## **Appendix 4 - Appeals Procedure**

**Introduction**

This appeals procedure can be used by teachers who are dissatisfied with a pay recommendation, and by teachers who are dissatisfied with a decision not to admit them to the Upper Pay Range. The wording of the appeals procedure refers only to ‘pay recommendation’ but this should be read to mean both types of appeal. The wording also refers to ‘teacher’ but this should be read to mean ‘teachers’, members of the School’s Leadership Group, and the School’s Headteacher.

A key aspect of the process described below is the opportunity for a teacher to informally discuss a pay recommendation prior to it being confirmed by the School’s Governing Body Pay Committee, this is Stage 1 which will help to ensure that the School’s Pay Policy and the decisions made about teachers’ pay are seen as transparent and fair. The opportunity to informally discuss a pay recommendation before it is actioned and confirmed (i.e., stage 1) may also mitigate the need for the more formal stages 2 and 3.

**Stage 1– informal discussion with the appraiser or headteacher prior to confirmation of pay recommendation**

Any teacher, including a member of the Leadership Group and the Headteacher, who is dissatisfied with apay recommendation, has the opportunity to informally discuss the recommendation with the Headteacher or appraiser before it is put forward to the Pay Committee to be actioned and confirmed by the School. This should be done within 5 working days of being advised of their appraiser’s initial decision.

The Headteacher (\*) should meet separately with both the teacher and their appraiser (i.e., the person who made the decision about the pay recommendation) to discuss the teacher’s concerns and the appraiser’s rationale for their decision, as well as considering the teacher’s representations.

**Note:** (\*) if the teacher raising the concerns is the Schools’ Headteacher then this should be the Chair of the Governing Body.

Members of the School’s Leadership Group should meet with their appraiser to discuss the pay recommendation and put forward their representations as to why they disagree with their appraisers’ decision.

**Stage 2 – 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, they may make representation to the person (or Governing Body committee) making the decision. To begin the process the teacher should submit a formal written statement to the person (or Governing Body committee) making the determination, setting out in writing the grounds of their disagreement 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 Governing Body committee) who will make the pay determination. Following this meeting the person (or Governing Body committee) will make a pay determination that will be communicated to the teacher in writing.

If following informal discussion, the teacher feels an incorrect recommendation about their pay will be made to the Governing Body’s Pay Committee, they may make a formal appeal to that Pay Committee.

The appeal must be submitted no later than 5 working days before the Pay Committee sits to ratify the pay decisions.

The teacher must submit their appeal in writing and state the grounds on which they believe their pay recommendation is incorrect. This may be because they believe:

* The School’s Pay Policy has been incorrectly applied.
* A provision of the STCPD has been incorrectly applied.
* Proper regard has not been given to the statutory guidance.
* Proper account of the relevant evidence has not been taken.
* The appraiser has taken account of irrelevant or inaccurate evidence.
* The appraiser was biased.
* They have been unlawfully discriminated against.

**Note:** This list is indicative rather than exhaustive. Any additional evidence the teacher wishes to be considered by the Pay Committee must be submitted with their appeal letter.

The Pay Committee should be convened within 5 working days of receipt of the teacher’s appeal to hear the appeal if no pre-arranged date for the consideration of appeals has been specified.

The teacher should attend the appeal meeting and have the opportunity to make representations, present evidence, and call witnesses in support of their case.

The Pay Committee will, having considered all the evidence, make a pay determination for that teacher, and will confirm this in writing to the teacher within 5 working days of the appeal meeting.

This means that the teacher’s case is dealt with separately from the other pay recommendations.

**Stage 3 – A Formal Pay Appeals Panel Hearing**

Should the teacher not agree with their pay determination, they may appeal to the Chair of the Governing Body and have an appeal hearing before a Pay Appeals Panel of governors.

The teacher must submit their appeal in writing and state the grounds on which they believe the pay determination is incorrect (as described in Stage 2). In addition, the teacher must include any additional evidence they wish to be considered by the Pay Appeals Panel.

The appeal must be lodged within 5 working days of receiving confirmation of the pay determination from the Pay Committee.

The Pay Appeals Panel may be advised by a representative of the Local Authority. Where there is no pre-arranged appeal date, the appeal must be arranged to be held within 5 working days of receipt of the teacher’s notice of appeal. This timescale may be extended to allow the Local Authority representative to attend.

In the hearing before governors, both the teacher and the management representative will have the opportunity to present their evidence and call witnesses; the parties will also be able to question each other. The governors sitting on the Pay Appeals Panel are permitted to ask exploratory questions.

Having heard the appeal, the Pay Appeals Panel must reach a decision, which it must relay to the teacher in writing, including their rationale for reaching the decision. The Pay Appeals Panel’s decision is final and, as set out in Section 3 of the STPCD, there is no recourse to the grievance procedure. This is because the pay hearings and appeals procedure perform the function of the grievance procedure on pay matters.

**Stage 3 Pay Appeals Panel Hearings - Overview**

It is recommended that the Pay Appeals Panel should comprise no less than three governors who were not involved in previous discussions regarding the teacher’s pay determination. One of the governors will be appointed to act as the Chair of the Pay Appeals Panel.

Governors on Pay Appeals Panels should be familiar with the school’s Pay Policy and Appraisal Policy.

To ensure that appeals are properly considered, the School’s Governing Body should consider any training needs that their members have, including duties placed on the School by the Equality Act 2010 and the ACAS Code of Practice (Disciplinary and Grievance Procedures).

Teachers making representation at stage 2 and making an appeal at stage 3 may be accompanied by a work colleague or representative from a professional organisation or trade union.

The Chair of the Pay Appeals Panel will invite the appraising manager to the hearing, as the management representative, to understand the rationale for their decision.

Pay appeals should be formally clerked and a note of proceedings should be produced.

**Procedure For Conducting Stage 3 Pay Appeals Panel Hearings**

**Introductions**

* The Chair of the Pay Appeals Panel opens the meeting, introduces everyone on the Panel, explains what the role of the Panel is, then outlines the order of the hearing.
* The Chair should also confirm which documents are to be used in the meeting. If there are additional documents to be added, or there are any discrepancies, the meeting will be adjourned to enable the documents to be copied and read.

Clerk takes notes of the hearing.

**The Teacher’s Case**

The Chair of the Pay Appeals Panel will ask the teacher to explain their reason for the appeal.

* The teacher or their representative presents the teacher’s case providing any supporting evidence, including from witnesses (if any).
* The management representative has the opportunity to question the teacher.
* The Chair asks questions and subsequently opens the discussion to the panel.

**Note 1:** The teacher cannot introduce new grounds for raising an appeal.

**Note 2:** The teacher must have provided prior notice to the Chair of the Pay Appeals Panel that they intended to invite witnesses to the hearing.

**Note 3:** The witnesses can be asked questions by the teacher, the Chair of the Appeals Panel, other Panel members, and the management representative.

**The Management Case**

* The management representative presents management case, providing any evidence to support their case, including any witnesses.
* The teacher or their representative has the opportunity to question the management representative.
* Chair asks questions and subsequently opens the discussion to the panel

**Note 1:** The management representative must have provided prior notice to the Chair of the Pay Appeals Panel that they intended to invite witnesses to the hearing.

**Note 2:** The witnesses can be asked questions by the management representative, the Chair of the Appeals Panel, other Panel members, and the teacher.

**Summarising And End Of Hearing**

* Teacher or their representative sums up the teacher’s case.
* Management representative sums up the management case.
* If appropriate, the Chair can sum up the key points on both sides. Chair will then adjourn the hearing. The teacher and the management representative must leave the meeting and will play no part in the Panel’s deliberation.
* The teacher and their representative only should remain available to be called back into the meeting once the Panel’s appeal deliberation and decision making is complete. The management representative is free to leave at this point.

**Appeal Deliberation And Decision Making**

During the adjournment, the Chair of the Appeals Panel and the other governors on the Panel will consider all the information that they have heard during the hearing and reach a balanced decision.

The main points of panel discussion and the rationale for their decision must be recorded by the Clerk in the notes of the meeting.

The Appeals Panel will obtain HR advice, if required, to inform its decision-making.

**Communication Of Decision**

The teacher and their representative will then be asked to re-join the meeting. They will be given the outcome verbally, and this will be confirmed in writing within 5 working days.

If the Appeals Panel cannot reach a decision on the day, the teacher and their representative will be told this and advised of the outcome of the meeting in writing within 5 working days.

If the appeal is not upheld (i.e., rejected), then a summary of the evidence considered and the reason for the decision should be given in writing to the teacher, as part of the outcome letter.

If the appeal is upheld, then a summary of the evidence considered and reason for the decision should also be included in writing in the outcome letter.

With both outcomes of the appeal, it is the responsibility of the School’s Headteacher to ensure that the correct adjustment is made to the teacher’s pay (or Chair of the Governing Body in situations where the appeal has been made by the Headteacher).

**Document History**

September 2024 – new Appendix 4 created for 2024/25 model pay policy document using text extracted from the main body of the 2023/24 version of the document and the DfE Model Pay Policy, by KMG, HR Policy Team.

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END OF APPENDIX 4