



## THE GOVERNING BODY OF BURY CE HIGH SCHOOL

# PAY APPEAL PROCESS

## PAY CYCLES – GENERAL

This document forms part of the agreed School's Pay Policy.

Appeals should be considered as a normal part of the pay cycle. Consideration therefore will be made to:

1. discuss relevant actions with Managers regarding their decision making
2. use is made of Management data from the appeals process to improve for future years
3. examine and analyse where appraiser recommendations are being overturned or where appeals are being successful
4. continue to review the Performance Management annual cycle so that equalities responsibilities are met; all pay decisions are made on objective criteria; and the pay policy is clear and that performance related progression will provide the basis for all decisions on pay.

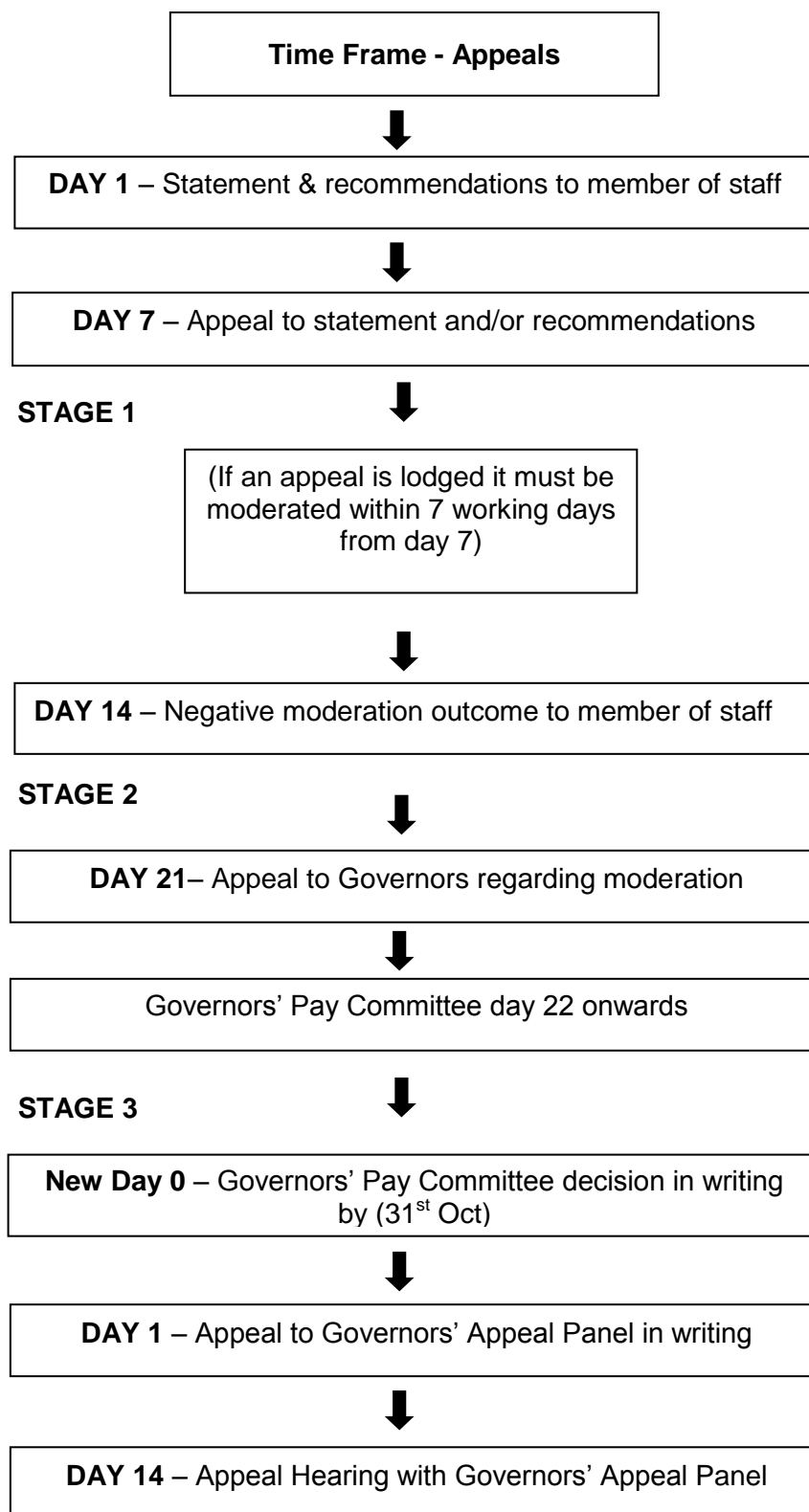
## PAY RECOMMENDATIONS: CONTEXT

- Under the regulations, teacher performance must be assessed against the relevant standards and against their individual objectives.
- Appraisers must take account of the principle that evidence for appraisals must be proportionate and clearly rooted within the appraisal process.

## APPEALS: GENERAL PRINCIPLES

Appeals can only be made on one or more of the following grounds where a teacher believes that the person or committee by whom the decision was made:

- a) incorrectly applied the school's pay policy;
- b) incorrectly applied any provision of the STPCD;
- c) failed to have proper regard for statutory guidance;
- d) failed to take proper account of relevant evidence;
- e) took account of irrelevant or inaccurate evidence;
- f) was biased;
- g) unlawfully discriminated against the teacher.



## THREE STAGE APPEALS PROCESS

### STAGE ONE

- **Informal discussion with the appraiser or Headteacher prior to confirmation of pay recommendation.** Should the teacher not agree with the pay determination, the teacher may appeal the decision and have the decision moderated by the Senior Deputy Head (or Deputy Head if Senior Deputy Head is the original appraiser).
  - Teacher appeals the PM statement and/or recommendation.
  - Reason must be related to “reasons for appeal”.
  - Appeal to Senior Deputy Headteacher (or Deputy Head).
  - Reasons in writing and limited to where these are linked to pay policy
  - Moderation regarding the appraisal
  
- Appending a moderation
  - Member of staff should know reasons for moderation.
  - Member of staff to be given the opportunity to put their case to the moderator (agreed informal meeting).
  - Member of staff can appeal/comment in writing on the moderator statement. This should be based on appeals reasons and linked to the school’s Pay/Performance Management policies.

### STAGE TWO

- **A formal representation to the Governors’ Pay Committee making the pay determination.**
  - Member of staff should be able to put their comments to the **Governors’ Pay Committee** if the recommendation is “negative”: i) either from a PM review ii) or from moderation.
  - This must be in a written format linked to grounds of appeals.
  - Opportunity given for teacher to make representations, including presenting evidence, calling witnesses and the opportunity to ask question, at a formal meeting with the Governors’ First Committee who will make the pay progression decisions. A pay determination will be made after this and put in writing to the teacher.

### STAGE THREE

- **A formal appeal hearing with an appeals panel of Governors**
  - Three Governors, not previously involved in discussions regarding teacher’s pay determination will form the Governors’ Appeal Panel.
  - If the review is considering recommending that a teacher **should not** progress on the relevant pay range, then the appraiser will notify the teacher at the review meeting or at least 20 working days before s/he is due to make his/her recommendation to the Pay Committee and will give details of the evidence to be submitted to the committee.
  - Member of staff will be invited by letter outlining clearly the expectations of the appeal hearing process. The meeting will be formally clerked and a note of proceedings produced.

- **Attendance at the meeting**
  - Three Governors, not previously involved in discussions regarding teachers' pay determination, one of whom will act as Chair.
  - The appellant.
  - A friend may accompany the appellant (this may be a Trade Union or Professional Association representative).
  - A management representative, usually the Head
  - Clerk
  - School's HR Support, may also attend.
- **Conduct of the meeting**
  - Introduction by the Chair.
  - Exploration of grounds of appeal and possible areas of discussion.
  - Check that all relevant documentation has been received and read by the panel.
- **Employee/appellant case**
  - Clarification by "Chair" of questions which can be asked.
  - Presentation by appellant. Can be entirely in writing or verbal but time limited (30 minutes), and including any evidence to support their case such as from witnesses.
  - Questions by management representative. (Usually Head).
  - Questions from Chair & panel.
- **Management case**
  - Presentation by management representative, providing evidence to support their case & any witnesses.
  - Questions by appellant to management representative.
  - Questions from Chair and panel.
- **Summarising & end of hearing**
  - Appellant sums up their case.
  - Management representative sums up their case.
  - If appropriate, the Chair can sum up key points from both sides. Chair ends meeting advising appellant that a decision will be communicated in writing within **five days**.
- **Decision making**
  - Panel makes their decision.
  - Clerk notes main points of their discussion and their decision. School's HR can act in an advisory capacity.
- **Communication of decision**

Appellant is notified of decision. Decision and reason for decision confirmed in writing (this will be rooted in a Ground for appeals and to the Pay & PM Policy/Teachers standards).

Payroll will be informed.

The appeal panel's decision is final and as set out in Section 3, paragraph 6 of the STPCD 2014, there is no recourse to the general staff grievance procedure.

Approved by the Governing Body October 2014