maxima of all other pay and allowance ranges for teachers and school leaders are uplifted by 2.75 per cent.

- 3.5 The STPCD also reintroduced advisory pay points on the Main Pay Range (6 points) and Upper Pay Range (3 points) from September 2020, where previous Documents had only stated the minimum and maximum of the pay ranges.
- 3.6 Walsall, like many other local authorities changed to a 7 point Main Pay Range in 2015, having points 1 to 5 and 6a and 6b (due to a variable pay award that year), however the Upper Pay Range remained at a 3 point range. Therefore a move back to a 6 point Main Pay Range was consulted on in line with the recommendations in the STPCD.
- 3.7 Policy a) the Schools' Model Pay Policy - Following detailed consultation with all appropriate trade unions and Headteachers across the borough the preferred outcome is to apply the appropriate uplift to each of the pay reference points to be effective from 1 September 2020:
- i) A 5.5% uplift has been applied to Main Pay Range (M1). Advisory pay points have been applied to M2, M3, M4, M5, M6 and the upper pay range.
 - ii) A 2.75% uplift has been applied across all other ranges and allowances (UQ1, UQ2, UQ3, UQ4, UQ5, and UQ6), Leading Practitioner Pay Range, Leadership Pay Ranges and all allowances across all pay ranges.
 - iii) 6a has been removed and the advisory points in the STPCD adopted.

The policy also takes regard to the statutory guidance accompanying the Document and conforms to the local authority's salary scales and conditions of service for support staff.

- 3.8 Policy b) the Unattached Teachers' Pay Policy, has also been updated in line with STPCD (the same as the Schools' Model Pay Policy, albeit subject to the existing corporate T&C's legacy of 1% reduction on the actual pay scales) and would be effective from 1 September 2020. The main changes are as follows;
- i) A 5.5% uplift has been applied to the minimum of the Main Pay Range (M1).
 - ii) A 2.75% uplift has been applied to the maximum of the Main Pay Range (M6), and across all other ranges (Unqualified, Upper Pay Range, and Leading Practitioner Pay Range) and allowances.
 - iii) The uplifts are on the Walsall Council Teachers pay scales, which include the legacy of the 2017 T&C's review (1% pay reduction), where applicable. The pay scales meet the statutory minimum for all pay ranges.
 - iv) The Main Pay Range has been reduced to a 6 point range mirroring the 6 point advisory range. Thereby removing point M6a and leaving M6b the top of the range as the new point M6. However, the values of these points do not match those of the advisory points set out in the STPCD, due to the reduced Walsall pay scales. The uplift on the 2019 Walsall Council unattached teachers' pay scales for these points is in accordance with the School Teachers Review Body recommendations and mirrors the

percentage uplift for teachers within maintained schools (in line with the Schools Model Pay Policy);

- M1 uplift 5.50%
- M2 uplift 4.95%
- M3 uplift 4.40%
- M4 uplift 3.85%
- M5 uplift 3.30%
- M6 uplift 2.75%

This is in accordance with the statutory uplift in the STPCD of 5.5% uplift on the minimum and 2.75% uplift on the maximum of the Main Pay Range.

Council corporate plan priorities

- 3.9 These policy reviews are aligned to the internal focus priority within the Corporate Plan, delivering services that are efficient and effective.

Response

- 3.10 The policies, will take effect from 1 September 2020. The Schools' Model Pay Policy will be issued to schools following approval of Personnel Committee for their consideration and adoption.
- 3.11 Once approved by Personnel Committee if a school does not adopt the attached School's Model Pay Policy they will be required to enter into a separate consultation process with staff and unions. Schools would be required to defend any potential equal pay claims.

Review

- 3.12 The policies will be reviewed on annual basis in accordance with the statutory changes to the School Teachers' Pay and Conditions Document.

4. Financial Considerations

- 4.1 The Schools' Model Pay Policy has been reviewed by finance and they have confirmed that the costs associated with this pay policy are expected to be met from individual school budgets. Schools budgets are delegated to them and are funded through the Dedicated Schools Grant (DSG).
- 4.2 For the Unattached Teachers' Pay Policy the cost associated with the pay uplift and changes to the pay scales will be met from existing service budgets.

5. Legal

- 5.1 There are no anticipated legal issues arising from this report.

6. Risk Management

- 6.1 There are no identifiable risks associated with this implementation, indeed this procedure attempts to ensure that School's and the Council remain compliant with the law.

7. People

- 7.1 There is no direct impact on our citizens as a result of this procedure. The Equality Impact Assessments are attached;

- EqIA Schools' Model Pay Policy (Appendix 3)
- EqIA Unattached Teachers' Pay Policy (Appendix 4)

8. Consultation

- 8.1 For the Schools' Model Pay Policy consultation has taken place with the Headteachers from Primary, Nursery and Special Schools and the Headteachers of Secondary Schools that are not Academies. Both teaching and support unions have been consulted with during September and October 2020 and comments received have been incorporated appropriately before being issued.
- 8.2 The Unattached Teachers' Pay Policy has been out to consultation between 01 - 14 October 2020 with relevant senior managers within the council and the trade unions.
- 8.3 Consultation comments were in favour of implementing the pay uplift and moving to the advisory 6 point main pay range as outlined in the STPCD.
- 8.4 However, the trade unions were opposed to the pay uplift being applied to the existing Unattached Teachers Pay Scales (which were reduced by 1% compared to teachers in schools as part of the corporate T&C's review implemented in 2017). They commented that, they have major concerns about the unattached teachers' salary scales having been previously reduced by 1%, when compared with the Schools' Model Pay Policy (as a result of the legacy of the 2017 T&C's review). The trade unions feel that corporately appointed unattached teachers should not be compared to other council employees and that the 2017 applied 1% reduction should be reversed for this group, therefore bringing them in line with teachers in schools who are instead subject to the Schools Model Pay Policy (which historically was never subject to the 2017 1% reduction as the T&C's review did not apply to schools).
- 8.5 Consultation comments received from senior management in Children's Services were in agreement with the trade union position, stating that, unattached teachers' pay should match the national pay and conditions scales and that to not do so may hinder the recruitment of unattached teachers.
- 8.6 Unattached teachers, like all other corporate council employees (on a variety of terms and conditions), remain on the 1% reduced salary base (compared to all national rates) due to the 2017 T&C's review and to date there has been no corporate decision to move away from the 2017 T&C's review decision or to

reinstate the 1% for any employees. It is recommended that any such decision form part of the wider review of Council Terms and Conditions, currently underway, for which deliberations are at an early stage.

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Appendix 1

Model Pay Policy – 2020

Document information

Document title	Pay Policy		
Owner	Human Resources – Schools		
Version	Draft	Status	
Last updated	October 2019	Last updated by	Kerry Smith
Effective from	1 September 2020	Review Date	September 2021
Purpose	To set out the framework for making pay decisions for directly employed School/Academy staff.		

Document accessibility

If you would like this information in another language or format please speak to your Headteacher/Principal

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1. Introduction

1 The Governing Body has adopted this policy to take effect from 1st September 2020 following full consultation with representatives of recognised unions and professional associations and Walsall Children's Services. It will review the policy annually following similar consultation. This policy meets the requirements of the School teachers' pay and conditions document 2020 and guidance on school teachers' pay and conditions (STPCD) ('Document'). The link to the Document is attached below. It has regard to the statutory guidance accompanying the Document and conforms to the local authority's salary scales and conditions of service for support staff. This policy should be read alongside the Document.

1.2 The Governing Body will ensure that all employees are made aware of the existence of this policy and have ready access to a copy of it.

1.3 The Governing Body delegates the implementation of this policy to the Pay Committee (hereinafter referred to as the 'pay committee'), with the exception of threshold assessment for teachers and determining the salaries of newly appointed employees in accordance with this policy, both of which are delegated to the Headteacher/Principal. The Headteacher/Principal is also asked to agree performance objectives with other teachers on the leadership spine, review those objectives annually and report on the outcome of that review to this pay committee in time for the annual review of salaries of those teachers.

This Pay Policy should be read in conjunction with the Pay Policy Guidance 2019.

1.4 Teachers Pay Award September 2020 (STPCD) and Walsall proposal

a) In 2020 the DFE have fully implemented the recommendations by the 30th report of the STRB, accepted and outlined in the STPCD.

- *Minimum of the MPR is increased by 5.5 per cent.*
- *Maximum of the MPR and the minima and maxima of all other pay and allowance ranges for teachers and school leaders are uplifted by 2.75 per cent.*
- *Advisory pay points are reintroduced on the MPR and UPR from September 2020*

b) Consultation with trade unions and Walsall Headteachers/Principals

Following detailed consultation with all appropriate trade unions and Headteachers/Principals across the borough this model pay policy outlines the proposed pay ranges for Walsall schools.

a) a 5.5% uplift has been applied to Main Pay Range (M1)

b) a 2.75% uplift has been applied across all other ranges and allowances (M2, M3, M4, M5, M6) (UQ1, UQ2, UQ3, UQ4, UQ5, UQ6) the Upper Pay Range, Leading Practitioner Pay Range, Leadership Pay Ranges and all allowances across all pay ranges.

c) 6a has been removed and the advisory points in the STPCD adopted

1.5 The following are links to:

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- School Teachers' Pay and Conditions Document (STPCD)
[School teachers' pay and conditions - GOV.UK](#)
- Implementing your schools approach to pay – DfE advice updated March 2019:
<https://www.gov.uk/government/publications/reviewing-and-revising-school-teachers-pay>

2. Statement of intent

- 2.1 The prime statutory duty of governing bodies in England, as set out in paragraph 21(2) of the Education Act 2002, is to "...conduct the school with a view to promoting high standards of educational achievement at the school." The pay policy is intended to support that statutory duty.

In adopting this pay policy, the aim for our school/academy is to:

- Maximise the quality of teaching and learning at the school/academy
- Support the recruitment and retention of a high quality teacher workforce
- Enable the school to recognise and reward teachers appropriately for their contribution to the school
- Help to ensure that decisions on pay are managed in a fair, just and transparent way
- Ensure appropriate consultation has taken place with union consultation and agreement
- **PLUS ANY OTHER AIMS THAT SCHOOL MAY WISH TO OUTLINE**

- 2.2 The Governing Body of _____ school/academy will make all pay decisions at this school/academy. They will act with integrity, confidentiality, objectivity and honesty in the best interests of the school; will be open about decisions made and actions taken, and will be prepared to explain decisions and actions to interested persons. Its procedures for determining pay will be consistent with the principles of public life: objectivity, openness and accountability.

3. Equalities legislation

- 3.1 The Governing Body will promote equality in all aspects of school life, particularly as regards all decisions on advertising of posts, appointing, promoting and paying staff, training and staff development.

The Governing Body will comply with relevant equalities legislation including:

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.

- 3.2 Equality Act 2010 – With regard to the Equality Act, the Governing Body will comply with the Public Sector Equality Duty (PSED) introduced by the Equality Act. In order to discharge the duty schools must have due regard to the need to:

- (i) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.

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(ii) advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.

(iii) foster good relations between people who share a relevant protected characteristic and people who do not share it.

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

4. Pay progression based on performance

- 4.1 In this school all teachers can expect to receive regular, constructive feedback on their performance and are subject to annual appraisal. This will enable teachers with their appraiser to recognise their strengths, informs plans for their future development and helps to enhance their professional practice.
- 4.2 Decisions regarding pay progression will be made with reference to the teachers' appraisal reports and the pay recommendations they contain. In the case of NQTs, whose appraisal arrangements are different, pay decisions will be made by means of the statutory induction process. It will be possible for a 'no progression' determination to be made without recourse to the capability procedure.

5. Equalities and pay progression

- 5.1 The Governing Body will ensure that its processes are open, transparent and fair. All decisions will be objectively justified and minutes of any decisions, and the reasons for them will be kept. Adjustments will be made to take account of special circumstances, e.g. an absence on maternity or disability-related sick leave. Adjustments will be made on a case-by-case basis.
- 5.2 The school will do everything in its power to make a performance-related judgement. If little or no performance evidence is available from the relevant appraisal cycle, because the teacher has been away from school due to pregnancy, maternity or disability-related illness, it will use evidence from previous appraisal cycles.
- 5.3 On-going equality analysis can assist schools in identifying any potential inequality and guard against possible equal pay claims
- 5.4 The principal means of preventing equal pay claims is for the school to ensure that individual pay decisions are fully compliant with the Equality Act as set out in Section 2 above, and that the duty to have due regard is discharged. The School will satisfy itself that pay decisions year on year are not indicating a pattern that might cause concern. This can be achieved by schools undertaking an annual equality analysis which would help identify any potential inequality and demonstrate that the school is attempting to eliminate discrimination and advance equality. Such analysis to include:
- the pay profile of teachers by the protected characteristic i.e. age, disability, race and gender.
 - the reasons that teachers with different protected characteristics are rewarded differently if that is the case;
 - whether teachers who share particular protected characteristics are being treated less favourably than other teachers.

6. Job descriptions

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- 6.1 The Headteacher/Principal will ensure that each member of staff 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 employee concerned, in order to make reasonable changes in the 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.

7. Appraisal

- 7.1 The Governing Body will comply with The Education (School Teachers' Appraisal) (England) Regulations 2012 concerning the appraisal of teachers.
- 7.2 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:
- Improving the education of pupils at that school; and
 - The implementation of any plan of the Governing Body designed to improve that school's education provision and performance.
- 7.3 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 any evidence they deem to be appropriate in relation to meeting their objectives, the Teachers' Standards and any other criteria (i.e. application to be paid on Upper Pay Range) so that such evidence can be taken into account at the review. The arrangements of teacher appraisals are set out in the separate school's appraisal policy and supporting documentation which can be located on the Walsall Link.
- 7.4 The Headteacher/Principal will moderate objectives to ensure consistency and fairness; the Headteacher/Principal will also moderate performance assessment and initial pay recommendations to ensure consistency and fairness.

8. Governing Body obligations

The Governing Body will fulfil its obligations to:

- 8.1 Teachers: as set out in the school teachers' pay and conditions document ('the Document') and the conditions of service for school teachers in England and Wales (commonly known as the Burgundy book).
- 8.2 Support staff: the national joint council for local government services national agreement on pay and conditions of service (Green Book) or any LA pay/grading system.
- 8.3 The Governing Body will need to consider any updated pay policy and assure themselves that appropriate arrangements for linking appraisal to pay are in place, can be applied consistently and that their pay decisions can be objectively justified.
- 8.4 The Governing Body will ensure that appraisers, decision-makers and any appeal committee governors receive appropriate training to ensure fair and open decision-making.
- 8.5 The Governing Body will ensure that mid-year reviews are undertaken for teachers and all members of the leadership group.
- 8.6 The Governing Body will ensure that it makes funds available to support pay decisions in accordance with this pay policy (see Procedures) and the school's spending plan.

- 8.7 The Governing Body will monitor the outcomes of pay decisions, including the extent to which different groups of teachers progress at different rates, ensuring the school's continued compliance with equalities legislation.

9. Headteacher/Principal obligations

The Headteacher/Principal will:

- develop clear arrangements for linking appraisal to pay progression and consult with staff and union representatives on the 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 any appraisers have the knowledge and skills to apply procedures fairly;
- ensure that mid-term reviews are undertaken for all teachers, including the leadership group;
- submit pay recommendations to 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.

10. Teachers' obligations

A teacher will:

- engage with appraisal; this includes working with their appraiser to ensure that there is a secure evidence base in order for an annual pay determination to be made;
- keep records of their objectives and review them throughout the appraisal process;
- share any evidence they consider relevant with their appraiser; and
- ensure they have an annual review of their performance.

11. Differentials

- 11.1 Appropriate differentials will be created and maintained between posts within the school, recognising accountability and job weight, and the Governing Body's need to recruit, retain and motivate sufficient employees of the required quality at all levels.

12. Discretionary pay awards

- 12.1 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.

13. Salary safeguarding for Teachers

- 13.1 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 Document and will give the required notification as soon as possible and no later than one month after the determination.

14. Procedures

- 14.1 The Governing Body will determine the annual pay budget on the recommendation of the pay committee, taking into account paragraph 19.2(e) of the Document. **SCHOOLS TO DECIDE**
It will also allocate X per cent to allow for the best teachers to make more rapid progress up the relevant pay range OR Due to budget constraints, there will be no accelerated progression on any pay scale [The latter choice should only be used where there is objective evidence of budget issues.]
- 14.2 The Governing Body has delegated its pay powers to the pay committee. Any person employed to work at the school, other than the head, must withdraw from a meeting at which the pay or appraisal of any other employee of the school, is under consideration. The head must withdraw from that part of the meeting where the subject of consideration is his or her own pay. A relevant person must withdraw where there is a conflict of interest or any doubt about his/her ability to act impartially.
- 14.3 Where possible, no member of the Governing Body who is employed to work in the school shall be eligible for membership of this committee. The pay committee will be attended by the head in an advisory capacity. Where the pay committee has invited either a representative of the LA or the external adviser to attend and offer advice on the determination of the head's pay, that person will withdraw at the same time as the head while the committee reaches its decision. Any member of the committee required to withdraw will do so.
- 14.4 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 whole school pay policy in a fair and equal manner;
 - to apply the criteria set by the whole school pay policy in determining the pay of each member of staff 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; and
 - to work with the head in ensuring that the Governing Body complies with the Education (School Teachers' Appraisal) (England) Regulations 2012.
- 14.5 The report of the pay committee will be placed in the confidential section of the Governing Body's agenda and will either be received or referred back. Reference back may occur only if the pay committee has exceeded its powers under the policy.

15. Staff paid in accordance with STPCD

15.1 Annual determination of pay

All teaching staff salaries, including those of the Head, Deputy Head(s) and Assistant Head(s) will be reviewed annually to take effect from 1 September. The Governing Body will endeavour to complete teachers' annual appraisal and pay reviews by 31 October and the

Headteacher/Principal annual pay review by 31 December. They will, however, complete the process without undue delay.

15.2 Notification of pay determination

Decisions will be communicated to each member of staff by the head in writing in accordance with paragraph 3.4 of the Document and will set out the reasons why decisions have been taken. An instruction to amend pay from the relevant date will be issued immediately after the time limit for the lodging of an appeal has passed, or immediately after an appeal has been concluded.

16. Appeals procedure

The Governing Body has an appeals procedure in relation to pay in accordance with the provisions of paragraph 2.1(b). It is set out as an appendix to this policy.

17. Headteacher/Principal pay - Pay on appointment

- 17.1 The pay committee will review the school's Headteacher group and the Head's pay range in accordance with paragraphs four, five, six and eight (ordinary school), or paragraphs four, five, six, seven and eight (special schools) of the Document.
- 17.2 If the Headteacher/Principal 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 of the Document, as the case may be.
- 17.3 For new appointments, the pay committee will determine the Headteacher group, and pay range taking account of the full role of the Headteacher/Principal (part seven of the Document), all permanent responsibilities of the role, any challenges that are specific to the role and all other relevant considerations paragraphs 9.2 of the Document, including recruitment issues. The pay committee will consider the reference points on leadership scale and take into account the factors set out in Appendix One when determining an appropriate pay range. It will also take account of any other considerations it feels are relevant and minute carefully its decisions and reasons for those decisions
- 17.4 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 Headteacher/Principal, as set out in paragraph 9.3 of the Document. However, before doing so, it will make a fully-documented business case and seek external independent advice.
- 17.5 Walsall's recommendation is that the pay committee will use 7 reference 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 [insert number] reference points, for performance related pay progression.
- 17.6 The pay committee will have regard to the provisions of paragraph 9.4 of the Document in particular, and will also take account of the pay and ranges of other staff, including any permanent payments, to ensure that appropriate differentials are created and maintained between posts of differing responsibility and accountability

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- 17.7 The pay committee will consider the use of temporary payments for clearly time-limited responsibilities or duties only, in accordance with paragraph 10 of the Document.
- 17.8 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 of the Document. 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
- 17.9 The pay committee will consider whether there is a need for any temporary payments (paragraph 10 of the Document) for clearly time-limited responsibilities or duties. The total sum of the temporary payments made to a head will not exceed 25 per cent of the annual salary which is otherwise payable to the head; and the total sum of salary and other payments made to a head must not exceed 25 per cent above the maximum of the Headteacher group, except in wholly exceptional circumstances
- 17.10 The pay committee may determine that temporary and other payments be made to a head which exceeds the limit above in wholly exceptional circumstances where it has made a business case and with the agreement of the Governing Body. The Governing Body will seek external independent advice before providing agreement

17.11 Serving Headteacher/Principal

The pay committee will only re-determine the pay range of a serving Headteacher/Principal, in accordance with paragraph nine of the Document, if the responsibilities of the post change significantly, or if the pay committee determines that this is required to maintain consistency with pay arrangements for new appointments to the leadership team made on or after 1 September 2014, or with pay arrangements for a member(s) of the leadership group whose responsibilities significantly change on or after 1 September 2014 (paragraph four of the Document).

- 17.12 It will also re-determine the pay range if the group size of the school increases, or if the head takes on permanent accountability for an additional school(s) (paragraph eight, section three).
- 17.13 If the pay committee re-determines the Headteacher's pay range, it will take account of all indefinite responsibilities of the post, any specific challenges and all other relevant factors, including retention issues. The pay committee will take into account the factors set out in Annex A when determining an appropriate pay range. It will also take account of any other considerations it feels are relevant and minute carefully its decisions and reasons for those decisions.
- 17.14 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 of the Document. However, before agreeing to do so, it will make a fully-documented business case and will seek external independent advice.
- 17.15 The pay committee will use reference points within the pay range and will leave at least **[insert number]** reference points for performance-related pay progression
- 17.16 The pay committee will review the Headteacher's pay in accordance with paragraph 11 of the Document and award one reference point where there has been sustained high quality of performance having regard to the results of the most recent appraisal carried out in

accordance with the appraisal regulations 2012 and any recommendation on pay progression in the Headteacher/principal's most recent appraisal report

17.17 Delete/Insert as required - Where the head's performance is exceptional, it will award accelerated performance related pay progression of [insert number] reference points taking account of the most recent appraisal and any recommendation on pay

- 17.18 If the pay committee decides to re-determine the pay range, it will only determine the head's pay range in accordance with paragraph nine; and paragraph eight of the Document.
- 17.19 The pay committee will consider the use of temporary payments for clearly temporary responsibilities or duties only, in accordance with paragraph 10 of the Document
- 17.20 The total sum of temporary payments made to a head must not exceed 25 per cent of the annual salary which is otherwise payable to the head; and the total sum of salary and other payments made to a head must not exceed 25 per cent above the maximum of the Headteacher group, except in wholly exceptional circumstances.
- 17.21 The pay committee may determine that additional/temporary payments be made to a head which exceeds the limit above in wholly exceptional circumstances and with the agreement of the Governing Body. The Governing Body will seek external independent advice before providing agreement

18. Deputy/Assistant Headteacher pay

18.1 Pay on appointment

The pay committee will determine a pay range on the Leadership Pay Range attached at Appendix 1 The pay committee will take account of the full role of the deputy/assistant Headteacher (part seven), all indefinite responsibilities of the role, any challenges that are specific to the role and all other relevant considerations paragraph 9.2 – 9.4 of the Document, including recruitment issues. The pay committee will take into account the factors set out in Appendix 1 when determining an appropriate pay range. It will also take account of any other considerations it feels are relevant and minute carefully its decisions and reasons for those decisions.

Walsall's recommendation is that the pay range will contain 5 reference points.

- 18.2 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 [insert number] reference points, for performance related pay progression.
- 18.3 The pay committee will consider whether the award of any additional payments are relevant, as set out in paragraph 26 of the Document and paragraphs 60 to 68 of section three Guidance contained in the Document.

18.4 Serving Deputy/Assistant Headteachers

The pay committee will review and, if necessary, re-determine the Deputy/Assistant Head pay range where there has been a significant change in the responsibilities of the serving Deputy/Assistant Headteacher (paragraph nine of section three guidance in the Document), or to maintain consistency with pay arrangements for new appointments to the leadership group made on or after 1 September 2015, or to maintain pay arrangements for a member(s) of the leadership group whose responsibilities significantly change on or after 1 September 2016.

- 18.5 When determining the pay range of a serving Deputy/Assistant head, 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 of the Document), including retention issues. The pay committee will take into account the factors set out in Annex A when determining an appropriate pay range. It will also take account of any other considerations it feels are relevant and minute carefully its decisions and reasons for those decisions
- 18.6 The pay committee will ensure the maintenance of appropriate differentials between different posts in its staffing structure, but will note paragraph 9.4 of the Document.
- 18.7 The pay committee will consider whether the award of any additional payments is relevant, as set out in paragraph 26 of the Document and paragraphs 59 to 68 of section three of the Document.
- 18.8 The pay committee will use reference points within the pay range and will leave at least [insert number] reference points for performance-related pay progression
- 18.9 The pay committee will review pay in accordance with paragraphs 11 of the Document and award one reference point where there has been sustained high quality of performance having regard to the results of the recent appraisal, and to any recommendation on pay progression recorded in the deputy/assistant head's most recent appraisal report
- 18.10 **Delete/Insert as required** - The pay committee will award accelerated performance related pay progression of up to [insert number] reference points if there has been exceptional performance, taking account of the results of the most recent appraisal and any pay recommendation and appropriate differentials.

19. Classroom Teachers

19.1 Pay on appointment

Delete/Insert as required

- 19.2 This school has not adopted pay portability. The Headteacher in conjunction with Governors will determine the starting salary of a vacant classroom teacher post on the main pay range/upper pay range, such as the Committee determines. The advertisement for the post will indicate that pay portability will not be applied.

or

- 19.3 This school has adopted pay portability. In the event appointee worked as a classroom teacher previously the Committee will pay the same rate as they were paid in their previous school including pay progress for this cycle, this is known as pay portability.

N.B: The pay policy is only agreed with NAHT, NEU (NUT & ATL) and NASUWT if the paragraph on pay portability is included. ASCL agree the policy if schools are given the option of whether or not to accept pay portability.

- 19.4 The Governing Body will, if necessary, use its discretion to award a recruitment incentive benefit to secure the candidate of its choice.

19.5 Annual pay determination

The Committee will use reference points for classroom teachers. Therefore the pay scale for main pay range teachers in this school is:

MS Point 1	£25,714
MS Point 2	£27,600
MS Point 3	£29,664
MS Point 4	£31,778
MS Point 5	£34,100
MS Point 6	£36,961

19.6 Appraisal objectives will become more challenging as the teacher progresses up the main pay range. Objectives will, however, be such that, if achieved, will meet the requirements of the appraisal regulations 2012 (see Appraisal above).

19.7 To move up the main pay range, one annual point at a time, teachers will need to have made good progress towards their objectives and have shown that they are competent in the teachers' standards. Teaching should be consistently 'good', as defined by Ofsted. However, this does not mean that every lesson observation needs to be 'good'.

19.8 **Delete/Insert as required** - If the evidence shows that a teacher has exceptional performance, the Governing Body may consider the use of its flexibilities to award enhanced pay progression, up to the maximum of [insert reference point]. Teaching over time will be 'outstanding', as defined by Ofsted.

19.9 Judgments will only be made on evidence gathered which is related to the formal appraisal process. As a teacher moves up the main pay range, this evidence should show:

- a positive impact on pupil progress;
- a positive impact on wider outcomes for pupils;
- improvements in any specific elements of practice identified to the teacher through the appraisal process, e.g. behaviour management or lesson planning; and
- a positive contribution to the work of the school.

19.10 Further information, including sources of evidence, is contained in the school's appraisal policy.

19.11 The pay committee will take account of the pay recommendation contained in the appraisal report. Any increase (i.e. no movement, one point, more than one point) will be clearly attributable to the performance of the teacher in question. The pay committee will be able to justify its decisions.

In the case of NQTs, pay decisions will be made by means of the statutory induction process.

20. Applications to be paid on the Upper Pay Range

20.1 It is the responsibility of the teacher to decide whether or not they wish to apply to be paid on the upper pay range (UPR). Applications will only be considered taking into account two successful appraisals.

- 20.2 If successful the teacher will move to the Upper pay range from 1 September following the years' appraisal reviews submitted. For example, if the appraisal reviews cover academic years 2016/17 (main scale point 5) and 2017/18 (main scale point 6) and the application is submitted before 31 October 2018, movement to the Upper Pay Range will be with effect from 1 September 2018.
- 20.3 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 school.
- 20.4 All applications should include the results of the two most recent appraisals, 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 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.
- 20.5 In order for the assessment to be robust and transparent, it will be an evidence-based process only. Teachers therefore should ensure that they build a mainly paper evidence base to support their application. Those teachers who have been absent, through sickness, disability or maternity, may cite written evidence from previous years in support of their application.

20.6 Process

One application may be submitted annually. The closing date for applications is normally 31st October of each year; however, exceptions will be made in particular circumstances, e.g. those teachers who are on maternity leave or on sick leave. The process for applications is:

- complete the school's application form (Appendix Two)
- submit the application form and supporting evidence to the Headteacher by the cut-off date of 31st October;
- the teacher will receive notification of the name of the assessor of your application within 5 working days;
- the assessor will assess the application, which will include a recommendation to the pay committee of the relevant body;
- the application, evidence and recommendation will be passed to the Headteacher for moderation purposes, if the Headteacher is not the assessor;
- the pay committee will make the final decision, advised by the Headteacher;
- Teachers will receive written notification of the outcome of their application. 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; and
- Unsuccessful applicants can appeal the decision. The appeals process is set out in Appendix 4.

20.7 Assessment

The teacher will be required to meet the criteria set out in paragraph 15 (Appendix Three) of the Document, 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.

In this school, this is interpreted as follows:

"Highly competent":

- 20.8 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.
- 20.9 (e.g. performance which is good enough to fulfil wider professional responsibilities, and develop effective professional relations with colleagues, giving them advice and demonstrating to them effective teaching practice and how to make a positive contribution to the wider life and ethos of the school, in order to help them meet the relevant standards and develop their teaching practice).

"Substantial":

- 20.10 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 staff and colleagues.
- 20.11 (e.g. of real importance, validity or value to the school; play a critical role in the life of the school; provide a role model for teaching and learning; make a distinctive contribution to the raising of pupil standards; take advantage of appropriate opportunities for professional development and use the outcomes effectively to improve pupils' learning).

"Sustained":

- 20.12 The teacher must have had two consecutive successful appraisal reports and have made good progress towards their objectives during this period. They will have been expected to have shown that their teaching expertise has grown over the relevant period and is consistently good to outstanding.

21. Upper pay range

Annual pay determination

The upper pay range in this school will consist of three ranges set out below:

UPR Point 1 £38,690

UPR Point 2 £40,124

UPR Point 3 £41,604

- 21.1 The pay committee will determine whether there has been continued good performance. In making such a determination, it will take into account:

- paragraph 19 and the criteria set out in paragraph 15.2 of the Document;
- the appraisal report and the pay recommendation of the appraiser; and

- the appraisal evidence that the teacher has maintained the criteria set out in paragraph 15.2, namely that the teacher is highly competent in all elements of the relevant standards; and that the teacher's achievements and contribution to an educational setting or settings are substantial and sustained. The meaning of these criteria is set out above.

21.2 Where it is clear that the appraisal evidence shows that the teacher has continued good performance, as set out above, and has made good progress towards their objectives, the teacher will move to next point on the upper pay range; or if already on the mid-point, will move to the top of the upper pay range.

21.3 Pay progression on the upper pay range will be clearly attributable to the performance of the individual teacher. The pay committee will be able to objectively justify its decisions.

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 from the minimum to the maximum of UPR. Teaching over time will be 'outstanding' as defined by Ofsted.

21.4 Further information, including sources of evidence is contained within the school's appraisal policy. The pay committee will be advised by the Headteacher in making all such decisions.

22. Leading Practitioner roles

Insert this paragraph if you do not intend to recruit a LP. If this is the case the other paragraphs can be deleted.

22.1 *It is not the intention of the Governing Body to create a leading practitioner role at this time but the Governing Body will review its position from to time.*

Or

If the above paragraph is included then delete the paragraph below. If you intend to have Leading Practitioners the delete the paragraph above.

Lead Practitioner Range with discretionary reference points

L1	£42,402
L2	£43,251
L3	£44,351
L4	£45,434
L5	£46,566
L6	£47,735
L7	£49,019
L8	£50,151
L9	£51,402
L10	£52,723
L11	£54,091
L12	£55,338
L13	£56,721
L14	£58,135
L15	£59,581
L16	£61,166

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L17	£62,570
L18	£64,461

22.2 The Governing Body will take account of paragraph 16 and 51 of the Document 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:

- a leadership role in developing, implementing and evaluating policies and practices in the school that contribute to school improvement;
- the improvement of teaching within school [and within the wider school community] which impact significantly on pupil progress;
- improving the effectiveness of staff and colleagues, particularly in relation to specific areas such as [insert school specific areas]

22.3 Pay on appointment

The pay committee will determine a pay range of 5 reference points from Walsall Leading Practitioner pay range (Appendix one). L 1 – 18

22.4 In accordance with paragraph 16 of the Document, and paragraphs 33, 34 and 36 of the section three guidance of the Document. The relevant body will use reference points and will ensure that there is appropriate scope within the pay range to allow for performance related pay progression over time. The relevant body will leave 2 reference points for performance related pay progression.

The Headteacher/Principal will agree appraisal objectives for the leading practitioner.

22.5 Annual pay determination

The pay committee shall have regard to the results of the leading practitioner's appraisal, including the pay recommendation, when exercising any discretion in relation to their pay, in accordance with paragraph 19 of the Document.

The appraisal evidence should show the leading practitioner:

- has made good progress towards their objectives;
- is an example of teaching skills, which should impact significantly on pupil progress within school and within the wider school community, if relevant;
- has made a substantial impact on the effectiveness of staff and colleagues, including any specific elements of practice that have been highlighted as in need of improvement;
- is highly competent in the teachers' standards; and
- Has shown strong leadership in developing, implementing and evaluating policies and practice in their workplace that contribute to school improvement.

22.6 "Highly competent" and "substantial" are defined in the section entitled, "Applications to be paid on the upper pay range".

22.7 The pay committee will determine pay progression such that the amount is clearly attributable to the performance of the leading practitioner. The pay committee will be able to objectively justify its decision. Judgments will only be made on evidence gathered which is related to the formal appraisal process.

22.8 Delete/Insert as Required - Where it is clear from the evidence that the teacher's performance is exceptional, the pay committee may award enhanced pay progression of 2 reference points.

22.9 Further information, including sources of evidence is contained within the school's appraisal policy. The pay committee will be advised by the Headteacher/Principal in making all such decisions.

23. Unqualified teachers

Pay on appointment

23.1 The pay committee will pay any unqualified teacher in accordance with paragraph 17 of the Document. 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.

23.2 The Unqualified Teacher Pay Range and Walsall Reference points:

UQ Point 1	£18,169
UQ Point 2	£20,282
UQ Point 3	£22,394
UQ Point 4	£24,507
UQ Point 5	£26,622
UQ Point 6	£28,735

23.3 The pay committee will consider whether it wishes to pay an additional allowance, in accordance with paragraph 22 of the document. In applying additional allowances, consideration should be given to maintaining differentials.

23.4 Annual pay determination

In order to progress up the unqualified teacher range, one point annually, unqualified teachers will need to show that they have made good progress towards their objectives.

23.5 Delete/Insert as Required - If the evidence shows that the unqualified teacher has exceptional performance, the Governing Body may award enhanced pay progression of 2 reference points.

23.6 Judgments will only be made on evidence gathered which is related to the appraisal process. Information on sources of evidence is contained within the school's appraisal policy.

23.7 The pay committee will be advised by the Headteacher/Principal in making all such decisions. Pay progression on the unqualified teacher range will be clearly attributable to the performance of the individual teacher. The pay committee will be able to objectively justify its decisions.

Allowances and other payments for classroom teachers

24. Teaching and learning responsibility (TLR) payments

24.1 The pay committee may award a TLR to a classroom teacher in accordance with paragraph 20 of the Document and paragraphs 46 to 53 of the section three guidance of the Document.

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 and will make clear, if applicable, the responsibility or package of responsibilities for which a TLR is awarded, taking into account the criterion and factors set out at paragraph 20.4 of the Document.

- 24.2 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.

WMBC TLR 1 and 2 are:

- a) The annual value of a TLR1 must be no less than £8,291 and no greater than £14,030
- b) The annual value of TLR2 must be no less than £2,873 and no greater than £7,017

- 24.3 The pay committee may award a TLR 3 of between £571 and £2,833 for clearly time-limited school improvement projects, or one-off externally driven responsibilities as set out in paragraph 20.3 of the Document. The project/responsibility will be focused on teaching and learning; require the exercise of a teacher's professional skills and judgement and have an impact on the educational progress of pupils other than the teacher's assigned classes or groups of pupils. The Governing Body will set out in writing to the teacher the duration of the fixed term, and the amount of the award 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.

25. Special educational needs (SEN) allowances

- 25.1 The pay committee will award an SEN spot value allowance on a range of between £2,270 and £4,479 to any classroom teacher who meets the criteria as set out in paragraph 21 of the Document.
- 25.2 When deciding on the amount of the allowance to be paid, the Governing Body will take into account 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 (paragraph 21.3 of the Document). 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 54 to 58 of the section three guidance of the Document.

26. Acting Allowance

- 26.1 Subject to paragraph 23.6 of the Document Where a teacher is assigned and carries out duties of a Headteacher/Principal, Deputy Headteacher and Assistant Headteacher but has not been appointed as an acting Headteacher/Principal, Deputy Headteacher or Assistant Head, the School must within the period of four weeks beginning on the day on which such duties are first assigned and carried out, determine whether or not an allowance ("acting allowance" must be paid in accordance with the provisions outlined in 23.2 – 23.6 of the Document.

27. Allowance payable to unqualified teachers

27.1 The relevant body may determine that such additional allowance as it considers appropriate is to be paid to an unqualified teacher where it considers, in the context of its staffing structure and pay policy that the teacher has:

- a) taken on a sustained additional responsibility which:
 - i. is focused on teaching and learning; and
 - ii. requires the exercise of a teacher's professional skills and judgment; or
- b) qualifications or experience which bring added value to the role being undertaken.

28. Performance payments to seconded teachers

28.1 Where:

- a) a teacher is temporarily seconded to a post as Headteacher/Principal in a school causing concern which is not the teacher's normal place of work; and
- b) the relevant body of that school considers that the teacher merits additional payment to reflect sustained high quality of performance throughout the secondment, the relevant body may pay the teacher a lump sum accordingly. Subject to paragraph 10.4, the total value of the additional payment and any annual salary and other payments paid to the teacher during the secondment must not exceed 25% above the maximum of the Headteacher group for the school to which the teacher is seconded.

29. Additional Payments – Delete/Insert as Required

29.1 Continuing Professional Development (CPD)

Payments may be made to classroom teachers in accordance with paragraph 26 of the Document in respect of CPD undertaken outside of either the 1265 hours of directed time for full-time teacher; for the appropriate proportion of the 1265 hours of directed time for part-time teachers

29.2 Initial Teacher Training (ITT) activities

Leading Practitioners may be required to undertake activities related to providing ITT as part of their role. In accordance with paragraph 26 of the Document other teachers may receive additional payment for activities related to ITT only which is provided as an ordinary incident in the conduct of the school/Academy. The appropriate level of payment for ITT activities will be dependent on the level of work undertaken.

29.3 Service Provision

Where a Headteacher/Principal in one school is providing a service to another school for example National Leader of Education (NLE) The school will determine how much if any, addition payment is due to the individual concerned in line with the provisions of the Document. In line with the Provision for service to other school – operating principles and requirements as outlined in the Document.

Consideration should also be given to the remuneration of other teachers who as a result of the Headteacher/Principal's additional role are taking on additional responsibilities and activities. Any increase in remuneration should be agreed where the post accrues extra

responsibilities as a result of the Headteacher/Principal's enlarged role. This is not an automatic entitlement.

29.4 Out-of-school hours learning activities

Schools should decide whether to make payments to teachers who agreed to participate in out-of-school hours learning/ Payments to classroom teachers should only be made in respect of those activities undertaken outside of either the 1265 hours or directed time for full time teachers or the appropriate proportion of the 1265 hours of directed time for part-time teacher.

30. Recruitment and Retention

- 30.1 The Committee will consider the award of recruitment and retention payments under paragraph 27 of the Document and against the background of any national guidance or advice, teacher supply and demand, curriculum areas and the retention of experienced staff. In particular where awarding a recruitment and retention allowance enables the school to recruit and retain teachers of the quality required to ensure school improvement.

Payments may only be made for recruitment and retention purposes, not for carrying out specific responsibilities or to supplement pay for other reasons.

The Committee will pay recruitment awards in the following circumstances:

[School to insert details one of the possible circumstances may be an advance in the case of rental property]:

The Committee will pay retention awards in the following circumstances:

[School to insert details]:

- 30.2 The pay committee will consider exercising its powers under paragraph 27 of the Document where they consider it is appropriate to do so in order to recruit or retain relevant 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 it may be withdrawn.

The Governing Body will, nevertheless, conduct an annual formal review of all such awards

31. Salary sacrifice arrangements for Teachers

- 31.1 Where the employer operates a salary sacrifice arrangement, a teacher may participate in any arrangement and his/her gross salary shall be reduced accordingly, in accordance with the provisions of paragraph 28 of the Document.

32. Part-time employees and Short Notice Teachers

- 32.1 **Teachers:** The Governing Body will apply the provisions of the Document in relation to part-time teachers' pay and working time, in accordance with paragraphs 40, 43 and 52.5 onwards, and paragraphs 35, 38-43 and 78-86 of the section three guidance of the Document.

- 32.2 **All staff:** The head and Governing Body will use its best endeavours to ensure that all part-time employees are treated no less favourably than a full-time comparator.

Teachers employed on a short-notice and Supply basis

- a. Such teachers will be paid in accordance with paragraph 44 of the Document

33. OVERPAYMENT OF SALARY

- 33.1 The school/academy expects all staff to behave with honesty and integrity and with specific regard to overpayments of salary it is expected that staff will report promptly any unexpected payment received, or any payment received to which they are not entitled. Deliberate failure to report overpayments of salary will be treated as misconduct and will be dealt with through the Disciplinary Policy.

Once an overpayment has been established, recovery and timescale will be discussed with the individual, taking account of the values of money involved, the timescale of overpayment and to minimise hardship.

Where an employee is repaying an overpayment but leaves the school/academy before the full overpayment is recovered the policy is that the balance will be deducted from the final salary payment. Where the amount outstanding exceeds the final salary, an invoice will be raised for the outstanding amount and sent to the employee.

Every effort will be made to get agreement on a recovery schedule however agreement with an employee is not a requirement to proceed with recovery.

34. Support Staff

- 34.1 The pay committee notes its powers to determine the pay of support staff in accordance with paragraph 17 and 29 of the School Staffing (England) Regulations 2009 and chapter seven of the associated guidance.

35. Pay and Grading

- 35.1 The Committee will determine the pay and grading of non-teaching employees in line with:
- WMBC Pay and grading scheme for Community and Voluntary Controlled Schools and other schools that have adopted the scheme in Appendix 5 (A). Under exceptional circumstances the Governing Body may decide to pay outside of the single status framework. It is recommended that HR advice is sought prior to confirming the position.
 - For Academies, Trust/Voluntary Aided .Schools pay and grading arrangements will be agreed within the school – The NJC scp's are outlined in - Appendix 5 (B)

36. Increments

- 36.1 Each employee will be granted one additional increment from 1 April each year, until the maximum of the pay band is reached.
- 36.2 Employees with less than six months' service in the pay band by 1 April in any year will not be granted their first increment until six months after their appointment, promotion or move to the pay band. Thereafter increments are applicable from 1 April each year until the employee reaches the maximum pay for their band.
- 36.4 National Terms and Conditions may be applied regarding unsatisfactory performance.

37. 37 hour week

- 37.1 The standard working week for full-time employees is 37 hours per week and 52 weeks per year. When entering into a contractual relationship with an employee the Governing Body determine the number of hours and when they want staff to work, and whether they wish to make any provisions in a contract to vary when the hours are actually worked.

38. Salary sacrifice arrangements

- 38.1 Where the school/academy operates a salary sacrifice arrangement, employees may participate in any arrangement and his/her gross salary shall be reduced accordingly.

39. Honorariums or acting up for Support Staff

- 39.1 It may be necessary for the School to use acting up arrangements from time to time to cover short term absences or specific pieces of work. Acting up is a useful way to aid the personal and career development of an employee and provide valuable cover where necessary.
- 39.2 Routine acting up arrangements should be for a maximum of 12 calendar months, may extended in exceptional circumstances to an absolute maximum of 18 months.
- 39.3 Normal practice is to pay the employee the difference between their substantive spinal column point (SCP) and the bottom SCP of the higher graded post. If they are not undertaking the full duties and responsibilities of the post, they should be paid the pro rata difference between SCPs; for example, 50% of the differences if they are covering half the duties, etc. Where the grades overlap the next SCP should be used.
- 39.4 If the employee receives an increment during the acting up, the payment should be adjusted accordingly to maintain the differential between substantive and acting up grade.
- 39.5 Where the employee is undertaking a specific piece of work, as opposed to covering duties at a higher grade, you should assess the grade at which this work is valued and pay the difference in the same way.

40. Extended Schools

- 40.1 Support staff employed on extended school contracts should be paid on a NJC Spinal Column point (whether this is a spot point or a scale). This will allow for inflationary increases to applied as when applicable.

Appendix 1

WMBC Leadership Pay Arrangements and Range

Headteacher Group Sizes and Group Ranges 2020/21		
Headteacher Group	Pay points	England and Wales £
Minimum	L1	£42,195
	L2	£43,251
	L3	£44,331
	L4	£45,434
	L5	£46,566
Group 1 (L6-L18a)	L6	£47,735
	L7	£49,019
Group 2 (L8-L21a)	L8	£50,151
	L9	£51,402
	L10	£52,723
Group 3 (L11-L24a)	L11	£54,091
	L12	£55,338
	L13	£56,721
Group 4 (L14-L27a)	L14	£58,135
	L15	£59,581
	L16	£61,166
	L17	£62,570
Group 5 (L18-L31a)	L18a	£63,508
	L18b	£64,143
	L19	£65,735
	L20	£67,364
Group 6 (L21-L35a)	L21a	£68,347
	L21b	£69,031
	L22	£70,745

	L23	£72,497
Group 7 (L24-L39a)	L24a	£73,559
	L24b	£74,295
	L25	£76,141
	L26	£78,025
	L27a	£79,167
	L27b	£79,958
Group 8 (L28-L43a)	L28	£81,942
	L29	£83,971
	L30	£86,061
	L31a	£87,313
	L31	£88,187
	L32	£90,379
	L33	£92,624
	L34	£94,914
	L35a	£96,310
	L35b	£97,273
	L36	£99,681
	L37	£102,159
	L38	£104,687
	L39a	£106,176
	L39b	£107,239
	L40	£109,914
	L41	£112,660
	L42	£115,483
Maximum	L43	£117,197

Permanent Responsibilities to be taken into account when setting Leadership Pay

The statutory provisions of the school teachers' pay and conditions document 2016 paragraph 9.2 state that when determining the pay range of a leadership group member, the relevant body must take into account 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

Level of pupil mobility in the area

Number 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, eg 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)

Recruitment and retention issues

Pay Ranges for Headteachers 2020	
GROUP SIZE	ANNUAL SALARY £
1	(6) 47,735 – 63,508 (18a)
2	(8) 50,151 – 68,347 (21a)
3	(11) 54,091 – 73,559 (24a)
4	(14) 58,135 – 79,167 (27a)
5	(18) 63,508 – 87,313 (31a)
6	(21) 68,347 – 96,310 (35a)
7	(24) 73,559 – 106,176 (39a)
8	(28) 81,942 – 117,197 (L43)

Appendix Two

Upper Pay Range Application Form

Eligibility Criteria

In order to be assessed you must be a qualified teacher and need to be able to evidence that you are:

- highly competent in all elements of the relevant standards; and
- That your achievements and contribution to the school have been substantial and sustained.

As detailed in Appendix Three.

Name: _____

Post: _____

Appraisal Details:

Years covered by review statements _____

Schools covered by review statements _____

Please provide an explanation why, in your judgement, your achievements and contribution to the school has been substantial and sustained. Additional documentary evidence should be attached.

Declaration:

I confirm that at the date of this request for assessment to be paid on the Upper Pay Range I meet the eligibility criteria and I submit appraisal review statements covering the relevant period.

Teacher's signature: _____

Date: _____

Upper Pay Range Progression Criteria

The teacher will be required to meet the criteria set out in paragraph 15 of the Document, 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.

In this school, this is interpreted as follows:

“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.

(e.g. performance which is good enough to fulfil wider professional responsibilities, and develop effective professional relations with colleagues, giving them advice and demonstrating to them effective teaching practice and how to make a positive contribution to the wider life and ethos of the school, in order to help them meet the relevant standards and develop their teaching practice).

“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 staff and colleagues.

(e.g. of real importance, validity or value to the school; play a critical role in the life of the school; provide a role model for teaching and learning; make a distinctive contribution to the raising of pupil standards; take advantage of appropriate opportunities for professional development and use the outcomes effectively to improve pupils' learning).

“sustained”:

The teacher must have had two consecutive successful appraisal reports and have made good progress towards their objectives during this period (see exceptions outlined in paragraph 10.2 of the Document). They will have been expected to have shown that their teaching expertise has grown over the relevant period and is consistently good to outstanding.

Model appeals procedure

The school teachers' pay and conditions document ('the Document') requires schools and local authorities to have a pay policy in place that sets out the basis on which teachers' pay is determined and the procedures for handling appeals.

As part of the overall appraisal process, a pay recommendation is made by the appraiser/reviewer (normally the line manager) and discussed with the teacher at the review meeting prior to being submitted to the school's pay committee or relevant decision-making body. Written details of and the reasons for the pay recommendation will be given to the teacher.

At this particular stage of the pay determination process, if the teacher wishes to better understand the rationale for the pay recommendation or bring any further evidence to the attention of the appraiser/reviewer, they should be given the opportunity to do so before the final pay recommendation is drafted in the appraisal report. The nature of any subsequent appraisal and pay discussion will be informal and therefore representation (on either side) is not necessary nor would it be appropriate. At the conclusion of any further discussion, the pay recommendation may be adjusted or it may remain the same; the appraisal report will be updated to reflect the discussion.

If a teacher believes that the final pay recommendation falls short of his/her expectations and wishes to seek a further review of the information that affects their pay, they may wish to formally appeal against the decision, utilising the formal appeal hearing procedure. Appeal hearings against pay decisions must satisfy the dispute resolution requirements of employment law (ie part four of the Trade Union and Labour Relations (Consolidation) Act, 1992) and the ACAS code of practice.

Appeal hearing procedure

It is the intention that the appeals procedure will be dealt with promptly, thoroughly and impartially.

Guidance

When a teacher feels that a pay decision is incorrect or unjust, they may appeal against that decision, especially when there is new evidence to consider.

Teachers/Headteachers/Principals should put their appeal in writing to either the Headteacher or the Governing Body; the appeal should include sufficient details of its basis.

Appeals should be heard without unreasonable delay and at an agreed date, time and place.

Employees have a statutory right to be accompanied at any stage of an appeal hearing by a companion who may be either a work colleague or a trade union representative.

Appeal procedure steps: informal stage

As part of the pay determination process, the line manager (the recommendation provider) will make a recommendation to the decision maker (the person/s or committee responsible for approving the pay recommendation) supported by relevant assessment evidence. 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.

If the teacher wishes to appeal the decision, it must be done in writing to the decision maker, normally with 10 school working days 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.

The decision maker will reconsider the decision in private and write to notify the teacher of the outcome of the review and of the teacher's right of appeal to the Governing Body. If the teacher wishes to exercise the right of appeal, he/she must write to the clerk of the Governing Body at the earliest opportunity and 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.

Appeal procedure steps: formal stage

On receipt of the written appeal, the clerk to 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 and convene a meeting of the appeal committee at the earliest opportunity and no later than 20 school working days of the date on which the written appeal was received. Both the recommendation provider and the decision maker will be required to attend the meeting.

The chair of the appeal committee will invite the employee to set out their case. The employee should be reminded of their right to be accompanied by a work colleague or trade union representative. Both the recommendation maker and the decision maker will also be asked to take the committee through the procedures that were observed in their part of the pay policy determination process.

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.

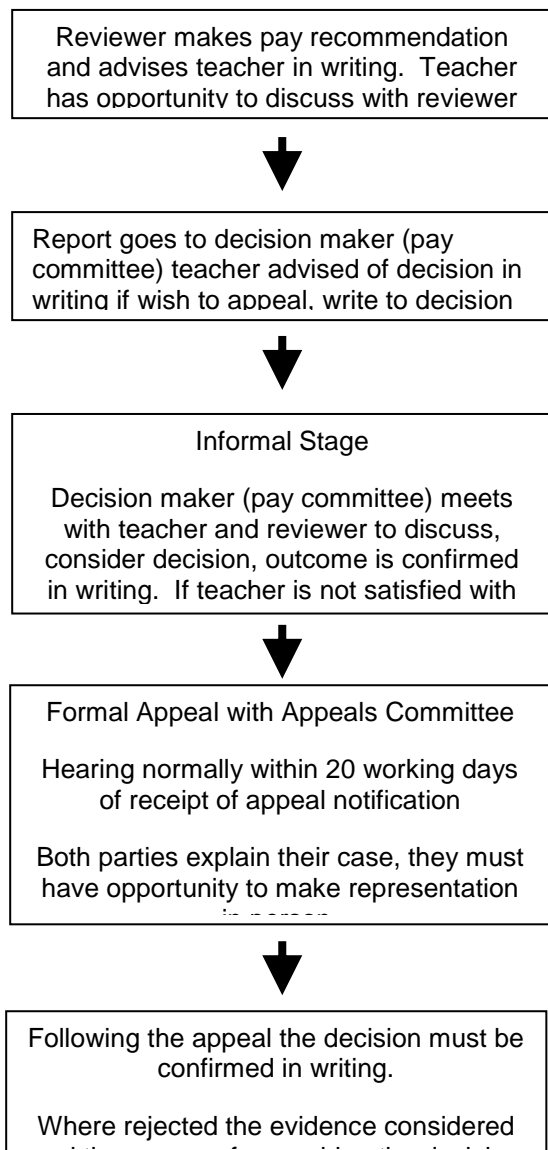
The modified procedure

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.

Where a teacher has, whilst employed at the school, lodged an appeal against a pay decision but has then subsequently left the school's employment before any appeal hearing is held, the following steps will be observed:

- The teacher must have set out details of their appeal in writing;
- The teacher must have sent a copy of their appeal to the chair of the Governing Body;
- 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.

Pay Hearings and Appeals Procedure



**If the appellant is the Headteacher/Principal then where it refers to Headteacher above it will be the relevant Governor responsible for the Headteacher/Principal's appraisal, and the teacher becomes the Headteacher/Principal.*

Appendix Five (A)

WMBC Single Status Pay Bands for Support Staff as at 1st April 2020 - Applicable to all Community and Voluntary Controlled Schools and other schools that have adopted the WMBC Single Status Grades

			01-Apr-20	
		SCP	per annum	per hour
G1		1	£17,842	£9.25
G1	G2	2	£18,198	£9.43
		3	£18,562	£9.62
G3	G2	4	£18,933	£9.81
		5	£19,312	£10.01
G3	G4	6	£19,698	£10.21
		7	£20,092	£10.41
		8	£20,493	£10.62
G5		9	£20,903	£10.83
		10	£21,322	£11.05
	G4	11	£21,748	£11.27
		12	£22,183	£11.50
		13	£22,627	£11.73
		14	£23,080	£11.96
	G6	15	£23,541	£12.20
		16	£24,012	£12.45
G5		17	£24,491	£12.69
		18	£24,982	£12.95
		19	£25,481	£13.21
		20	£25,991	£13.47
		21	£26,511	£13.74
G7		22	£27,041	£14.02
	G6	23	£27,741	£14.38
		24	£28,672	£14.86
		25	£29,577	£15.33
	G8	26	£30,451	£15.78
G7		27	£31,346	£16.25
		28	£32,234	£16.71
		29	£32,910	£17.06
G9		30	£33,782	£17.51
	G8	31	£34,728	£18.00
		32	£35,745	£18.53
		33	£36,922	£19.14
	G10	34	£37,890	£19.64
G9		35	£38,890	£20.16
		36	£39,880	£20.67
		37	£40,876	£21.19
G11		38	£41,881	£21.71
	G10	39	£42,821	£22.20
		40	£43,857	£22.73
		41	£44,863	£23.25

		42	£45,859	£23.77
G11		43	£46,845	£24.28

*** Please note that SCP1 will have the Living Wage Allowance applied**

01-Apr-20		SCP	Applicable to Academies, Voluntary Aided and Trust Schools that have not adopted WMBC Single Status						
Per Annum	Per Hour				TA's		Admin		Lunch
£17,842	£9.25	1	Scale 1		TA1		Level 1		MMSA
£18,198	£9.43	2							
£18,562	£9.62	3	Scale 1	Scale 2	TA1	TA2	Level 1	Level 2	
£18,933	£9.81	4		Scale 2					MMSS
£19,312	£10.01	5	Scale 3						MMSS
£19,698	£10.21	6	Scale 3			TA2		Level 2	
£20,092	£10.41	7		Scale 4	TA3		Level 3		
£20,493	£10.62	8							
£20,903	£10.83	9							MMSP
£21,322	£11.05	10							
£21,748	£11.27	11		Scale 4			Level 3		
£22,183	£11.50	12	Scale 5					Level 4	MMSP
£22,627	£11.73	13							
£23,080	£11.96	14							
£23,541	£12.20	15							
£24,012	£12.45	16							
£24,491	£12.69	17							
£24,982	£12.95	18	Scale 5						
£25,481	£13.21	19		Scale 6	TA3				
£25,991	£13.47	20				TA4			
£26,511	£13.74	21							
£27,041	£14.02	22		Scale 6				Level 4	
£27,741	£14.38	23	SO1						
£28,672	£14.86	24				TA4			
£29,577	£15.33	25	SO1						
£30,451	£15.78	26		SO2					
£31,346	£16.25	27							
£32,234	£16.71	28		SO2					

Unattached Teachers Pay Policy 2020/2021



Walsall Council

Version Control

Document title	Unattached Teachers Pay Policy		
Owner	Human Resources	Status	Draft
Version	5	Approved on	TBC
Effective from	1 September 2020	Review date	31 August 2021
Last updated	30/09/2020	Last updated by	HR Strategy and Planning
Purpose	The Unattached Teachers Pay Policy sets out Council policy on pay and conditions for unattached teachers, assisting the Council to attract and retain skilled employees and ensuring compliance with the requirements under the teachers' pay and conditions document 2020.		

This policy links to:

- Corporate Plan
- Walsall Proud Programme
- School Teachers Pay and Conditions Document
- Mileage Scheme Guidance
- Workforce Strategy
- Behaviour & Standards Framework
- Employee performance review – appraisal based on Teacher Standards
- Teachers' Standards

This list is not exhaustive.

For further advice or guidance on this policy, or if you would like this information in another language or format please contact:

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1.0 Introduction

- 1.1 Walsall Council is PROUD. We are proud of our past, our present and for our future. The council is committed to reducing inequalities and ensuring all potential is maximised and its employment policies, procedures and guidelines are designed to support this vision and deliver the council's priorities.
- 1.2 The council is committed to creating an environment that provides opportunities for all individuals and communities to fulfil their potential. This policy provides a framework in which employees will be supported to deliver the council's priorities in line with the council's expected behaviours and values; professionalism; leadership; accountability; transparency and ethical.
- 1.3 The council's values and behaviours will be at the core of everything the council deliver and through a culture of continuous improvement the council will increase performance, efficiency and champion the design of services to meet the needs of customers. As a digital by design council, employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment. The council is committed to technological investment to deliver transformation in order to improve the efficiency and effectiveness of its services, both internally and externally.
- 1.4 This policy framework promotes the council's strategic priority of internal focus ensuring all council services are effective and efficient and helps embed the behaviours and values expected of all employees as part of the Behaviour and Standards Framework.
- 1.5 The Unattached Teachers' Pay Policy sets out the council's policy on pay and conditions for unattached teachers that meet the requirements of the School Teachers' Pay and Conditions Document for year ending 31st August 2021.

2.0 Scope

- 2.1 This policy applies to unattached teachers employed by the council. Unattached teachers are defined as:
 - a teacher not attached to a particular school; or
 - a teacher employed otherwise than at a school.
- 2.2 With the exception of;
 - Teachers' in Pupil Referral Units as the Schools Model Pay Policy covers them
 - School-based employees/workers where the governing body has delegated authority and for whom separate arrangements apply.
- 2.3 This policy does not apply to contractors, consultants, agency workers or any self-employed individuals working for the council.

3.0 Principles

3.1 The unattached teachers pay policy aims to:

- Maximise the quality of teaching and learning throughout the borough;
- Support recruitment and retention of high quality teachers;
- Recognise and reward unattached teachers appropriately for their individual contribution to education standards within the borough;
- Ensure a fair, equitable and transparent approach to pay

3.2 Unattached teachers pay scales are agreed locally, and reviewed annually having regards to the nationally negotiated teachers pay award as detailed in the [School Teachers Pay and Conditions Document](#). The 2020/21 award implemented on 01 September 2020 has been confirmed as:

- 5.5% uplift on the minimum of the main pay range and 2.75% uplift on the maximum of the main pay range;
- 2.75% uplift on the minima and maxima of all other pay ranges;
- 2.75% uplift across all allowance.

3.3 Unattached teachers must be paid within the minimum and maximum of the relevant pay range (unqualified teachers, qualified teachers main or upper pay range, leading practitioners, leadership group or Headteachers pay range) as determined by the School Teachers' Pay and Conditions Document (STPCD). Unattached teachers' pay scales for Walsall Council are available in appendix A.

3.4 For newly appointed unattached teachers the manager will determine the starting salary point within scope of the relevant pay range, this will normally be at the minimum. In certain circumstances, consideration may be made as to whether the requirements of the post and the extent to which the preferred candidate meets those requirements are such that it would be appropriate to set the starting salary above the minimum point of the relevant pay range. The manager must ensure that there is appropriate scope within the range to allow for pay progression over time.

3.5 Teachers will gain pay progression following a successful formal appraisal review based on performance, in line with the Appraisal Regulations 2012 (teachers) and the appraisal process.

3.6 Decisions regarding pay progression will be made with reference to the teachers' appraisal record, pay recommendations will be based on Teachers Standards and the assessment of their performance against agreed objectives in line with Teachers' Appraisal Policy. A record of the recommendation in regards to pay must be recorded.

3.7 Where an unattached teacher has demonstrated that they have achieved exceptional performance the manager/ appraiser may recommend to an Executive Director, Director or Head of Service that they consider an enhanced pay progression of 2 reference points. Final decisions about whether or not to accept a pay recommendation will be made by the Executive Director, Director or Head of Service having regard to the appraisal report. Teaching over time should be rated as "outstanding" by the appraiser in line with the service-defined standards.

- 3.8 The timing of salary determination for an unattached teacher must be made:
- annually with effect from 1 September;
 - whenever an unattached teacher takes up a new post; with effect from the date of the appointment;
 - where an unattached teacher becomes entitled to be paid on the upper pay range;
 - where the determination reduces the remuneration, that determination must take effect no earlier than the date on which it was actually made; or
 - at any other time a change to salary takes place.
- 3.9 Salary determination of an unattached teacher must be confirmed in writing setting out the reasons for the decision at the earliest opportunity and no later than one month after the determination of salary. The notification must detail amendments to pay from the relevant date either immediately following an appeal or after any time limits to lodge an appeal has passed.
- 3.10 It is possible where there is unsatisfactory performance 'no progression' determination can be made without recourse to the capability/performance procedure.
- 3.11 A teacher may appeal against any determination in relation to pay including moving to the upper pay range, and any other decision taken by managers, qualified appraisers, Executive Director, Director or Head of Service that affects their pay, using the appeal procedure detailed within appendix B Appeals Procedure.

4.0 Accountabilities

- 4.1 Executive Director, Director or Head of Service are accountable for the following;
- Applying this policy and procedure consistently, fairly and objectively in accordance with the council's vision and purpose and clearly demonstrate the council's management behaviours and values, seeking further advice and guidance from HR where necessary;
 - To ensure that appraisers, decision-makers and any appeal hearing officers receive appropriate training to ensure fair and open decision making;
 - To ensure that mid-year reviews are undertaken for all unattached teachers and all members of the leadership group;
 - To ensure that funds are available to support pay decisions, in accordance with this document and the services financial plan;
 - To monitor the outcomes of pay decisions, including the extent to which different groups of teachers progress at different rates, ensuring continued compliance with equality legislation.
- 4.2 Managers/qualified appraisers (who meet the criteria set out in School Teacher Standards) are accountable for the following;
- Applying this policy and procedure consistently, fairly and objectively in accordance with the council's vision and purpose and clearly demonstrate the council's

management behaviours and values, seeking further advice and guidance from HR where necessary;

- To determine the duties and the pay range/scale point/allowances to be attached to unattached teaching posts in line with this Pay Policy;
- To apply the requirements of the School Teachers' Pay and Conditions Document;
- To develop clear arrangements for linking appraisal* to pay;
- To ensure effective appraisal arrangements are in place, and any appraisers have the knowledge and skills to apply procedures fairly;
- To ensure that mid-term reviews are undertaken for all unattached teachers, including leadership groups;
- To submit any relevant pay recommendations to the Executive Director, Director or Head of Service for approval, and ensure that unattached teachers are informed about decisions reached, and that records are kept of recommendations and decisions made.

4.3 Employees are accountable for the following;

- All employees should support the delivery of the council's vision and purpose, clearly demonstrating the council's behaviours and values;
- Actively engage in employment practices and processes in which they are involved and ensure they understand this procedure, seeking further advice and guidance from managers where necessary;
- Engage with the appraisal; this includes working with their appraiser to ensure that there is a secure evidence base in order for a pay determination to be made;
- To keep records of objectives and review them throughout the appraisal process and share any evidence they consider relevant with their appraiser;
- To ensure they have an annual review of their performance.
- Complying with the requirements of this policy and procedure.

* The term 'appraisal' within this document relates to the council's Annual Performance Conversation (APC). For the purpose of this policy, APC has been adapted to cover the requirements of the Appraisal Regulations 2012 (teachers), in line with Teachers' Appraisal Policy.

5.0 Procedure

5.1 Unqualified teachers' pay determination

- 5.1.1 Upon obtaining qualified teacher status (QTS), the unqualified teacher must be transferred to a salary within the main pay range on the same or higher salary than their pay at the point of qualifying.
- 5.1.2 Manager may determine that an additional unqualified teachers allowance is payable to an unqualified teacher where it considers in context of the staffing structure, the unqualified teacher has:
- taken on a sustained additional responsibility which is focussed on teaching and learning and requires the exercise of a teacher's professional skills and judgement, or

- qualifications or experience which bring added value to the role being undertaken.

5.2 Qualified teachers pay determination

- 5.2.1 For newly appointed unattached teachers the authority has adopted pay portability. The manager will determine the starting salary point for teachers on main pay range or upper pay range based on the candidate's previous paid employment in a similar role.
- 5.2.2 Salaries of qualified teachers other than those in the Leadership Group and Leading Practitioners are determined by:
- the point on the main or upper pay range through appointment or annual appraisal, plus;
 - any Teaching and Learning Responsibility (TLR) payments;
 - any additional allowances held for teaching children with special educational needs;
 - any additional allowances held for recruitment and retention;
 - if an individual is entitled to a higher salary due to safeguarding (pay protection).
- 5.2.3 To move up either main or upper pay range one-reference point, as part of the formal appraisal process, teachers will need to have made good progress towards their objectives and have shown that they are competent in the teachers' standards. Teaching should be consistently rated as 'good' by the appraiser in line with the service-defined standards.
- 5.2.4 Judgments will only be made on evidence gathered and presented to the appraiser, which is related to the appraisal process.
- 5.2.5 As a teacher moves up the **main pay range**, this evidence should show:
- a positive impact on pupil progress;
 - a positive impact on wider outcomes for pupils;
 - improvements in any specific elements of practice identified to the teacher through the appraisal process, e.g. behaviour management or lesson planning; and
 - a positive contribution to the work of the service.
- 5.2.6 As a teacher moves up the **upper pay range**, this evidence should show:
- a teacher is highly competent in all elements of relevant standards
 - the teacher's achievements and contributions to an educational setting or settings are substantial and sustained

5.3 Moving from main to upper pay

- 5.3.1 Unattached teachers may apply to be paid on the upper pay range at least once a year normally by 31st October of each year. When moving from the main to upper pay range, successful candidates will move to the minimum point within the upper pay range.

- 5.3.2 Applications will be considered taking into account two consecutive appraisals. Teachers should ensure they build up mainly paper based evidence to support their application. Those teachers who have been absent through long term sickness, disability related absence or maternity may sight evidence from previous years in support of their application. Application process is detailed in appendix C.
- 5.3.3 Managers will assess such application in line with the criteria set.
- 5.3.4 An application from a qualified teacher will be deemed successful if;
- the teacher is highly competent in all areas of the relevant standards; and
 - their achievements and contribution to an educational setting or settings are substantial and sustained.
- 5.3.5 Highly competent means 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.
- 5.3.6 Substantial means the teacher's achievements and contribution to the service are significant, not just in raising standards of teaching and learning in their own area, or with their own groups of children, but also in making a significant wider contribution to school/service improvement, which impacts on pupil progress and the effectiveness of staff and colleagues.
- 5.3.7 Sustained means covering a period, which spans two consecutive annual appraisals making good progress towards meeting their objectives.

5.4 Leading practitioner and leadership group pay determination

- 5.4.1 For newly appointed leading practitioners and leadership group the Executive Director, Director or Head of Service will determine the starting salary within scope of the 5-point range from the relevant leading practitioner or leadership group range.
- 5.4.2 Walsall Council has determined the standard 5-point range for leading practitioners as points 1-5 on the leading practitioner range. The 5-point range for leadership group has been determined as points 1-5 on the leadership group pay range. In exceptional circumstances where the duties of a particular post fall outside of the scope and there are clear justifications, discretion is given to Executive Director/Director to determine an alternative 5 point range within the leading practitioner or leadership group pay range. A record must be kept detailing the rationale for the pay determination.
- 5.4.3 To move up the leading practitioner or the leadership group pay range one reference point, teachers will need to have made good progress towards their objectives.
- 5.4.4 Judgments will only be made on evidence gathered and presented to the appraiser, which is related to the appraisal process.
- 5.4.5 As a teacher moves up the **leading practitioner**, this evidence should show;

- is an exemplar of teaching skills, which should impact significantly on pupil progress, within the service and within the wider school community, if relevant;
- has made a substantial impact on the effectiveness of staff and colleagues, including any specific elements of practice that have been highlighted as in need of improvement;
- is highly competent in the teachers' standards; and
- has shown strong leadership in developing, implementing and evaluating policies and practice in their workplace that contribute to school improvement.

5.4.6 As a teacher moves up the **leadership group**, this evidence should show;

- there has been sustained high quality of performance having regards to the results of the recent annual appraisal.

5.4.7 The council currently do not have any unattached teachers classified as leadership group.

5.5 Headteachers pay determination

5.5.1 For newly appointed headteachers the Executive Director, Director or Head of Service will determine the starting salary within scope of the leadership group 7-point pay range.

5.5.2 Headteachers' will have a 7 point range within the leadership group pay range; the council currently do not have any unattached teachers that are classified as a Head Teacher. The most appropriate 7 point range will be determined in line with the requirements of the School Teachers Terms and Conditions Document by Executive Director/Director if such an appointment is made.

5.5.3 Pay progression (one reference point) will be awarded where there has been sustained high quality of performance having regards to the results of the recent annual appraisal; and to any recommendation on pay progression recorded in the head's appraisal report.

6.0 Teaching and learning responsibility (TLR) payments

6.1 Managers may award a TLR payment within the relevant TLR range (Appendix A) to an unattached teacher for undertaking a sustained additional responsibility, for the purpose of ensuring the continued delivery of high quality teaching and learning and for which the teacher is made accountable.

6.2 All job descriptions will be annual reviewed and will make clear, if applicable the responsibility or package of responsibilities for which a TLR is awarded.

6.3 Managers may award a TLR to an unattached teacher. TLR 1 or 2 will be awarded for a clearly defined and sustained additional responsibility in the context of the staffing structure for the purpose of ensuring the continued delivery of high quality teaching and learning.

- 6.4 Managers will ensure that sufficient differential exists between levels of TLRs, taking into account the responsibilities for which the TLR is awarded. All decision will be objectively justified, fairly and consistently applied.
- 6.5 Managers may award a fixed term TLR 3 payment to an unattached teacher for undertaking a time limited school improvement project or a one off externally driven responsibility. The duration of the fixed term period should be established at the outset and payments made on a monthly basis for the duration of the fixed term.
- 6.6 In determining any TLR payment the manager must be satisfied the unattached teachers duties include additional significant responsibility that;
- a) is focused on teaching and learning;
 - b) requires the exercise of teachers professional skills and judgement;
 - c) requires the teacher to lead, manage and develop a subject or curriculum area; or to lead and manage pupil development across the curriculum;
 - d) has an impact on educational progress of pupils; and
 - e) involves leading, developing and enhancing teaching practices.
- With the exception of a TLR 3 where there is no requirement to meet point c) and e) above.
- 6.7 When determining a TLR1 payment the manager must be satisfied that the post is also required to have line management responsibility for a significant number of teachers.

7.0 Special educational needs (SEN) allowances

- 7.1 Management will award a SEN spot value allowance to an unattached teacher who meets any of the following criteria;
- a) SEN post that requires a mandatory SEN qualification and involves teaching pupils with SEN;
 - b) teaches pupils in one or more designated special class in a local authority unit or service;
 - c) in any designated setting including 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 exercise of teachers professional skills and judgement in teaching children with SEN; has greater involvement in the teaching of children with SEN than normal requirements of a teacher throughout the unit or service.
 - d) SEN Allowances are unaffected by annual increments.
- 7.2 When deciding on the amount of the allowance to apply, the manager will take into account the SEN provision, whether any mandatory qualifications are required for the post, the qualifications and expertise of the teacher relevant to the post; and the demands of the post.

- 7.3 Manager will also establish differential in relation to SEN roles in the service in order to reflect significant differences in the nature and challenge of the work entailed so that different payment levels can be objectively justified.

8.0 Recruitment and retention incentives

- 8.1 The Executive Director has discretion to make payments or provide financial assistance, support and benefits as it feels necessary as an incentive for recruitment and retention of an unattached teacher. Any incentives used must be objectively justified.
- 8.2 Any incentives must make clear at the outset the expected duration of such incentive and the review dates after which the incentives may be withdrawn.
- 8.3 The justifications should evidence the role is difficult to recruit to, previous retention has been difficult to maintain, the skills and knowledge required is critical to the authority and the market forces of which the incentive is based on.
- 8.4 Recruitment and retention incentives are subject to Executive Director approval.

9.0 Salary sacrifice

- 9.1 Walsall council operates salary sacrifice scheme which may vary from time to time, e.g. cycle schemes, which unattached teachers can participate in, in accordance with School Teachers Pay and Conditions Document. For further information on the councils, current schemes please refer to the Pay, allowances and benefits pages on the HR intranet pages.

10.0 Out of school hours learning activity

- 10.1 Managers will determine whether to make payments to an unattached teacher who agrees to participate in out of school hours learning. All agreements and payments to be made should be documented. All such activities should require the exercise of the teacher's professional skills and judgements.

11.0 Acting allowance

- 11.1 Where a teacher is assigned and carries out duties of a headteacher, deputy headteacher, assistant headteacher but has not been appointed as an acting headteacher, deputy headteacher, assistant headteacher, the council must within a period of four weeks beginning on the day on which the duties are first assigned and carried out, determine whether or not an allowance ("acting allowance" must be paid in line with the provisions set in the School Teachers' Terms and Conditions Document).

12.0 Honorariums

- 12.1 Honoraria payments for undertaking additional duties cannot be applied to unattached teachers

13.0 Exit payments

- 13.1 Exit payments will be paid in accordance with legislative requirements, as applicable.

14.0 Pay multiples

- 14.1 Unattached teachers' pay multiples are taken into account within the corporate pay multiples which are published in the Council's Pay Policy.

Appendix A Unattached Teachers' Pay Scales September 2020

Salary scales reflect the legacy of the 2017 terms and conditions review (1% pay reduction), where applicable.

For the purposes of this appendix annual salary rates have been rounded up to the nearest pound.

Unqualified Teachers Pay Range	
Spine Point	Annual Salary 2020
UQT	£
1	18,169
2	20,082
3	22,172
4	24,263
5	26,357
6	28,448

Teachers Leading Practitioners Pay Range	
Spine Point	Annual Salary 2020
LP	£
*1	42,402
**2	43,465
3	44,550
4	45,658
*5	46,332
**6	47,495

Ranges used *1-5 and **2-6

Teachers Main Pay Range	
Spine Point	Annual Salary 2020
MPR	£
1	25,714
2	27,331
3	29,371
4	31,466
5	33,765
6	36,599

Teaching and Learning Responsibility Allowance 2020	
TLR 3	£
Minimum	571
Maximum	2833
TLR2	£
Minimum	2873
Maximum	7017
TLR1	£
Minimum	8291
Maximum	14030

Teachers Upper Pay Range	
Spine point	Annual salary 2020
UPR	£
1	38,690
2	39,726
3	41,191

Special Educational Needs Allowance 2020	
SEN1 Spot rate £	2,270
SEN2 Spot rate £	4,479

Appendix B Appeal

- 1.1 A member of staff may appeal against any determination in relation to pay and any other decision taken by an Executive Director, Director or Head of Service or manager that affects their pay, using the formal appeal procedure.
- 1.2 It is the intention that the appeals procedure will be dealt with promptly, thoroughly and impartially.
 - The manager/appraiser will discuss the pay recommendation with the unattached teacher prior to the final pay determination being confirmed in writing. The manager/appraiser will provide written details of and the reasons for the pay determination to the unattached teacher.
 - If the employee feels the pay recommendations falls short of their expectations they may wish to obtain a better understanding of the rationale for pay or bring further evidence to the attention of the manager/appraiser before the final pay decision has been made. A request should be made to the appraiser to obtain feedback and submit further evidence.
 - The appraiser should consider any new evidence presented by the employee before the making the final pay decision. Confirmation to the unattached teacher should be in writing detailing the evidence considered, the rationale for the determination and the right to appeal.

2 Appeals process

- If the employee feels the final pay decision has been made incorrectly or is unjust, the employee should seek to resolve this discussing the matter informally with the manager/appraiser who made the decision within 10 working days of the date of the notification of the determination. The employee and the manager/appraiser should meet to discuss and consider the decision. The outcome of the informal appeal will be confirmed to the employee in writing detailing the evidence considered, rationale for the determination and the right to appeal the decision.
- Where the employee continues to be dissatisfied with the outcome of the informal appeal stage, they may wish to progress to a formal appeal.
- The employee should set down in writing the grounds for the formal appeal within 10 working days of the date of the notification of the informal appeal outcome to the appropriate Head of Service/Director.
- The Head of Service/Director will arrange a hearing normally within 20 working days of the appeal submission. The hearing panel will be made up of a Head of Service/Director with no previous involvement in the pay determination and another senior manager with no prior involvement.
- The employee has the right to be accompanied by a work colleague or trade union representative.

- Documents relating to the appeal including any records on which the pay decision was originally based, the unattached teachers written reasons for appealing against and all papers produced as part of the earlier stages of the appeal, will be provided to everyone attending the panel normally 5 days prior to the hearing.
- The hearing provides an opportunity for both parties (the employee and the manager / appraiser) to make representation in person to the appeal panel to explain their case.
- The decision of the appeal panel will be confirmed in writing and where the appeal is rejected, the evidence considered and the reasons for reaching the decision should be included.
- The decision of the appeal panel is final and no further recourse can be taken.

Appendix C Application to move to upper pay

Applications to move to upper pay range should be completed as follows;

- The teacher should complete an application form to apply for the movement to the upper pay scale and submit along with any supporting information to their manager by 31st October
- The name of the assessor will be provided normally within 5 working days of the application being received
- The assessor will assess the application form and supporting information and make a recommendation to the Executive Director/Director or Head of Service.
- The application, supporting information, recommendation will be passed to the Executive Director/Director or Head of Service.
- Executive Director/Director or Head of Service will make the final determination based on the information provided
- The teacher will then receive notification of the outcome of their application. Where the application is unsuccessful, the written notification will include areas where it was felt the teachers' performance did not satisfy the relevant criteria. The notification will detail the right to appeal the decision.
- If requested oral feedback will be provided by the assessor within 10 working days of the date of notification.
- Successful candidates will move to the minimum point within the upper pay range

A teacher may appeal against any determination in relation to pay including moving to the upper pay range, and any other decision taken by managers, qualified appraisers, Executive Director/Director or Head of Service that affects their pay, using the appeal procedure detailed within the Unattached Teachers Pay Policy.

Equality Impact Assessment (EqIA) for Policies, Procedures and Services

Proposal name	Schools Model Pay Policy		
Directorate	Resource and Transformation		
Service	School's Consultancy Team		
Responsible Officer	Kerry Smith		
Proposal planning start	September 2020	Proposal start date (due or actual date)	1st September 2020 (to be back dated in accordance with STPCD)

1	What is the purpose of the proposal?	Yes / No	New / revision
	Policy	Yes	Revision
	Procedure	No	NA
	Guidance	No	NA
	Is this a service to customers/staff/public?	No	NA
	If yes, is it contracted or commissioned?	No	NA
	Other - give details		
2	What is the business case for this proposal? Please provide the main purpose of the service, intended outcomes and reasons for change?		
	<p>The Model Pay Policy sets out a policy on pay and conditions for all staff employed in Schools and Academies to be adopted by Governors. The policy aims to assist schools to attract and retain skilled employees. The policy incorporates the requirements of the School Teachers Pay and Conditions Document.</p> <p>This is an annual review of the Pay Policy and has been amended to remain in line with current legislation and good practice. The policy will be applicable to all school based staff should governors decide to adopt the policy. Schools that do not adopt the Model Policy will be required to undertake consultation on the Policy they intend to adopt.</p> <p>The changes to STPCD are:</p> <ul style="list-style-type: none"> • Minimum of the Main Pay Range is increased by 5.5 per cent. • Maximum of the Main Pay Range and the minima and maxima of all other pay and allowance ranges for teachers and school leaders are uplifted by 2.75 per cent. • Advisory pay points are reintroduced on the Main Pay Range (6 points) and Upper Pay Range (3 points) from September 2020. <p>The since 2015 the policy has had a 7 point Main Pay Range (1 to 5, and 6a and 6b). The proposed change back to a 6 point range as advised in the STPCD removes the 6a point, leaving 6b as a new point 6 and the maximum of the Main Pay Range.</p>		



3	Who is the proposal likely to affect?			
	People in Walsall	Yes / No	Detail	
	All	No	Staff employed in schools and academies.	
	Specific group/s	Yes		
	Council employees	Yes		
	Other (identify)	Yes		
4	Please provide service data relating to this proposal on your customer's protected characteristics.			
	<p>The council's education workforce profile is detailed in the Education Employment Monitoring report 2019/20. This data captures 69 schools out of a total 119 in the borough. The Model Pay Policy may be adopted by any of these schools as the Governing Bodies have responsibility for staffing and can chose which policies to approve.</p> <p>The full group of staff in council schools are made up of 91.43% female employees and 8.57% males. Of those who have declared their ethnicity 11.97% are from a minority ethnic group and 19.06% have chosen not to state their ethnicity. 0.69% of school employees have declared a disability.</p>			
5	Please provide details of all engagement and consultation undertaken for this proposal. (Please sue a separate box for each engagement/consultation).			
	<p>Consultation has taken place with Head Teachers from Primary, Nursery, and Special schools and also secondary schools that are not academies. In addition, Children's Services, Finance and Legal have been consulted. Both Teacher and Support staff Trades Unions have been consulted. The uplift across the ranges has been welcomed.</p> <p>Following the release of the School Teachers Pay and Conditions Document further consultation has taken place with Trades Union and Management form within the Council.</p> <p>Model Pay Policy will be submitted to CMT on 5 November 2020 and Personnel Committee on 23 November 2020.</p>			
	Consultation Activity			
	Complete a copy of this table for each consultation activity you have undertaken.			
	Type of engagement/consultation	Assistant Director of Children's Services Headteachers Trades Unions	Date	17/09/2020 24/09/2020 30/09/2020
	Who attended/participated?	As above		
	Protected characteristics of participants	A range of protected characteristics including, gender, race, age, disability.		
	Feedback Feedback has been received during the consultation with no issues arising.			

6

Concise overview of all evidence, engagement and consultation

Full consultation with trades union and Management has taken place at various stages of the development of this Policy:

Consultation by email with Trades Union and Management within the Council to establish views on current Policy and areas of concerns to be considered when undertaking the review.

Consultation meeting held to discuss feedback on current Policy to and areas of concerns to be considered when undertaking the review.

Consultation meeting held with Trades Union to obtain feedback on the draft procedure. Trade Unions agreed to moving to a 6 point range in accordance with the advisory model set out in the STPCD.

The policy will be sent for approval at CMT on 5 November 2020 and Personnel Committee on 23 November 2020.

Following council approval the policy is recommended for adoption to School/Academy Governing Bodies, if they adopt the policy the pay award will be backdated to 1 September 2020 in line with Teachers' Terms and Conditions.

7

How may the proposal affect each protected characteristic or group?
The effect may be positive, negative, neutral or not known. Give reasons and if action is needed.

Characteristic	Affect	Reason	Action needed Yes / No
Age	Neutral	The policy sets out the approach to pay in regards to teachers pay, therefore it sets out clear guidelines to reduce the risk of discrimination.	No
Disability	Negative	<p>The policy sets out the approach to pay in regards to teachers pay, therefore it sets out clear guidelines to reduce the risk of discrimination.</p> <p>Potential impact on employees who require reasonable adjustments for communication and for those who do not understand the policy e.g. employees with learning disabilities.</p>	Yes
Gender reassignment	Neutral	The policy sets out the approach to pay in regards to teachers pay, therefore it sets out clear guidelines to reduce the risk of discrimination.	No

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	Marriage and civil partnership	Neutral	The policy sets out the approach to pay in regards to teachers pay, therefore it sets out clear guidelines to reduce the risk of discrimination.	No
	Pregnancy and maternity	Negative	<p>The policy sets out the approach to pay in regards to teachers pay, therefore it sets out clear guidelines to reduce the risk of discrimination.</p> <p>Potential impact for people who are on maternity or paternity leave and are not updated about the policy.</p>	Yes
	Race	Neutral	<p>The policy sets out the approach to pay in regards to teachers pay, therefore it sets out clear guidelines to reduce the risk of discrimination.</p> <p>Potential impact on employees where English is not their first language may require additional communication</p>	Yes
	Religion or belief	Neutral	The policy sets out the approach to pay in regards to teachers pay, therefore it sets out clear guidelines to reduce the risk of discrimination.	No
	Sex	Neutral	The policy sets out the approach to pay in regards to teachers pay, therefore it sets out clear guidelines to reduce the risk of discrimination.	No
	Sexual orientation	Neutral	The policy sets out the approach to pay in regards to teachers pay, therefore it sets out clear guidelines to reduce the risk of discrimination.	No
8	Does your proposal link with other proposals to have a cumulative effect on particular equality groups? If yes, give details.			(Delete one) No
9	Which justifiable action does the evidence, engagement and consultation feedback suggest you take?			
	A	No major change required		
	B	Adjustments needed to remove barriers or to better promote equality		

	C	Continue despite possible adverse impact
	D	Stop and rethink your proposal

Action and monitoring plan				
Action Date	Action	Responsibility	Outcome Date	Outcome
Day of Launch	The policy to be explained/made available to employees, including those on maternity /parental leave.	Employee's line manager should make themselves available to explain the policy to ensure understanding and offer support to allow individuals to achieve the requirements	As and when required	
Day of Launch	The procedure will be explained/made available in other languages on request for employees whose first language is not English.	Appropriate liaison as required with the councils Interpretation, Translation, Transcription and Easy Read service (ITTE)	As and when requested	
Day of Launch	Alternative formats (audio and Easy Read) for disabled employees of the new policy will be made available on request.	Liaison as required with the appropriate council procured services via the Community, Equality and Cohesion team.	As and when requested	

Update to EqIA	
Date	Detail
01/09/2021	Procedure to be reviewed annually

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Inside Walsall: [http://int.walsall.gov.uk/Service information/Equality and diversity](http://int.walsall.gov.uk/Service_information/Equality_and_diversity)

Equality Impact Assessment (EqIA) for Policies, Procedures and Services

Proposal name	Unattached Teachers Pay Policy		
Directorate	Resource and Transformation		
Service	HR Strategy and Planning		
Responsible Officer	Rebecca Lloyd		
Proposal planning start	August 2020	Proposal start date (due or actual date)	1st September 2020 (to be back dated in accordance with STPCD)

1	What is the purpose of the proposal?	Yes / No	New / revision
	Policy	Yes	Revision
	Procedure	No	NA
	Guidance	No	NA
	Is this a service to customers/staff/public?	No	NA
	If yes, is it contracted or commissioned?	No	NA
	Other - give details		
2	What is the business case for this proposal? Please provide the main purpose of the service, intended outcomes and reasons for change?		
	<p>The Unattached Teachers Pay Policy sets out Council policy on pay and conditions for all Unattached Teachers, assisting the Council to attract and retain skilled employees. The policy will be applicable to all unattached teachers employed within the Council under teachers' terms and conditions. The policy incorporates the requirements of the School Teachers Pay and Conditions Document (STPCD), which is published annually.</p> <p>This is an annual review of the Unattached Teachers' Pay Policy and has been amended in line with current legislation and good practice, as well as the requirements of the STPCD document 2020.</p> <p>The changes to STPCD are:</p> <ul style="list-style-type: none"> • Minimum of the Main Pay Range is increased by 5.5 per cent. • Maximum of the Main Pay Range and the minima and maxima of all other pay and allowance ranges for teachers and school leaders are uplifted by 2.75 per cent. • Advisory pay points are reintroduced on the Main Pay Range (6 points) and Upper Pay Range (3 points) from September 2020. <p>The since 2015 the policy has had a 7 point Main Pay Range (1 to 5, and 6a and 6b). The proposed change back to a 6 point range as advised in the STPCD removes the 6a point, leaving 6b as a new point 6 and the maximum of the Main Pay Range.</p>		



	For the Unattached Teachers, with the exception of the minimum of the pay ranges (which must be met), the pay points in Walsall Council do not match with those advised in the STPCD, as a result of the legacy 1% reduction from the 2017 terms and conditions review. The percentage uplift for 2020 is on the reduced base salary points of 2019.		
3	Who is the proposal likely to affect?		
	People in Walsall	Yes / No	Detail
	All		The Council currently employs 29 individuals classed as Unattached Teachers on Teachers Terms and Conditions affected by this policy.
	Specific group/s		
	Council employees	Yes	
	Other (identify)		
4	Please provide service data relating to this proposal on your customer's protected characteristics.		
	Corporately unattached teachers represent less than 1% of the corporate workforce.		
	As at 1 September 2020 this group of staff are made up of 82.6% female employees and 17.4% males. Of the employees classed as unattached teachers that have declared their ethnicity 7.7% are from a minority ethnic group and 10.3% have chosen not to state their ethnicity. 4.0% of unattached teachers have declared a disability.		
5	Please provide details of all engagement and consultation undertaken for this proposal. (Please sue a separate box for each engagement/consultation).		
	<p>The School Teachers Pay and Conditions Document (STPCD) details the terms of employment of those employees within teacher's terms and conditions. The Document and statutory guidance have been amended in response to the recommendations in the 30th report of the School Teachers' Review Body (the STRB) and the changes to the STPCD 2020. Details of these changes are set out below.</p> <p>The Document and statutory guidance were subject to consultation with the teacher unions, employers and other relevant interested parties as part of the usual statutory consultation process. The final version of the STPCD was not published until October 2020, with pay awards being back dated to 1 September 2020.</p> <p>The School Teachers Pay and Conditions Document gives discretion on how the pay uplift is to be applied locally.</p>		

Consultation Activity

Complete a copy of this table for each consultation activity you have undertaken.

Type of engagement/consultation	Relevant Senior Managers within the Council	Date	01/10/20 to 14/10/20
Who attended/participated?	Senior Managers within Access and Inclusion (SEN team), and Place and Environment (Forest Arts).		
Protected characteristics of participants	A range of protected characteristics including, gender, race, age, disability.		
Feedback Agreed to the pay uplift and moving to the advisory 6 point pay range, however Children's Services			

Type of engagement/consultation	Trades union	Date	01/10/20 to 14/10/20
Who attended/participated?	Teachers unions/professional associations		
Protected characteristics of participants	A range of protected characteristics including, gender, race, age, disability.		
Feedback Oppose using the current base salary (with the 1% reduction from 2017) for the pay uplift due to inequality for unattached teachers compared to teachers within Walsall schools. The unions don't believe that teachers are in the same situation as other council employees (who have the legacy 1% reduction). Unattached teachers work in schools, alongside school based colleagues who are being paid more (as they were not subject to the terms and conditions review) and this gives inequality.			

6 Concise overview of all evidence, engagement and consultation

Full consultation with trades union and council management for the unattached teachers has taken between 1/10/20 and 14/10/20.

Trades union and Senior Managers within the relevant service areas agree with applying the pay uplift to each reference point within the pay structure, and the reintroduction of a 6 point Main Pay Range (i.e. removing point M6a).

With the exception of the pay uplift and the removal of point 6a, the policy remains the same as previously agreed and in line with the School Teachers Pay and Conditions Document, albeit at the reduced Walsall rate.

The Teachers Trade Unions do not agree overall with the Unattached Teachers' Pay Policy as they are concerned that these corporately employed teachers are disadvantaged to teachers in Walsall schools, due to the legacy of the terms and conditions review which saw a 1% reduction to salaries in 2017. Pay awards since 2017 have been at the national parentage uplift rate but on the reduced salary base. The trade unions do not feel that teachers are in the same situation as other council employees and should not be compared to them, they consider teachers' pay in the council should mirror teachers pay in schools. The unattached teachers work in schools, alongside the

	<p>school based teachers who are being paid more and feel this is an inequality. However all other corporate employees continue to be paid at a reduced rate compared to their terms and conditions national pay scales.</p> <p>The policy will be sent for approval at CMT on 5 November 2020 and Personnel Committee on 23 November 2020. If approved the pay award will be backdated to 1 September 2020 in line with Teachers' Terms and Conditions.</p>		
7	How may the proposal affect each protected characteristic or group? The effect may be positive, negative, neutral or not known. Give reasons and if action is needed.		
	Characteristic	Affect	Action needed Yes / No
	Age	Neutral	No
	Disability	Negative	Yes
	Gender reassignment	Neutral	No
	Marriage and civil partnership	Neutral	No
	Pregnancy and maternity	Negative	Yes
	<p>Potential impact for people</p>		

			who are on maternity or paternity leave and are not updated about the policy.	
	Race	Neutral	<p>The policy sets out the approach to pay in regards to teachers pay, therefore it sets out clear guidelines to reduce the risk of discrimination.</p> <p>Potential impact on employees where English is not their first language may require additional communication</p>	Yes
	Religion or belief	Neutral	The policy sets out the approach to pay in regards to teachers pay, therefore it sets out clear guidelines to reduce the risk of discrimination.	No
	Sex	Neutral	The policy sets out the approach to pay in regards to teachers pay, therefore it sets out clear guidelines to reduce the risk of discrimination.	No
	Sexual orientation	Neutral	The policy sets out the approach to pay in regards to teachers pay, therefore it sets out clear guidelines to reduce the risk of discrimination.	No
8	Does your proposal link with other proposals to have a cumulative effect on particular equality groups? If yes, give details.			(Delete one) No
9	Which justifiable action does the evidence, engagement and consultation feedback suggest you take?			
	A	No major change required		
	B	Adjustments needed to remove barriers or to better promote equality		
	C	Continue despite possible adverse impact		
	D	Stop and rethink your proposal		

Action and monitoring plan				
Action Date	Action	Responsibility	Outcome Date	Outcome
Day of Launch	The policy to be explained/made	Employee's line manager should make	As and when	

	available to employees, including those on maternity /parental leave.	themselves available to explain the policy to ensure understanding and offer support to allow individuals to achieve the requirements	required	
Day of Launch	The procedure will be explained/made available in other languages on request for employees whose first language is not English.	Appropriate liaison as required with the councils Interpretation, Translation, Transcription and Easy Read service (ITTE)	As and when requested	
Day of Launch	Alternative formats (audio and Easy Read) for disabled employees of the new policy will be made available on request.	Liaison as required with the appropriate council procured services via the Community, Equality and Cohesion team.	As and when requested	

Update to EqIA	
Date	Detail
01/09/2021	Procedure to be reviewed annually

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Personnel Committee - 23 November 2020

Retention Payments Policy

1. Summary

- 1.1 To gain Personnel Committee approval for the new Retention Payments Policy (appendix 1) endorsed by CMT at their meeting of 05 November 2020.

2. Recommendations

- 2.1 Personnel Committee is recommended to approve the Retention Payments Policy (appendix 1) endorsed by CMT (05 November 2020).

3. Background Information

- 3.1 The new Retention Payments Policy has been drafted in response to business requirements, specifically, a particular retention issue identified in some Children's Service's Social Work Teams. Feedback was received from this area of the business, requesting a mechanism to pay a retention payment to address retention issues where a market supplement payment is not applicable.
- 3.2 In order for a market supplement payment to be made there must be evidence of market forces, where comparable pay outside of the council is higher. However, in some circumstances there are no market force issues, the council pays a comparable rate of pay, so a market supplement payment cannot be paid, but retention remains an issue.

Aim

- 3.3 The new Retention Payments Policy offers a mechanism for which an additional payment can be paid, in order to encourage retention in areas where it can be clearly evidenced that there are long term staff turnover issues impacting on service delivery. A retention payment may be offset against the cost of repeat recruitment campaigns and the use of agency workers to cover vacancies, and assist in retaining skilled workers.
- 3.4 This policy has been designed to align with the PROUD Programme and the Behaviour Framework to ensure a consistent approach and reinforce the culture and behaviours across the council.

Know

- 3.5 The main elements contained in the new Retention Payments Policy include;
 - A mechanism to pay an additional discretionary monthly payment to an employee or group of employees where there is evidence of a retention issue;

- The payment could be considered in exceptional circumstances where there is clear evidence that a failure to retain a stable and well performing workforce in an area, presents serious risks to the effective delivery of high profile, statutory or regulatory services;
 - A robust method of justification, authorisation and review is built into the request form and review process, with managers required to complete the request form in consultation with HR and Finance and obtain authorisations from their Executive Director and the Director of HR.
 - Flexibility for the business to set the required level of retention payment (up to a limit of 15% of basic salary in any one year) and the required service length for eligibility (subject to a 12 month minimum);
 - Flexibility for the business to set the length of time over which the payment can be made and to pre-set appropriate review periods (subject to a limit of an initial 3 year payment plan, extendable by 2 years with a minimum review 3 months prior to each expiry).
- 3.6 The policy is an alternative to the Market Supplements Policy, mirroring this policy in the need for a request form / business case with evidence (in this case long term retention issues rather than comparable pay), and the same approach to approval (Finance, Executive Director and HR Director).
- 3.7 Due to the individual nature of such payments and the flexibility afforded by the policy to adapt the business case to service area/team needs, managers will need to take responsibility for the operation of their retention payments scheduled and ensure payroll are instructed accordingly when payments need to be amended or cease.
- 3.8 Payroll have recently indicated that a new payroll element will need to be set up in One Source to make and track these payments and so we are currently in discussion with the One Source helpdesk to progress this request. If the skills are available in house, then this should be a fairly straightforward and free task. If the third party contract for One Source is required to set up this element, then there maybe additional costs that will need to be covered corporately, however whether there will be any cost at all or what level this might be has not yet been confirmed by the One Source Helpdesk.

Council corporate plan priorities

- 3.9 These policy reviews are directly aligned to the internal focus priority within the Corporate Plan, delivering services that are efficient and effective.

Response

- 3.10 Subject to approval, HR/Payroll will finalise all associated request forms and prepare a workforce communications and implementation plan ready for publication.

Review

3.11 Employment policies will usually be reviewed on a three yearly cycle, unless legislation or internal organisational need prompt a review earlier.

3.12 Retention Payments will be reported in the annual Employment Monitoring Report in the same way Market Supplement Payments are currently.

4. Financial Implications

4.1 There are financial implications associated with the introduction of this policy. However, managers wishing to introduce retention payments will be required to evidence that the financial impact is justifiable. Retention payments will be made from existing service area budgets.

5. Legal Considerations

5.1 There are no anticipated legal issues arising from this report.

6. Risk Management

6.1 An equality impact assessment is attached (appendix 2).

7. People

7.1 The policy is applicable to all Council employees but excludes Directors, Executive Directors and the Chief Executive, as well as school employees where the Governing Body has delegated authority and for whom separate arrangements apply. This policy does not apply to contractors, consultants, agency workers, or any self-employed individuals working for the Council.

7.2 There is no direct impact on our citizens as a result of this procedure. The procedure is however, part of the employment framework that helps to ensure that residents of Walsall get the best possible services from council employees.

8. Consultation

8.1 The policy has been consulted upon with senior managers and trade unions across the Council between 22 September and 6 October 2020. Early consultation was undertaken with Children's Services and has been ongoing throughout to ensure through the draft policy, their initial needs have been met.

8.2 Feedback from managers' consultation resulted in some minor wording amendments to aid clarification and understanding. Managers also requested the service criteria to be reduced from 24 to 12 months, which has been incorporated into the policy. An original option of monthly payment or a lump sum payment was suggested, however the lump sum option was removed due to potential payroll implications for both the employer and employee.

8.3 The trade unions had concerns that the policy may create inequality with regards to pay. The trade unions also expressed a need for the evidence and justification to be robust with appropriate approvals. The unions did

request that reviews be undertaken by the S151 Officer and that payments should go to JNC prior to being granted. However, it was felt the approval route for the Retention Payment Policy should be the same as the Market Supplement Policy, i.e. through Finance, the appropriate Executive Director and the HR Director (who will view all requests ensuring consistency of approach and fairness in relation to equal pay). No existing payments are approved through JNC's or via the S151 Officer and so this would be inconsistent with current practice and not the most appropriate route.

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Retention Payments Policy



Walsall Council

Version Control

Document title	Retention Payments Policy		
Owner	Human Resources	Status	Draft
Version	1.0	Approved on	TBC
Effective from	TBC	Review date	TBC
Last updated	13/10/2020	Last updated by	HR Strategy and Planning
Purpose	To provide an additional tool to support the retention of employees in jobs where the council cannot retain long term suitability skilled employees, which impacts on the provision of council services.		

This policy links to:

- Corporate Plan
- Walsall Proud Programme
- Job Evaluation and Grading Policy
- Market Supplements Policy
- Equality & Diversity Protocol
- Workforce Strategy
- Behaviour & Standards Framework
- Recruitment and Selection Policy
- Pay Policy Statement

This list is not exhaustive.

For further advice or guidance on this policy, or if you would like this information in another language or format please contact:

HR Operational Services Team

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Email: hrdoperationalservices@walsall.gov.uk

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1.0 Introduction

- 1.1 Walsall Council is PROUD. We are proud of our past, our present and for our future. The council is committed to reducing inequalities and ensuring all potential is maximized and its employment policies, procedures and guidelines are designed to support this vision and deliver the council's priorities.
- 1.2 The council is committed to creating an environment that provides opportunities for all individuals and communities to fulfil their potential and this policy provides a framework in which employees will be supported to deliver the council's priorities in line with the council's expected behaviours and values; professionalism; leadership; accountability; transparency and ethical.
- 1.3 The council's values and behaviours will be at the core of everything the council deliver and through a culture of continuous improvement the council will increase performance, efficiency and champion the design of services to meet the needs of customers. As a digital by design council, employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment. The council is committed to technological investment to deliver transformation in order to improve the efficiency and effectiveness of its services, both internally and externally.
- 1.4 This policy framework promotes the council's strategic priority of internal focus ensuring all council services are effective and efficient and helps embed the behaviours and values expected of all employees as part of the Behaviour and Standards Framework.
- 1.5 The purpose of this policy is to provide an additional tool to support the retention of employees in jobs where the council cannot retain long term suitability skilled employees, which impacts on the provision of council services.
- 1.6 This policy aims to ensure that the council is able to retain highly skilled employees by offering competitive salaries through the provision of a fair and transparent system where a retention problem has been identified.
- 1.7 This policy helps to ensure that the council meets the requirements of equal pay legislation and is not discriminatory in applying a retention payment to a post.

2.0 Scope

- 2.1 This policy applies to all council employees (with a minimum of 12 months service);
- 2.2 With the exception of;

- 2.2.1 Directors, Executive Directors and the Chief Executive;
- 2.2.2 School-based employees/workers where the governing body has delegated authority and for whom separate arrangements apply.
- 2.3 This policy does not apply to contractors, consultants, agency workers, or any self-employed individuals working for the council.

3.0 Principles

- 3.1 Retention payments are discretionary payments, constituting a temporary addition to basic salary and are subject to PAYE deductions (tax and National Insurance) and form part of pensionable pay.
- 3.2 Retention payments may be applied where there are risks associated with workforce instability and concerns regarding retaining suitably skilled employees in the mid to long term, and where a market supplement payment has previously been considered but is not deemed suitable to address the retention challenges (i.e. where the current salary is comparable to the market but retention issues remain and all other options have been considered and exhausted and still having problems retaining staff).
- 3.3 Retention payments are normally only considered in exceptional circumstances where there is clear evidence that a failure to retain a stable and well performing workforce in an area, presents serious risks to the effective delivery of high profile, statutory or regulatory services.
- 3.4 Walsall Council is committed to the principles of equal pay and seeks to ensure that employees receive equal pay for work of equal value. The grading of all relevant posts is therefore determined in accordance with the Job Evaluation and Grading Policy. The award of a retention payment does not alter the job evaluation determined grade for the post.
- 3.5 Managers must take care to ensure that retention payments do not expose the council to potential equal pay claims and in considering the application of a retention payment must give due regard to any equalities implications ensuring consistency, fairness and transparency is applied throughout.
- 3.6 The law requires that to ensure equal pay principles, retention payments are only awarded in cases where a 'genuine material reason' can be demonstrated for the payment. If a retention payment is introduced to a particular post in a particular team, it will not automatically apply to the same type of post in a different team, like wise it may not apply to all employees in that post/team, as the rationale for applying the payment will be linked to specific criteria in relation to both employee eligibility and also external factors justifying the need for a retention payment at that point in time as set out in the request form.

- 3.7 Where an existing retention payment has been approved for an employee or employees in a particular post and team, any new payments for all eligible employees will also need to be individually requested and agreed through the submission of a request form at the appropriate time where a genuine material reason will need to be demonstrated. At any point in time where a genuine material reason for the payment can no longer be evidenced then all existing retention payment arrangements (for the same post and team) must also be reviewed and re-moved with consultation and notice as appropriate. It is therefore recommended that managers review retention payments on a regular basis and as and when necessary or appropriate.
- 3.8 Retention payments can only be applied to employees with at least 12 months service with Walsall Council in the relevant post and team to which the retention payment is being applied, as set out and justified in the request form.
- 3.9 Eligible employees will only receive a retention payment whilst they remain continuously employed in the post that was awarded the retention payment through approval of a request form referencing that particular employee.
- 3.10 Retention payments will continue to be paid through periods of maternity leave or sickness absence.
- 3.11 Retention payments for part time employees will be paid on a pro rata basis.
- 3.12 If the post holder is promoted, seconded or appointed to another position which is not subject to a retention payment, the payment will cease with effect from the date of their commencement in the new position.
- 3.13 Where an employee is in receipt of a monthly paid retention payment, they will not receive the payment for the duration of any notice period, this applies when the employee resigns and also to any notice period that may be issued to them by the council (e.g. following a dismissal decision).
- 3.14 Retention payments are purely discretionary, they do not form part of employee's contract of employment and may be amended or removed following review at the council's discretion. If a payment is made to an employee in respect of a particular year there shall be no obligation for the Council to make any subsequent payments.
- 3.15 Following a review where a retention payment is to be reduced or removed earlier than the original end date, managers are advised to consult with the affected employees and must provide employees with a minimum of one month's written notice.
- 3.16 There is no right of appeal against a decision to reduce or remove an existing retention payment.

4.0 Accountabilities

4.1 Managers are accountable for the following;

- Applying this policy and procedure consistently, fairly and objectively in accordance with the council's vision and purpose and clearly demonstrate the council's management behaviours and values, seeking further advice and guidance from HR where necessary;
- Identifying the specific posts for which retention payments may be appropriate and with advice from HR completing the retention payment request form containing appropriate justification and evidence;
- Monitoring and reviewing any individual retention payments on an ongoing basis, carrying out formal reviews as required and taking appropriate action in relation to extending, ceasing or amending the payment in accordance with this policy, within required timescales and in consultation with HR;
- Confirming in writing to the employee the details of any retention payment at the point it is applied to the post and upon any extensions / amendments / withdrawals. The manager must ensure a copy of this confirmation is placed on the personnel file.

4.2 Employees are accountable for the following;

- All employees should support the delivery of the council's vision and purpose, clearly demonstrating the council's behaviours and values;
- Actively engage in employment practices and processes in which they are involved and ensure they understand this procedure, seeking further advice and guidance from managers where necessary;
- Comply with the requirements of this policy and procedure.

5.0 Procedure

5.1 Where a manager can objectively demonstrate that there are retention issues with regards to a particular post or posts a discretionary retention payment may be paid in addition to the basic salary of a post or a group of posts.

5.2 Managers must be able to demonstrate that the following criteria can be met and considerations made when submitting a request to pay a retention payment to an individual employee or a group of employees.

- That there is a retention issue that can be evidenced by up to date turnover data and exit interviews indicating reasons for leaving;
- The impact that the retention issue is having, e.g. on service delivery, use of agency workers, outcomes from inspections/reviews where there is a need to maintain a stable skilled and experience workforce;
- That the retention issue cannot be resolved by means other than pay;

- That other means to address the retention issue have been considered (such as the nature of the work, remodeling ways of working, working conditions, offering promotion opportunities, and training and development opportunities) and an explanation as to why they have not addressed the issue;
- That the retention issue is not as a result of an internal issue that can be addressed by other means, e.g. personal circumstances of the employee, performance concerns;
- That the payment of a market supplement has been considered and is not appropriate based on market forces benchmarking.

Evidence of the criteria and considerations above must be submitted as part of the request for a retention payment to be made.

- 5.3 When determining the amount of payment managers should consider the costs associated with the retention issues, such as recruitment and agency costs, as payments will be made from existing service area budgets.
- 5.4 Retention payments must be fully justified through a retention payments request form and must outline the minimum service eligibility, the specific and individual payment schedule deemed to meet business needs and the proposed review dates.
- 5.5 Individual retention payments will be paid on a monthly basis and should remain a fixed amount throughout the period of 1 year, however the monthly payments can vary from set period to set period to support retention needs where applicable (e.g. X amount in year 1 increasing to Y amount in year 2, increasing to Z amount in year 3) and this must be set out in the request form. The total maximum payments that can be paid in any one year must not exceed a value of 15% of annual basic salary at the point the retention payment commences. The amount will not be subject to change in line with incremental progression or national pay awards.
- 5.6 Retention payments will be awarded for a specified period of time, not exceeding 36 months and this specified period of time will need to be outlined in the request form.
- 5.7 A request to extend the payment beyond 36 months may be submitted (following a full review) and must demonstrate that it meets the appropriate criteria for the extension, justifying that the need for a retention payment continues to be a requirement. Requests can be submitted for approval for extensions for up to a further 24 months. Once a 5 year period has expired, managers must complete a new request form to re-start any retention payments.
- 5.8 Managers must complete the retention payment request form in consultation with HR and Finance and obtain authorisations from their Executive Director and the Director of HR.

- 5.9 Managers are responsible for reviewing the need for retention payments on a regular basis throughout the retention period to ensure they continue to be fit for purpose. Reviews may result in the payments staying the same, being increased, decreased or ceasing. Any proposed changes to the payments during the retention period will require an amended and approved request form (unless the change was originally proposed and agreed in the initial request form, where this is the case managers should inform payroll at the relevant change points in time to ensure the changes have been made). As a minimum managers should conduct a review no less than 3 months prior to the expiry to ensure any extensions or amended requests can be considered and authorised, otherwise payments will automatically cease at their expiry date.
- 5.10 Managers can review the payments at any point as and when necessary/appropriate and may specify particular review periods on the initial request form. Any set review periods should be confirmed in the employee's confirmation letter and indicating the potential for the payments to be reviewed and amended or removed accordingly during the retention period.
- 5.11 Where the review results in a change to the retention payment, the request form must be updated with additional / amended evidence (refer to 5.2) and submitted for authorisation. Review documentation will be submitted for authorisation to the Executive Director and Director of HR.
- 5.12 Where a change to the payment results in a decreased payment or removal of the payment, the employee is entitled to one month's written notice, in addition, it would be advisable to consult with the employee throughout the process, so that they are aware of the review and the proposed change prior to its approval.
- 5.13 Managers should be mindful, not to verbally confirm any new payments, continuing payments or increased payments until full authorisation has been obtained on the appropriate form.

Equality Impact Assessment (EqIA) for Policies, Procedures and Services

Proposal name	Retention Payments Policy		
Directorate	Resource and Transformation		
Service	HR Strategy and Planning Team		
Responsible Officer	Rebecca Lloyd		
Proposal planning start	August 2020	Proposal start date (due or actual date)	December 2020

1	What is the purpose of the proposal?	Yes / No	New / revision
	Policy	Yes	New
	Procedure	Yes	New
	Guidance	No	NA
	Is this a service to customers/staff/public?	No	NA
	If yes, is it contracted or commissioned?	No	NA
	Other - give details		
2	What is the business case for this proposal? Please provide the main purpose of the service, intended outcomes and reasons for change?		
	<p>Feedback was received from the organisation, specifically Children's Services requesting a mechanism to pay a retention payment to address retention issues where a market supplement payment is not applicable.</p> <p>In order for a market supplement payment to be made there must be evidence of market forces, where comparable pay outside of the council is higher. However, in some circumstances there are no market forces, the council pays a comparable rate of pay, so a market supplement payment cannot be paid, but retention is an issue.</p> <p>The retention payments policy includes:</p> <ul style="list-style-type: none"> • A mechanism to pay an additional discretionary payment to an employee or group of employees where there is evidence of a retention issue; • A limit on the value of the payment; • A limit of the length of time over which the payment can be made; • A robust method of authorisation and review. <p>The policy mirrors the market supplement policy in the need for a request form / business case with evidence (in this case long term retention issues), with the same approach to approval (Finance, Executive Director and HR Director).</p> <p>Retention Payments will be reported in the annual Employment Monitoring Report in the same way Market Supplement Payments are currently.</p>		



3	Who is the proposal likely to affect?																						
	People in Walsall	Yes / No	Detail																				
	All		This policy applies to all council employees, excluding Directors, Executive Directors and the Chief Executive, and those in schools where the Governing Body has delegated authority.																				
	Specific group/s																						
	Council employees	Yes																					
	Other (identify)																						
4	Please provide service data relating to this proposal on your customer's protected characteristics.																						
	<p>As of 31 March 2020 the total number of Walsall Council employees (excluding Schools) were 3097. The Council's workforce is made up of 67.74% females. 22.41% of the workforce are classified as minority ethnic. In total there were 151 employees (4.88% of the workforce) who declared they had a disability, as defined by the Equality Act 2010.</p>																						
5	Please provide details of all engagement and consultation undertaken for this proposal. (Please use a separate box for each engagement/consultation).																						
	<p>Consultation was undertaken within the HR, Payroll, Finance and Legal, as well as wider consultation with the Senior Management Group across the Council between 22/09/2020 and 06/10/2020.</p> <p>Feedback from consultation resulted in some minor amendments to clarify wording and aid understanding.</p> <p>Trade Unions and Professional Associations were consulted at the same time as senior managers 22/09/2020 and 06/10/2020.</p> <p>The unions questioned the need for a retention policy when the market supplement is available, however they are different in the evidence needed for application.</p> <p>The Retention Payment Policy will be submitted to CMT on 5 November 2020, followed by Personnel Committee for approval on 26 November 2020.</p>																						
	Consultation Activity Complete a copy of this table for each consultation activity you have undertaken.																						
	<table border="1"> <tr> <td>Type of engagement/consultation</td> <td>Consultation with wider council</td> <td>Date</td> <td>22/09/20</td> </tr> <tr> <td>Who attended/participated?</td> <td colspan="3">Senior Managers (tier 3 and 4), plus HR, Legal, Payroll and Finance</td> </tr> <tr> <td>Protected characteristics of participants</td> <td colspan="3">A range of protected characteristics including, gender, race, age, disability.</td> </tr> <tr> <td colspan="4">Feedback</td> </tr> <tr> <td colspan="4"> <p>Feedback was related to minor wording changes for clarification and to aid understanding.</p> <p>Originally an option of monthly payment or a lump sum payment was suggested – however the lump sum option was removed due to payroll implications for both the</p> </td> </tr> </table>			Type of engagement/consultation	Consultation with wider council	Date	22/09/20	Who attended/participated?	Senior Managers (tier 3 and 4), plus HR, Legal, Payroll and Finance			Protected characteristics of participants	A range of protected characteristics including, gender, race, age, disability.			Feedback				<p>Feedback was related to minor wording changes for clarification and to aid understanding.</p> <p>Originally an option of monthly payment or a lump sum payment was suggested – however the lump sum option was removed due to payroll implications for both the</p>			
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	<p>employer and employee</p> <p>Originally the criteria was 24 months service before payment – but feedback from managers asked for this it be reduced to 12 months.</p> <p>Other comments related to the request form to be used, notification to payroll and template letters to support the policy for managers – which will be addressed outside of the formal policy.</p>				
	Type of engagement/consultation		Consultation with trade unions	Date	22/09/20
	Who attended/participated?		Trade unions representatives		
	Protected characteristics of participants		A range of protected characteristics including, gender, race, age, disability.		
	Feedback <ul style="list-style-type: none"> Queried the need for a retention policy with the market supplement policy already in place. Commented it needs to offer equity across all grades and roles, with justification for percentages. Commented that full approval should be sought with checks and balances, suggested it going to JNC prior to being granted. Suggested payments should be linked to directorates/services performance Felt that applying the policy consistently and fairly was not possible – if not all employees in the same post received payment. Commented on the maximum 15% figure and how this had come about. Suggested any reviews of payments should be undertaken by the S151 officer. 				
6	Concise overview of all evidence, engagement and consultation				
	<p>Formal consultation with managers raised no concerns over protected characteristics.</p> <p>The trade unions commented on potential equal pay / discrimination, however the policy has a robust approval process though Finance, the Executive Director and the Director of HR, and will also be reported in the Employment Monitoring report.</p> <p>Legal has no concerns over the policy. Retention payments can be made providing there is a genuine material reason / justification for the difference in pay, which will be scrutinised by the Executive Director and HR Director prior to approval and the same approach for reviews and any amendments, there should be no equal pay concerns.</p>				
7	How may the proposal affect each protected characteristic or group? The effect may be positive, negative, neutral or not known. Give reasons and if action is needed.				
	Characteristic	Affect	Reason	Action needed Yes / No	
	Age	Neutral	The policy applies to all	No	

			employees – no impact foreseen.	
	Disability	Negative	Potential impact on employees who require reasonable adjustments for communication who do not understand the policy e.g. employees with learning disabilities.	Yes
	Gender reassignment	Neutral	The policy applies to all employees – no impact foreseen	No
	Marriage and civil partnership	Neutral	The policy applies to all employees – no impact foreseen	No
	Pregnancy and maternity	Neutral	Potential impact on employees who are pregnant or on maternity leave	No
	Race	Negative	Potential impact on employees where English is not their first language as they may not understand the policy.	Yes
	Religion or belief	Neutral	The policy applies to all employees – no impact foreseen	No
	Sex	Neutral	The policy applies to all employees – no impact foreseen	No
	Sexual orientation	Neutral	The policy applies to all employees – no impact foreseen	No
8	Does your proposal link with other proposals to have a cumulative effect on particular equality groups? If yes, give details.			(Delete one) No
9	Which justifiable action does the evidence, engagement and consultation feedback suggest you take?			
	A	No major change required		
	B	Adjustments needed to remove barriers or to better promote equality		
	C	Continue despite possible adverse impact		
	D	Stop and rethink your proposal		

Action and monitoring plan				
Action Date	Action	Responsibility	Outcome Date	Outcome
Day of launch	The policy to be explained/made available to employees	Employee's line manager should make themselves available to explain the policy to ensure understanding and offer support to allow individuals to achieve the requirements	As and when required	
Day Of launch	The policy to be explained/made available in other languages on request for employees whose first language is not English.	Appropriate liaison as required with the council's Interpretation, Translation, Transcription and Easy Read service (ITTE)	As and when requested	
Day of launch	Alternative formats (audio and Easy Read) for disabled employees to be made available on request.	Liaison as required with the appropriate council procured services; audio formats from Walsall Society for the Blind and Easy Read from the Community, Equality and Cohesion team.	As and when requested	

Update to EqIA	
Date	Detail

Contact us

Community, Equality and Cohesion
Resources and Transformation

Textphone 01922 654000

Email equality@walsall.gov.uk

Inside Walsall: http://int.walsall.gov.uk/Service_information/Equality_and_diversity