



DIOCESE OF CHESTER

## **Astbury St Mary's School Pay Appeal Committee Procedure 2018**

### **TEACHERS' APPEALS PROCEDURE**

#### **Model Appeals Procedure for School Teachers Dissatisfied with a Decision Relating to Pay**

##### **Background**

The STPCD requires each school Governing Body to have a pay policy, and that policy must contain a procedure to permit a teacher (including the head teacher) to appeal against any decision of the GB in relation to his/her pay or any other decision taken by it under the STPCD that affects his/her pay, provided that the appeal is made in accordance with the procedure established by the Governing Body.

The following list includes the usual reasons for seeking a review of a pay determination. That the person or committee by whom the decision was made -

- (1) incorrectly applied any provision of the STPCD;
- (2) failed to have proper regard for statutory guidance;
- (3) failed to take proper account of relevant evidence;
- (4) took account of irrelevant or inaccurate evidence;
- (5) was biased; or
- (6) otherwise unlawfully discriminated against the teacher.

This appeals procedure also applies where, under the school's Performance Appraisal Policy, a teacher wishes to appeal against any of the entries in their planning and review statements. Where a reviewee wishes to appeal on the basis of more than one entry this would constitute one appeal hearing.

This procedure performs the function of the school's grievance procedure on teachers' pay and Performance Appraisal matters and therefore decisions should not be reopened under the school's grievance procedure. Decisions made under this procedure do not affect teachers' statutory employment rights.

The Model Procedures below fulfill the requirements of the STPCD and are recommended for adoption by Governing Bodies.

It is recommended that the panel which hears pay appeals should comprise three governors who were not involved in previous discussions regarding the teachers' pay determination.

Teachers making representation at stage two and making an appeal at stage three may be accompanied by a colleague or representative from a professional organisation or trade union.

Pay appeals should be formally clerked and a note of proceedings should be produced. Teachers will receive written confirmation of pay decisions and, where applicable, the basis on which the decision was made.

### **Stage one – information discussion with the appraiser or head teacher prior to confirmation of pay recommendation**

A teacher who is dissatisfied with a pay recommendation has the opportunity to discuss the recommendation with the appraiser or head teacher before the recommendation is actioned and confirmation of the pay decision is made by the school. The decision must be communicated to the teacher.

### **Stage two – a formal representation to the person or governors' committee making the pay determination**

If, having had an informal discussion with the person making the pay recommendation, the teacher believes that an incorrect recommendation has been made, he/she may make representation to the person (or governors' committee) making the decision. To begin the process the teacher should submit a formal written statement (within 5 working days of the decision arising from the informal discussion at stage one) to the person (or governors' committee) making the determination, setting down in writing the grounds for not agreeing with the pay recommendation.

The teacher is given the opportunity to make representations, including presenting evidence, calling witnesses and the opportunity to ask questions, at a formal meeting with the person (or governors' committee) who will make the pay determination.

Following this meeting the person (or governors' committee) will make a pay determination that will be communicated to the teacher in writing.

### **Stage three – a formal appeal hearing with an appeals panel of governors**

Should the teacher not agree with the pay determination, the teacher may appeal (within 5 working days of the written communication in stage two). The appeal hearing will be before an appeal panel or governors.

In the hearing before governors (which will be set up wherever possible within a further 10 working days), both the teacher and the management representative will have the opportunity to present their evidence and call witnesses, and to question each other. The panel is permitted to ask exploratory questions.

Having heard the appeal, the panel must reach a decision, which it must relay to the teacher in writing, including their rationale for reaching the decision. The appeal panel's decision is final and, as set out in Section 3, paragraph 6 of the STPCD 2015, there is no recourse to the general staff grievance procedure.

The procedure to be adopted at any Appeal will normally be:

- 1 The Hearing will be conducted by a Committee/Panel or remaining members of the GB who did not sit on stage 2
- 2 The Panel may be assisted in the conduct of the Hearing by one or more advisers, who may be from the Authority's staff.
- 3 The Panel will satisfy themselves that the teacher understands the procedure for the Hearing and the power of the body to determine the matter and the possible implications arising from that determination.

4 The teacher's case may be presented by the teacher or his/her representative who will describe the case. The presentation may include witnesses, written statements or other documents where these are considered necessary.

5 The person (or governors' committee) at stage 2, supported/advised as appropriate, will be given the opportunity to question the teacher as well as any witnesses who may have given evidence.

6 The person (or governors' committee) at stage 2 will then be invited to respond to the case as presented. They may also produce witnesses, written statements or other documents in support of the case.

Where witnesses are school or Council teachers they should be given reasonable time off with pay to attend the Hearing.

7 The teacher or his/her representative will be given the opportunity to question the person (or governors' committee) at stage 2 and any witnesses s/he called.

8 At any stage during the Hearing the Panel and any adviser(s) may ask questions of the teacher, the person (or governors' committee) at stage 2 or such other persons, as they may consider appropriate in order to ascertain the facts and arguments.

9 The teacher or his/her representative will then be invited to make a closing statement not introducing any new material.

10 Finally the person (or governors' committee) at stage 2 will be given the opportunity to make a closing statement also without introducing any new material.

11 Both parties will withdraw to allow the Panel to review and consider the evidence in conjunction with any advisers.

12 The Panel will then recall both parties to inform them of their decision. The decision should normally be announced personally to the parties as soon as it is possible on the day of the hearing. If it is not possible to make a decision immediately the parties should be informed of this. In any event a decision must be made and communicated to the teacher within five working days of the hearing. The decision should be confirmed in writing and, where the appeal is rejected, the letter will include a note of the evidence considered and the reasons for the decision. The letter will be delivered to the teacher either by hand or recorded delivery, and by first class post, with a copy to the trade union representative and the person (or governors' committee) at stage 2.

13 The decision of the Panel will be final and cannot be subject to any further review under the GB's staff grievance procedures.

The Pay Appeal Committee Terms of Reference were amended and adopted by the Governing Body at the meeting of the full Governing Body held on 17 October 2018.

These terms of reference will be reviewed annually.

Review date: Autumn 2019