



# **SCHOOL PAY POLICY**

**FOR**

**SUPPORT STAFF**

**September 2018**

Review September 2021 (or earlier if there are statutory changes to employment law)

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## 1. INTRODUCTION

- 1.1 The Pay and Conditions of support staff remain on a non-statutory basis. The Board of Trustees are able to specify the duties to be performed and the appropriate grade. In most cases these grades will be those resulting from the national agreements and are supplemented by Collective agreements negotiated at provincial level by the North West Provincial Council and at local level by the Local Authority with the specified trade unions, recognised by the Authority and Wardle Academy Trust for Collective bargaining purposes. It is for the Board of Trustees to select the grade that it considers appropriate for the post.
- 1.2 Trustees recognise the need for similar posts across trust schools to be paid at similar rates whilst cognisant of their "Transfer of Undertakings (Protection of Employment) Regulations 2006" (TUPE) responsibilities.
- 1.2 This document, therefore, outlines the main content of national and local pay provisions relating to support staff.

In an instance where it is not clear how particular provisions relate to individual cases then further guidance should be sought from the Trusts HR Service.

### THE LEGAL FRAMEWORK

- 1.3 In view of the powers available to the trustees it is important for the CEO, headteachers and local school governors to be aware of the main legal obligations concerning employees' pay.
- 1.4 Whilst a number of areas of employment law have a bearing upon the responsibility of employers for pay matters, there are two principal pieces of legislation within this area which need to be highlighted.
- 1.5 The legislation and case law is of course complex. Brief details are however provided below.

#### Employment Relations Act 1996

- 1.6 The Act provides details of just what constitutes pay for the purposes of the law. This is important because many employees have an entitlement to allowances etc, which may come within the definition of pay as contained within the Act. The Act states that 'wages' are taken to include 'any fee, bonus, commission, holiday pay or emolument referable to employment, whether payable under his/her contract or otherwise'.
- 1.7 The Act also deals with the circumstances under which an employer can make deductions from wages. In general, the only deductions which an employer has an absolute right to make are those required by statute e.g. income tax, national insurance and attachment orders. Employees with employment rights have the right to complain to an Employment Tribunal in respect of an unlawful deduction from wages.

## Equal Pay Act 1970 and Equal Pay (Amendment) 2003

- 1.8 The above Act and Regulations established the right of men and women to equal treatment in respect of terms and conditions of employment when they are employed on the same or broadly similar work, work rated as equivalent under a job evaluation scheme, or work of equal value in terms of the demands of the job such as effort, skill and decision-making. The provisions of the legislation apply to both men and to women and to both full and part-time employment.
- 1.9 Accordingly, the legislation allows a woman or man to claim equal pay with a comparator of the opposite sex in any of these instances and complain to an Employment Tribunal regarding the issues involved.
- 1.10 When drawing up a pay policy headteachers should consider the position of both the existing staff and new staff. A decision to apply discretion differently from that currently specified by the trust may result in staff within the school, or in other schools, doing the same job but receiving different pay. This may then lead to a possible equal value claim being lodged with an Employment Tribunal.

## 2. CONDITIONS OF SERVICE

- 2.1 Support staff within schools are employed in accordance with the terms and conditions of employment of the National Negotiating Committee relating to the appropriate employment group.
- 2.2 The conditions are negotiated at national level by the National Negotiating Committee and also at local level by the North West Joint Council and at local level with the specified trade unions recognised by the Local Authority (Wardle Academy Trust buys into this process through its Facilities Management SLA). The Council comprises of representatives of the employers and representatives of the officers. National conditions cover a whole range of rules/regulations:-
- e.g. salary levels/wage grades hours holidays sickness payments  
maternity leave
- 2.3 Some of the national conditions are mandatory, i.e. **you must**, others are discretionary, i.e. **you may**.
- 2.4 Local conditions have been negotiated and agreed through appropriate Joint Consultative Committees which comprise of councillors and appropriate trade union representatives. Local conditions cover such areas as:-
- appointment and promotion
  - salary and grading
  - hours and leave

### **3. FORMER CLERICAL, ADMINISTRATIVE AND TECHNICAL STAFF**

#### **3.1 Scale Levels**

3.1.1 National conditions of service provide for grading ranges of:- • Scale 1 to Scale 6

- Senior Officer 1 and Senior Officer 2
- Principal Officer 1 to Principal Officer 14

The minimum and maximum point of each grade is nationally prescribed. The actual operation of principal officer levels is however locally agreed. Details of the current grading ranges are attached at Appendix 1.

#### **3.1.2 Local Authority Policy**

It is this Authority's policy to set the minimum grade at Scale 1/2 rather than Scale 1. The minimum grading level which normally applies is therefore Scale 1/2 (starting from SCP 8 – 13). The Wardle Trust adopts this policy.

#### **3.1.3 Decisions for the Board of Trustees**

To determine whether to adopt the same flexibility on principal officer grades as that used by the LA.

### **3.2 DETERMINATION OF SCALE LEVELS**

3.2.1 Within both national and local conditions of service currently there are no predetermined factors which identify how posts should be graded. Accordingly, in determining the scale level of any post, consideration needs to be given to:-

- the nature of the duties
- the level of responsibility
- the management/organisation structure (where appropriate)
- any recruitment/retention matters which may exist.

3.2.2 It is then important to ensure that:-

- there is a clear and rational approach to the allocation of grades to jobs;
- the grades reflect the nature of the duties and responsibilities including specific supervisory or managerial responsibility.

3.2.3 Administrative posts are usually graded between Scale 1/2 and Scale 6 dependant on the nature of tasks and responsibilities. Senior officer grades are normally restricted to posts which have specific responsibility for day-to-day supervision of staff and operational services which are provided within the structure for support staff.

3.2.4 Principal Officer scales are normally reserved for posts which have a significant level of managerial responsibility for services including development, delivery and review, control of budgets and staff resources.

3.2.5 There may also be occasions when it is necessary to consider grading a post at senior or principal officer level if the level and type of duties are of a specialist nature irrespective of any supervisory or managerial responsibilities e.g. accountancy services.

3.2.6 Governing bodies are advised to consult with the Trusts HR Services when determining salary grades for new posts or reviewing posts or undertaking an organisational review

### **3.3 DETERMINATION OF STARTING SALARIES**

3.3.1 National conditions of service do not set any clearly defined criteria for determining a new appointee's salary. The minimum starting salary within Scale 1 is point 8.

3.3.2 There are a number of discretionary factors governing bodies may wish to consider when deciding a starting salary:-

#### **3.3.3 Unwaged Appointees**

If an external appointee is not currently in receipt of a salary immediately prior to appointment, it is usual to offer the minimum point of the scale. If an appointee is currently unemployed but has been in employment in the 13 weeks prior to the date of interview then it is usual to offer either match the appointees' previous salary (if they can demonstrate recent relevant experience) or offer up to 2 increments above the candidate's salary being earned immediately prior to unemployment.

Where an appointee has been unemployed for a period greater than 13 weeks prior to the date of interview it is usual to consider offering a salary of up to 2 increments above the minimum point of the scale to achieve a gross salary which after estimating NI and other deductions would at least equate to unemployment and other benefits being received.

### **3.4 INCREMENTAL PROGRESSION**

3.4.1 It is a national condition of service that annual increments are paid on 1 April each year until the maximum of the scale is reached subject to 6 months continuous and satisfactory service.

3.4.2 This means that new employees with less than 6 months satisfactory service in the post they occupy at 1 April will receive their first increment six months after their appointment, promotion or regrading.

3.4.3 In the case of existing employees – if they are promoted or regraded within the period 2 October to 31 March in any year, entitlement to incremental progression will depend on their new scale.

3.4.4 The 3 examples below illustrate how the incremental progression rules apply.

### **Example 1**

An officer on Scale 3 – SCP 17 (i.e. maximum of the Scale) promoted to Scale 3/4 on 1 November would advance to SCP 18 on 1 November with incremental progression after 6 months service i.e. 1 May.

### **Example 2**

An officer on Scale 3/4 – SCP 19 with next increment payable on 1 April. Post regraded to Scale 4 on 1 November. Salary remains on SCP 19 – next increment payable on 1 April.

### **Example 3**

An officer on Scale 3/4 - SCP 19 with next increment payable on 1 April. Post regraded to Scale 5 on 1 November. Salary increased to SCP 22 – next increment is payable after 6 months service i.e. 1 May.

3.4.5 Governance do not have any discretion on an employee's entitlement to incremental progression because this is a national condition of service. However, this may change following the completion of the pay and grading exercise for school support staff.

## **4. FORMER MANUAL EMPLOYEES**

### **4.1 PAY RATES**

4.1.1 The current grading levels for catering, cleaning and caretaking staff are attached at Appendix 2.

4.1.2 Details of overtime payments and additional allowances are contained within Appendix 3 and 4 of this document – some of these are determined nationally, some locally.

## **5. GENERAL POINTS FOR ALL SUPPORT STAFF**

### **5.1 JOB DESCRIPTIONS**

5.1.1 All staff should be issued with agreed job descriptions which accurately reflect the duties and responsibilities which they are required to undertake.

5.1.2 Unlike teachers there is no requirement within national conditions of service for an automatic annual review. Wardle Trust does, however, participate in an annual associate (support) staff appraisal system. In respect of Support Staff, if an individual's work performance is unsatisfactory then national conditions of service provide for an increment to be withheld following an adverse report on an employee (subject to an employee's right of appeal to an appropriate sub-committee of the governance body). Any increment withheld may be paid subsequently if the employee's work performance becomes satisfactory.

- 5.1.3 The withholding of an increment would only be considered where an employee was subject to the formal stages of the trust's capability procedure.
- 5.1.4 Governance bodies are strongly advised only to consider withholding an increment if formal capability procedures have been followed and are recommended to seek advice from the Trust's HR team in these circumstances.

## **5.2 HOURS OF DUTY**

- 5.2.1 In identifying the type and nature of the duties to be undertaken careful consideration should also be given to the number of hours per week which are to be attached to the post. The hours should adequately reflect the requirements of the job.

## **5.3 RECRUITMENT AND RETENTION ISSUES**

- 5.3.1 Occasionally a local governing body may experience a particular recruitment and retention difficulty which could for example be related to a specific skills area. In such an instance it will be beneficial if the governing body gives detailed consideration not only to the current pay and grading level but also to its recruitment package (e.g. advertising media, hours of work etc) since pay and grading is only one aspect of a recruitment and retention initiative. Decisions should only be taken after consultation with trust HR.
- 5.3.2 Should it be considered necessary to increase a grade to deal with a particular recruitment and retention difficulty, one means available is to utilise a pay supplement e.g. honorarium, rather than a permanent increase in the grade. Such an increase in salary should always be clearly offered on a temporary basis and **must** be reviewed at least annually. However, in view of the contractual issues involved, governing bodies considering offering pay supplements are advised to ask for support from the Trust's HR Service.

## **5.4 APPRENTICES**

- 5.4.1 The trust pays the national minimum wage for Apprentices. This can be pro-rata for Apprentices who are part time and/or term time only.
- 5.4.2 This rate of pay is for Apprentices appointed after 1<sup>st</sup> January 2018.
- 5.4.3 The wage for an Apprentice must be changed to reflect the appropriate rate for their age following their 18<sup>th</sup> and 21<sup>st</sup> birthday.
- 5.4.4 If an apprentice is on a higher wage than the national minimum wage, the trust will continue to pay that for the remainder of the training or until the apprentice becomes eligible for the full national minimum wage.

5.4.5 Financial incentives are available to encourage recruitment; however, this is a changing position and therefore clarification should be sought on each occasion of appointment.

## OTHER TERMS AND CONDITIONS

The information detailed below is not intended to be exhaustive but aims to cover the main arrangements which are applicable to the vast majority of staff employed in Trust schools unless specific arrangement has been reached with individual staff concerned to amend these conditions.

### Annual leave

With effect from 1 April 2010, any newly appointed catering, cleaning and caretaking staff in schools should be appointed to annual leave allocation, as outlined below. This will also apply to catering, cleaning and caretaking staff that gain promotion.

Grade and annual leave allocation	
Grades 1 – 5	23 days
Grades 6 – 8	25 days
Grades 9 – 10	28 days

Existing catering, cleaning and caretaking staff employed prior to this date, as well as other school support staff are not affected by these changes and their annual leave allowance is unaffected.

In the case of new employees or employees who are promoted, the revised annual leave entitlement will be applied with effect from 1st April 2015.

### Annual Leave Entitlement

<u>Salary Range</u>	<u>Days' Leave</u>
Up to and including spinal column point 28	23
Over point 28: Up to and including point 40	25
Over point 40	28

**Note:** The leave entitlements are to be increased by 5 days for those staff with five years' continuous local government service, calculated as follows:-

<b>Anniversary of five years' continuous service falling within leave year commencing 1 April</b>	<b>Leave entitlement during leave year ending 31 March</b>
<b>"Year 'A'"</b>	<b>"Year 'B'"</b>
"Year 'A'" April	5 days wef 1 May

	May	5 days wef 1 June
	June	5 days wef 1 July
	July	4 days wef 1 August
	August	4 days wef 1 September
	September	3 days wef 1 October
	October	3 days wef 1 November
	November	2 days wef 1 December
	December	2 days wef 1 January
"Year 'B'"	January	1 day wef 1 February
	February	1 day wef 1 March
	March	5 days wef 1 April

### **Statutory and other national and local holidays**

8 days as follows:-

- New Year's Day
- Good Friday
- Easter Monday
- May Day
- Spring Bank Holiday
- August Bank Holiday
- Christmas Day
- Boxing Day

### **Hours of work**

Any newly appointed catering, cleaning, caretaking and support staff in schools are contracted to work 37 hours per week (full time equivalent). This will also apply to catering, cleaning, caretaking and support staff that gain promotion.

**OVERTIME PAYMENTS – CATERING, CLEANING & CARETAKING STAFF**

The information detailed below is not intended to be exhaustive but aims to cover the main arrangements which are applicable to the vast majority of former manual workers employed in schools unless specific arrangement has been reached with the staff concerned to amend these conditions.

**Caretaking/cleaning Staff**

## i) Overtime Payments (national condition of service)

Monday to Friday - Normal time until hours worked are beyond 37 hours

Overtime worked beyond 37 hours is paid at time and a half

Saturday - Time and a half

Sunday - Double time. Sunday work qualifies for a minimum payment of 2 hours at double time, even if the hours actually worked are less than 2 hours.

## ii) Employee called upon to return to work (national condition of service)

Where a Site Manager/Caretaker/Cleaner is required to return to work after leaving his/her place of employment or has been notified before ceasing work to return to work at a time not less than two hours after his or her normal finishing time, then where the recall to work is at a time which is more than three hours before an employee's normal commencing time, payment shall be as follows:-

- a) Return to work and not required or required for less than two hours. A minimum payment of two hours at the rate of time and a half or the rate appropriate.
- b) Time worked up to and including three hours. Time and a half or the rate appropriate to the day and time whichever is the greater.
- c) Time worked in excess of three hours. Double time for hours worked in excess of three up to normal commencing time.
- d) Return to work on a second or third occasion during the same period. Time and a half or the rate appropriate to the day and time whichever is the greater, for the hours worked, subject to the total payment for the hours actually worked on several recalls to work being not less than the amount which would have accrued if the recall had been for the same number of hours on a single occasion.
- e) Work after midnight. Double time for all hours worked up to normal commencing time subject to a minimum payment order (a) above. Where the recall to work is three hours or less before normal commencing time an employee shall be paid time and a half or the rate appropriate to the day and time, whichever is the greater, for the hours worked and plain time in respect of any period between the finish of the work and the normal commencing time.

