

NOTICE OF MEETING

STAFFING AND REMUNERATION COMMITTEE

**Thursday, 6th February, 2020, 7.15 pm - Civic Centre, High Road,
Wood Green,**

Members: Councillors Makbule Gunes (Chair), Patrick Berryman (Vice-Chair),
Gideon Bull, Paul Dennison and Reg Rice

Quorum: 3

1. FILMING AT MEETINGS

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The chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual or may lead to the breach of a legal obligation by the Council.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (IF ANY)

To receive any apologies for absence.

3. URGENT BUSINESS

The Chair will consider the admission of any late items of Urgent Business. (Late items of Urgent Business will be considered under the agenda item where they appear. New items of Urgent Business will be dealt with under agenda item below. New items of exempt Urgent Business will be dealt with at agenda item below).

4. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

5. DEPUTATIONS / PETITIONS / PRESENTATIONS / QUESTIONS

To consider any requests received in accordance with Part 4, Section B, paragraph 29 of the Council's constitution.

6. MINUTES

To confirm and sign the minutes of the meeting held on 16 December 2019.
To follow

7. SCHOOLS MODEL PAY POLICY REPORT (PAGES 1 - 34)

The report is for the Committee to approve the updated Haringey Schools Model Pay policy for September 2019 and recommend its adoption to Haringey maintained Schools.

8. PAY POLICY STATEMENT 2020/21 (PAGES 35 - 50)

The Council is required to produce an annual Pay Policy Statement to comply with the requirements of the Localism Act 2011. The Council approved its last Pay Policy Statement at Full Council on 18th March 2019.

The attached Pay Policy Statement provides an update for publication in April 2020.

9. EMPLOYMENT REFERENCES POLICY (PAGES 51 - 62)

The purpose of this report is to provide the committee with recommendations for adopting the Employee References Policy (Appendix 1) and Employee References Practice Notes (Appendix 2).

10. FLEXIBLE WORKING REPORT (PAGES 63 - 80)

As part of the Council's requirement to conduct a rolling review of all HR policies, Members are asked to consider the revised Flexible Working Policy (attached as Appendix 1) and Practice Notes (attached as Appendix 2).

11. NEW ITEMS OF URGENT BUSINESS

To consider any new items of urgent business admitted by the Chair under agenda item 3 above.

12. DATE OF NEXT MEETING

3 March 2020 (new)

Felicity Foley, Acting Committees Manager
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Bernie Ryan
Assistant Director – Corporate Governance and Monitoring Officer
River Park House, 225 High Road, Wood Green, N22 8HQ

Wednesday, 29 January 2020

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Report for: Staffing & Remuneration Committee, 6th February 2020

Title: Schools Model Pay Policy Report

Authorised by: Richard Grice, Director of Customers, Transformation and Resources

Lead Officer: Julie Amory, HR Business Partner (Schools)

Ward(s) affected: All

**Report for Key/
Non Key Decision:**

N/A

1 Describe the issue under consideration

- 1.1 The report provides the Committee with the updated Haringey Model Schools Pay policy for approval.

2 Cabinet Member Introduction

- 2.1 Not applicable.

3 Recommendations

- 3.1 The report is for the Committee to approve the updated Haringey Schools Model Pay policy for September 2019 and recommend its adoption to Haringey maintained Schools.

4 Reason for Decision

- 4.1 The School Teachers' Pay and Conditions Document requires schools and local authorities to have a pay policy which sets out the basis on which they determine teachers' pay; the date by which they will determine the teachers' annual pay review; and the procedures for determining appeals. Haringey Schools Model Pay Policy has been updated in line with nationally agreed changes to the pay scales.

5 Alternative options considered

- 5.1 Not applicable.

6 Background information

- 6.1 Following a period of consultation, the 2019 School Teachers' Pay and Conditions Document (STPCD) was published. The STPCD implements the recommendations set out in the 29th report of the School Teachers' Review Body (the STRB), published on 22 July 2019.
- 6.2 The STRB's 29th Report recommended that pay and allowance ranges for teachers and school leaders are uplifted by 2.75%. Within the STPCD 2019, the Department for Education adopted the recommendation and from 1 September 2019 a 2.75% uplift has been applied to the statutory minima and maxima of all pay ranges and allowances.

- 6.3 The STPCD is statutory for all local authority maintained schools.
- 6.4 The Haringey Schools Model Pay Policy 2019 has been updated at Appendix 4 to reflect the new pay grades. The Schools Consultative Group members have been notified and consulted on the changes.
- 6.5 Due to delays in the Department of Education issuing the updated teacher pay awards, there was a delay in the Authority being able to update the policy.
- 6.6 The Model Policy was issued for use to all Haringey Schools in October 2019, however, due to timing issues it was not possible to get this Policy to the November Staffing and Remuneration Committee.

7 Contribution to strategic outcomes

- 7.1 Not applicable.

8 Statutory Officers' comments

Assistant Director for Corporate Governance

- 8.1 The Assistant Director of Corporate Governance has been consulted in the preparation of this report. Legal Services has been involved in reviewing of the proposed Pay Policy and confirms that it complies with all relevant legislation.

9

Chief Finance Officer

- 9.1 The financial implications of implementing the pay award will be met by the maintained schools' individual dedicated schools budget. Where the council may directly employ teachers on these pay scales, the cost of the pay award will be met from existing agreed budgets.

10 Use of Exempt Appendices

- 10.1 Appendix A - Haringey Model Schools Pay Policy 2019.

11 Local government (Access to Information) Act 1985

- 11.1 Not applicable.

Appendix A



Haringey Schools Policies Model Pay Policy

Date of issue:	1 October 2019
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Status: This Model Pay Policy is effective from September 2019. A process of consultation with the relevant trade unions has been undertaken. This policy is the recommended policy for adoption by the Governing Bodies of Community and Voluntary Controlled schools. Voluntary aided or foundation schools may also choose to adopt it Advice and support on this policy is available from the School's HR service.

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1. Introduction

- 1.1 This pay policy seeks to ensure that all staff are fairly and equitably rewarded for their contribution to the school. This policy is intended to be a whole school policy; however, it predominately relates to setting a framework for making decisions on teachers' pay.
- 1.2 This policy has been developed to comply with current legislation and the requirements of the School Teachers Pay and Conditions Document 2019 (STPCD). This policy should be read and implemented in accordance with the STPCD.
- 1.3 Changes in the pay of support staff in community schools will be determined in accordance with the Council's decisions as recommended to governing bodies. The Council will consult with recognised trade unions prior to making any changes to this policy.
- 1.4 The pay policy will work in conjunction with the school's teacher appraisal policy with regard to pay decisions (which are linked to individual performance), and the appraisal policy should be read in conjunction with this policy.
- 1.5 The policy will be reviewed annually by the governing body and particularly where there are changes in the STPCD affecting areas of discretion to be exercised by the "relevant body" (which, for community schools, is the governing body).

2. Principles

- 2.1 The governing body is committed to the operation of an appraisal process for teachers and support staff, with the objective of supporting the progress of pupils and the maximising professional development of all staff.
- 2.2 In this school, all staff can expect to receive regular, constructive feedback on their performance. In addition, all staff will be given an annual appraisal that recognises their strengths, informs plans for their future development, and helps to enhance their professional practice. For teachers, decisions regarding pay progression will be made annually with reference to the most recent appraisal report.
- 2.3 The governing body will ensure that its processes are open, transparent and fair. All decisions made in line with this policy will be reasonable and justified.

3. Roles and Responsibilities

3.1 The governing body will:

- Maintain and improve the quality of education offered by the school by adopting a pay policy, which supports the school's overall aims and priorities (as set out in the school development plan).
- Balance the competing demands made on the school's limited budget so that all needs are addressed as effectively as possible.
- Manage its pay policy in a fair, reasonable and open manner.
- Keep its policy in line with the government's initiatives around workforce reform.
- Support the Council's policy to pay employees an hourly rate no lower than the London Living Wage as announced by the Mayor of London. Contractors are encouraged to commit to paying the London Living Wage to staff they employ to provide services to the school.
- In relation specifically to leadership pay:
 - Consider annually whether or not to increase the salary of members of the leadership group;
 - Set the appropriate levels of pay for the different roles;
 - Assure themselves that appropriate arrangements for linking appraisal to pay are in place and can be applied consistently, and that pay decisions can be reasonable and justified;
 - Approve salaries and the award of performance pay in line with the school's pay policy; and
 - Identify and consider budgetary implications of pay decisions and consider these in the school's spending plan.
- Establish a pay committee, comprising of at least three governors. All governors will be eligible for membership of the pay committee and will be eligible to take part in any discussions (including those relating to individuals) where their interest cannot be called into question in terms of any form of bias to one individual or another on the basis of prior, existing or expected future relationships, professional or personal. Decisions of the pay committee will be placed in the confidential section of the governing body's agenda.

3.2 The Pay Committee will:

- Ratify pay decisions for individual teachers as required by the pay policy, taking into account the recommendations contained within appraisal documentation;
- Review the implementation of the policy annually including assessment of the impact of the policy on progression trends to ensure compliance with equalities legislation, consulting with the headteacher, staff and trade union representatives; and submitting findings to the governing body for approval; and
- Be responsible for organising teacher pay appeals.

3.3 The headteacher will:

- Submit any updated pay policy to the governing body for approval;
- Ensure that the school's Senior Leadership Team (SLT) are briefed as appropriate on the application of the governing body's approach to linking performance appraisal to pay progression and ensure consistency of approach in the application of this policy;
- Have the final say on all recommendations in relations to pay progression or otherwise;
- Submit pay recommendations to the governing body and ensure the governing body has sufficient information upon which to make pay decisions;
- Ensure that teachers are informed about decisions reached and that records are kept of recommendations and decisions made.

4. Equality

- 4.1 Decisions relating to pay must always be applied fairly and in accordance with employment legislation and the school's Equality and Diversity in Employment Policy.

5. Support staff pay

- 5.1 The governing body will apply the national (the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service - Green Book) and locally agreed conditions of service.
- 5.2 The Greater London Provincial Council (GLPC) job evaluation methodology for support staff should be used as a method of reviewing grades when duties change, jobs are created or the governing body reviews salaries for support staff. Grading structures and allowances will reflect those set out in the Equal Pay & Conditions Review – "Single Status" Agreement(2008).
- 5.3 Where an employee was previously employed under Local Government service conditions of service immediately prior to his/her taking up a post at the school the employee will be paid a salary at the equivalent spinal point where this is within the overall grade of the post.
- 5.4 Support staff can appeal a job evaluation grading if their grade goes down or they can request a review of their grade evaluation by their HR provider if the job is evaluated at the same grade as previously, or a lower than the expected grade. Advice from the school's HR service will be sought on the specifics of the appeal process.
- 5.5 For additional time limited tasks, an honorarium may be paid. Where honoraria are proposed a record should be kept of the additional work undertaken by the individual and any advice sought from the school's HR service on the appropriate size of the honoraria. Where honoraria are being considered consideration should be given to ensuring all staff have equal access to the opportunity. Honoraria shall be reviewed

regularly and will not be used as a substitute for updating structures and job descriptions where the change is likely to be permanent.

- 5.6 Where a post's hourly rate falls beneath the London Living Wage rate, a supplement shall be paid to the Employee to bring them up to this level. In line with the Haringey agreement increases in the London Living Wage rate shall be effective from the date of the announcement from the Mayor's Office.

6. Teachers' pay

All teachers employed at the school are paid in accordance with the statutory provisions of the STPCD, as updated. A copy of the STPCD 2019 may be viewed online at www.gov.uk.

6.1 Pay Reviews and Progression

- 6.1.1. The governing body (through the pay committee) will ensure that every teacher's salary is reviewed with effect from (and any decisions backdated to) 1 September each year and no later than 31 October (31 December for headteachers). Where a teacher is on long-term absence at the relevant time consideration will be given to adjusting the timing on a case-by-case basis. By 31 October, the governing body will provide the teacher with an individual written statement setting out their salary and any allowances to which they are entitled.
- 6.1.2 Pay reviews for all teachers, including the headteacher, will be conducted in line with the STPCD, and will be based on performance as recorded through staff appraisal. Pay progression is not automatic for teachers. Every appraisal report will contain a pay recommendation (see the teacher appraisal policy). Final decisions about whether or not to accept pay recommendations will be made by the governing body (through the pay committee where appropriate), having regard to evidence provided as part of the performance appraisal review and process. All pay decisions (i.e. no movement, one point or two points) will be clearly attributable to the performance of the teacher. The governing body /pay committee must be able to justify its decision.
- 6.1.3 For eligible teachers to move up the teachers' pay range, all teachers, including the headteacher will need to have successfully completed their appraisal. The evidence used will be only that available through the performance appraisal process as outlined in the teacher appraisal policy.
- 6.1.4 Decisions not to progress up the pay spine will only be made in circumstances where concerns about standards of performance have already been raised as part of the appraisal process.

- 6.1.5 Reviews may take place at other times of the year to reflect any changes in circumstances or job description that leads to a change in the basis for calculating an individual's pay. A written statement will be provided after any review and where applicable will give information about the basis on which a decision was made.

6.2 Absence or partial completion of objectives

- 6.2.1 Where a teacher has been absent for some or all of the appraisal cycle, for example, as a result of long-term sickness absence or maternity leave, the assessment in relation to pay progression will be based on performance during any period of attendance and/or prior performance. In exceptional circumstances, for example, where objectives have not been fully met due to factors entirely outside the control of the appraisee, the appraiser may apply discretion in recommending pay progression where good progress towards objectives has been made.

6.3 Headteacher Pay

Determining the Headteacher group and pay range

- 6.3.1 The governing body will assign the school to a headteacher group as set out in the STPCD by reference to the school's total unit score, calculated in accordance with the STPCD before determining the headteacher's pay range for the post. This determination includes STPCD advice on headteacher pay if the headteacher is appointed as headteacher of more than one school. In any determination or redetermination of leadership pay, the pay range for the headteacher will start no lower than the minimum of the relevant headteacher group and the pay range for any deputy or assistant head.

On Appointment:

- 6.3.2 When determining the headteacher pay range, the governing body will take into account:
- all the permanent responsibilities of the role, including any permanent responsibility as the headteacher of more than one school;
 - any challenges that are specific to the role;
 - all the other relevant considerations, for example, any recruitment and retention difficulties, the requirements for a fixed-term appointment or candidate specifications, including how well the appointee meets the requirements of the post; and
 - how much room is appropriate for progression for the individual?
- 6.3.3 The governing body may also determine to use its discretion to set the leadership pay range up to 25% above the headteacher group. In exceptional circumstances that are supported by a robust business case, the governing body may agree to award above the 25% limit. In both such circumstances the governing body must seek external independent advice (e.g. from the LA) before a decision.

- 6.3.4 When determining the headteacher pay range to advertise, the governing body will consider whether or not it would pay above the advertised pay range for an exceptional candidate. If the governing body considers that it would, this information will be clearly stated in the advertisement and/or recruitment pack. The governing body will record its reasons for the determination of the head pay range and salary on appointment.
- 6.3.5 Where the headteacher pay range has been determined prior to 1 September 2011 and is above the calculated group size, it will remain in place for so long as that headteacher pay range applies and until a new determination is made. A new determination must be made should the headteacher post become vacant.
- 6.3.6 Where the governing body has, prior to 1 September 2011, made a decision to increase the individual school range beyond the maximum of the leadership pay range this will remain in place and the governing body will continue to determine the value of each point above the highest point for so long as that headteacher pay range applies.
- 6.3.7 The governing body will ensure that the process of determining the remuneration of the headteacher is fair and transparent. There will be a proper record made of the reasoning behind the determination of the headteacher pay range and the ratification of decisions made in this respect.
- 6.3.8 The headteacher pay range for the academic year 2019-2020 is as set out in Appendix 4.

6.4 Headteacher pay progression (See 6.1 for further details)

- 6.4.1 One-point progression will be awarded where there has been a sustained high quality of performance, with particular regard to leadership, management and pupil progress at the school. The governing body may consider awarding two-point progression where performance is assessed as having significantly exceeded the sustained and high quality of performance that must be demonstrated for one-point progression.
- 6.4.2 The pay committee may re-determine the serving headteachers "pay range", in accordance with the provisions of the STPCD, as at 1 September or at any time if they consider it is necessary and justified.

6.5 Temporary payments to the headteacher

- 6.5.1 An additional temporary payment (of up to 25% of annual salary) in accordance with the provisions of the STPCD will only be considered for additional responsibilities that are undertaken on a clearly temporary or irregular basis, and which have not already been taken into account when determining the headteacher pay range, for example, any temporary responsibility for additional schools. All recruitment and retention considerations must be taken into account when setting the headteacher's pay range.
- 6.5.2 The pay committee will consider using its discretion, in wholly exceptional circumstances, to exceed the 25% limit on temporary payments, as set out in the STPCD. However,

before agreeing to do so, it will seek the agreement of the governing body, which in turn will seek external independent advice before providing such agreement.

6.6 Overall limits on Headteacher pay

6.6.1 Ordinarily, the pay committee will ensure that the total sum of salary and any other payments made to the headteacher in any school year does not exceed 25% above the maximum of the headteacher group, excepting any additional payments made for residential duties that are a requirement of the post or payment in respect of relocation benefits which relate solely to the personal circumstances of the headteacher.

6.6.2 In wholly exceptional circumstances, the governing body will consider using its discretion to exceed the normal limits on temporary payments and the sum of total salary, as set out in the STPCD. However, before agreeing to do so, the governing body will seek advice from the Council before providing such agreement.

6.7 Deputy/Assistant headteachers

Determining the Deputy / Assistant headteacher pay range

6.7.1 Posts will meet the basic criterion of "leadership responsibilities across the whole school to be paid on the leadership pay ranges. The professional duties of deputy and assistant headteachers are set out within the STPCD 2019.

6.7.2 The governing body will determine a five point pay range for deputy and assistant headteachers on 1 September each year or at any other time of year in the following circumstances:

- When it proposes to make new appointments, or
- Where there is a significant change in circumstances and / or the responsibilities of serving deputy or assistant headteachers.

6.7.3 The governing body will, when a new appointment needs to be made, determine the pay range to be advertised and agree pay on appointment as follows

- Teachers will start no lower than the minimum of the leadership scale;
- The pay committee will determine a pay range which must take into account all of the permanent responsibilities of the role, any challenges that are specific to the role, and all other relevant considerations, including recruitment and retention factors;
- Ensure that salary on appointment is such that there is scope for future performance related pay progression.

6.7.4 In making any decision to exercise its discretion in this respect, the governing body will ensure that to action such an increase will offer the school value for money in the services it is able to provide in relation to the costs incurred and will require evidence to support any such case. The governing body will record the rationale for leadership pay determinations and the reasons for any redetermination of pay.

- 6.7.5 When determining the deputy/assistant head pay range to advertise, the governing body will consider whether or not it would pay above the advertised pay range for an exceptional candidate. If the governing body considers that it would, this information will be clearly stated in the advertisement and/or recruitment pack. The pay committee will record its reasons for the determination of the deputy/assistant head pay range and salary on appointment.
- 6.7.6 The governing body has determined that [number] deputy headteacher posts and [number] assistant headteacher posts are to be included in the school's staffing structure. Where there is more than one deputy headteacher or more than one assistant headteacher, the governing body have the discretion to determine different pay ranges for each post.
- 6.7.7 The governing body has determined a pay range for deputy and assistant headteachers in accordance the provisions of the STPCD 2019 with due regard to pay rates for other teaching posts and the headteacher.
- 6.7.8 The pay range for deputy headteachers for the academic year 2019-2020 as set out in Appendix 4.
- 6.7.9 The pay range for assistant headteachers for the academic year 2019-2020 is as set out in Appendix 4.
- 6.8 **Deputy / Assistant headteacher pay progression** (See 6.1 for further details)
- 6.8.1 One-point progression will be awarded where there has been a sustained, high quality of performance, with particular regard to leadership, management and pupil progress at the school. The governing body may consider awarding two-point progression where performance is assessed as having significantly exceeded the sustained and high quality of performance that must be demonstrated for one-point progression.

OTHER CLASS ROOM TEACHERS

6.9 Leading practitioners

- 6.9.1 The governing body has determined that [number] leading practitioner posts are to be included in the school's staffing structure. These posts have the primary purpose of modelling and leading improvement of teaching skills. Additional duties will be set out in the job description of the leading practitioner. Successful candidates will demonstrate excellence in teaching and will be able to contribute to leading the improvement of teaching skills.
- 6.9.2 Where there is more than one leading practitioner post, the governing body have the discretion to determine different pay ranges for each post. The governing body will be

able to justify its decision.

Determining the Leading Practitioner pay range

6.9.3 The pay range for each leading practitioner post for the academic year 2019-2020 is set out in Appendix 4.

6.9.4 A Leading Practitioner is not eligible for a teaching and learning responsibility payment or a special educational needs allowance.

Progression on the Leading practitioner pay range (See 6.1 for further details)

6.9.5 The governing body will consider awarding one pay point on the individual range for the post having regard to evidence provided as part of the Performance Appraisal review, the appraisal report, the relevant teachers' standards and taking into account advice from senior leaders. The governing body may consider awarding two-point progression where performance is assessed as having significantly exceeded the sustained and high quality of performance that must be demonstrated for one-point progression.

6.10 Classroom teachers

On appointment

6.10.1 Although governing bodies are no longer required to match a teachers' existing salary on either the main, upper or the unqualified pay scales, governors will ensure that the existing pay point of teachers applying for posts in the school is matched where the salary reflects an appropriate reference point in this policy. In exceptional circumstances, the governing body reserves the right to consider offering a higher alternative salary level. Advice will be sought from school's HR service before any such decision is taken.

6.11 Upper Pay Range

6.11.1 Qualified teachers who have applied for and been assessed by this school as meeting the standards for payment on the Upper Pay Range will be paid in accordance with the school's upper pay range as set out in Appendix 4. The criteria and process to progress to the Upper Pay range can be found in Appendix B and C.

6.11.2 Any points awarded on the upper pay range are permanent, while the teacher remains in the same post or takes up another post in this school.

Progression on the Upper Pay Range (See 6.1 above and Appendix 1 & 2 for further details)

6.11.3 All decisions regarding pay progression will be made annually with reference to the most

recent appraisal report. UPR teachers will be eligible to progress to the next point on the school's upper pay range where their appraisal outcome confirms that their performance over at least two academic years in this school has been highly competent in all elements of the Teachers standards and that their achievements and contribution to the school are substantial and sustained. Pay progression will be judged as evidenced by Performance Appraisal outcomes.

- 6.11.4 Any points awarded on the upper pay range are permanent, while the teacher remains in the same post or takes up another post in this school.
- 6.11.5 For new appointees the teacher's performance appraisal reports from previous schools can be considered by the Headteacher and/ governing body where it assists with pay progression decisions

6.12 Main pay range

- 6.12.1 Qualified teachers who have not been assessed as meeting the criteria to access to upper pay range will be paid in accordance with the main pay range.
- 6.12.2 The Governing Body has adopted the following main pay range as set out in Appendix 4.
- 6.12.3 In determining where on the main pay range an individual teacher should be placed on appointment, the governing body will consider
- Specialist skills and knowledge
 - Specialist qualifications
 - Number of year's teaching experience
 - The teacher's current remuneration

Progression on the Main Pay Range (See 6.1 for further details)

- 6.12.4 The evidence used will be only that available through the performance management/appraisal process, and meeting the teacher's standards taking into account their role in the school. The governing body may consider awarding two- point progression where performance is assessed as having significantly exceeded the sustained and high quality of performance that must be demonstrated for one- point progression. Decisions not to progress up the pay spine will be made in circumstances where concerns about standards of performance have been raised in writing as part of the appraisal process.
- 6.12.5 The pay committee will be advised by the headteacher in making all such decisions. 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 must be able to justify objectively its decisions.

6.13 Newly Qualified Teachers

6.13.1 Decisions on pay progression for newly qualified teachers subject to statutory induction arrangements will be taken by 31st October each year to take effect on and be backdated to 1st September of that year and will be based on a recommendation from the headteacher which takes account of the teacher's assessment under the induction arrangements and against the Teachers' Standards. Judgments will be properly rooted in evidence provided as part of the Induction process.

6.14 Unqualified Teachers Pay Range

6.14.1 An unqualified teacher is either a trainee working towards qualified teacher status, an overseas trained teacher who has not exceeded the four years they are allowed without obtaining qualified teacher status, or an instructor with a particular skill.

6.14.2 In determining where on the unqualified teacher range an individual teacher should be placed on appointment, the governing body will consider:

- Specialist skills and knowledge
- Specialist qualifications
- Previous teaching experience
- The teacher's current remuneration

6.14.3 The school's pay range for an unqualified teacher is as set out in Appendix 4.

Progression on the Unqualified Pay Range (See 6.1 for further details)

6.14.4 Any pay points awarded to unqualified teachers are permanent, while the teacher remains in the same post or takes up a new one at this school.

6.14.5 Unqualified teachers are not eligible for teaching and learning or special educational needs allowances. The governing body will not under any circumstances determine a salary for an unqualified teacher outside of the unqualified teacher pay spine.

6.15 Unqualified Teachers' Allowance

6.15.1 The governing body has the discretion to award an additional allowance to an unqualified teacher where it considers that, in the context of its staffing structure the teacher has taken on a sustained additional responsibility which is focused on teaching and learning and requires the exercise of a teacher's professional skills and judgement, or where the teacher holds qualifications or experience which bring added value to the role being undertaken.

6.15.2 The governing body will pay an unqualified teacher on one of the employment based routes into teaching on the classroom teacher/unqualified teacher pay scale. The governing body may choose which pay scale will be applied to such teachers and in what circumstances. It is recommended that a graduate teacher be paid as a qualified teacher and a registered teacher as an unqualified teacher.

7 Allowances for classroom teachers

7.1 Teaching and Learning Responsibility Payments

- 7.1.1 TLRs can only be awarded to posts held by qualified teachers paid on the main or upper payscale. They cannot be awarded to unqualified teachers, Leading Practitioners or members of the Leadership Group.
- 7.1.2 The pay committee may award a TLR to a classroom teacher in accordance with the STPCD.
- 7.1.3 TLR 1 or 2 payment will be made for undertaking a sustained additional responsibility in the schools staffing structure for the purpose of ensuring the continued delivery of high-quality teaching and learning and for which the teacher is made accountable.
- 7.1.4 All job descriptions will be regularly reviewed and will make clear the responsibility or package of responsibilities for which a TLR is awarded.
- 7.1.5 The pay committee may award a fixed-term TLR3 of between £555 and £2,757 for identifiably time-limited school improvement projects, the duration of the fixed-term must be established at the outset and payment should be made on a monthly basis for the duration of the fixed-term. Although a teacher cannot hold a TLR1 and a TLR2 concurrently, a teacher in receipt of either a TLR1 or a TLR2 may also hold a concurrent TLR3. No safeguarding will apply in relation to an award of a TLR3.
- 7.1.6 TLRs are awarded at the discretion of the governing body and will only be awarded if the governing body is satisfied that the duties of the post include a significant responsibility that is not required of all classroom teachers and that:
 - a) is focused on teaching and learning;
 - b) requires the exercise of a teacher's professional skills and judgement;
- 7.1.7 In addition to the above, the award of a TLR 1 or 2:
 - a) requires the teacher to lead, manage and develop a subject or curriculum area; or to lead and manage pupil development across the curriculum;
 - b) has an impact on the educational progress of pupils other than the teacher's assigned classes or groups of pupils, and;
 - c) involves leading, developing and enhancing the teaching practice of other staff.
- 7.1.8 In addition, before awarding a TLR1, the governing body must be satisfied that the significant responsibility referred to above includes line management responsibility for a significant number of people.
- 7.1.9 See Appendix 4 for the schedule of payments.

7.2 Special Educational Needs Allowance

7.2.1 A Special Educational Needs (SEN) allowance can only be awarded to posts held by qualified teachers paid on the main or upper pay scale. They cannot be awarded to unqualified teachers, Leading Practitioners or members of the Leadership Group. The role of SENCO, as a managerial responsibility, is not one that meets the criteria for a SEN allowance, but rather it is more appropriately rewarded by a TLR payment. If, in addition to their SENCO role, a teacher meets the criteria set out in the STPCD, then they should be eligible for both a TLR payment and a SEN allowance. However, they are distinct payments – one payable for additional responsibility, the other for the demands of the teaching role they are carrying out.

7.2.2 The governing body will award a SEN Allowance to a classroom teacher or SEN support teacher:

- a) in any SEN post that requires a mandatory SEN qualification (not including the mandatory SENCO qualification leading to the achievement of the National Award for Special Educational Needs Co-Ordination),
- b) in a special school,
- c) who teaches pupils in one or more designated special classes or units in a school or, in the case of an unattached teacher, in a local authority unit or service,
- d) in any non-designated setting (including any pupil referral unit) that is analogous to a designate special class or unit, where the post:
 - i. involves a substantial element of working directly with children with special educational needs,
 - ii. requires the exercise of a teacher's professional skills and judgment in the teaching of children with special educational needs, and
 - iii. has a greater level of involvement in the teaching of children with special educational needs than is the normal requirement of teachers throughout the schools or unit within the school or, in the case of an unattached teacher, the unit or service.

7.2.3 The SEN allowance is determined as a spot value, taking into account the structure of the school's SEN provision and:

- a) whether any mandatory qualifications are required,
- b) the qualifications and expertise of the teacher relevant to the post, and
- c) the relative demands of the post.

7.2.4 The values of the SEN allowance to be awarded are set out in Appendix 4.

7.3 Additional allowances

Acting Allowance for Teachers

7.3.1 Where a teacher is assigned and carries out duties of a headteacher, deputy headteacher, or assistant headteacher, but has not been appointed as an acting headteacher, deputy

headteacher or assistant headteacher, the governing body will, 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 “acting allowance” must be paid in accordance with the following provisions.

- 7.3.2 Where the governing body determines that an acting allowance will not be paid but the relevant duties continue, then the governing body may review this decision and make a further determination at a future date as to whether or not an acting allowance may be paid.
- 7.3.3 If paid, the acting allowance will be of such value as to ensure that the teacher receives remuneration of equivalent value to such point on the leadership pay spine as the governing body has determined applies to the headteacher, deputy headteacher or assistant headteacher (as set out in this policy).
- 7.3.4 For as long as an acting allowance is being paid, the teacher will be expected to undertake the professional responsibilities applicable to a headteacher, deputy headteacher or assistant headteacher and work to the relevant teachers’ standards.
- 7.3.5 Where a member of staff covers the full duties of a higher graded role on a temporary basis, for example to cover a vacancy or in the absence of the substantive post holder (other than to cover for annual leave), for the period of at least 12 weeks, they may be paid an acting allowance equivalent to the grade of the post they are covering. Acting arrangements are time limited and will be subject to regular review.
- 7.3.6 Where an employee who is not a teacher is undertaking partial duties of a higher graded role, a special recognition agreement may instead be considered.

7.4 Additional Payments

- 7.4.1 The relevant body may make such payments as it sees fit to a teacher in respect of:
 - a) Continuing professional development undertaken outside the school day;
 - b) Activities relating to the provision of initial teacher training as part of the ordinary conduct of the school;
 - c) Participation in out-of-school hours learning activity agreed formally between the teacher and the headteacher or governing body. Teachers will not be compelled to offer such an activity but, where they do, the governing body will expect a more formal commitment from the teacher and that the head teacher may direct the place, timing, frequency of the activity as well as which pupils take part and the content. In these circumstances, the school will offer a payment to the teacher equating to an appropriate value for example at a flat hourly rate.
 - d) In order to ensure effective work life balance and also value for money in the

delivery of the services provided the governing body should consider carefully who is best placed to undertake these activities. It may not necessarily be a teacher and the use of support staff might be more appropriate. Activities should be offered to staff following a fair and transparent process.

- e) Additional responsibilities and activities due to, or in respect of, the provision of services relating to the raising of educational standards to one or more additional schools.

7.5 Recruitment and retention incentives and benefits

- 7.5.1 Payments will not be made under the “recruitment and retention” criteria for additional work undertaken, for specific responsibilities or to supplement pay for reasons other than, under paragraphs 27.1 and 27.2, for the re-imbursment of reasonably incurred housing or relocation costs. Nor will any recruitment and retention payment be made to a headteacher, deputy or assistant headteacher; as the governing body will take into account recruitment and/or retention difficulties in determining the relevant pay range.
- 7.5.2 In the case of retention, a recommendation to offer incentives or benefits would be made by the headteacher for teachers to the pay committee.
- 7.5.3 Governing bodies are free to determine the value of any reward. In their determinations, the governing body should consider whether recruitment and retention incentives and benefits should be offered to new or existing teachers, and if so their nature, value, duration and the circumstances under which they may be paid.
- 7.5.4 Subject to paragraph 27.2 in the STPCD, governing bodies may consider introducing a salary advance scheme for a rental deposit as an additional tool for supporting the recruitment and retention of teachers.
- 7.5.5 These should be set out in writing and if necessary include a review date. The governing body must make budget provision for such payments. The governing body will be able to justify its decision and have clearly defined criteria for making such decisions.
- 7.5.6 The Governing Body will conduct a formal regular assessment of such award.

7.6 Part-time teachers

- 7.6.1 Teachers employed on an ongoing basis at the school who work less than a full working week are deemed to be part time. The governing body will ensure that part time teachers are given a written statement detailing their working time obligations (within and beyond the school day) and the standard mechanism used to determine their pay, subject to the provisions of the statutory pay arrangements and by comparison to the school's timetabled teaching week for a full time teacher in an equivalent post.
- 7.6.2 Part time teachers will be paid a pro-rata percentage of the appropriate full-time equivalent salary against the timetable week and the same percentages will be applied to

any allowances awarded, other than a TLR3.

- 7.6.3 Further guidance is available from the council to assist schools with calculating part- time entitlement and pay.

7.7 Short notice/supply teachers

- 7.7.1 Teachers employed on a day-to-day or other short notice basis must be paid in accordance with the STPCD 2019 on a daily rate calculated by dividing the annual amount by 195.
- 7.7.2 Teachers who work less than a full day will be hourly paid and will have their salary calculated by dividing the annual amount by 1,265 to give an hourly rate.
- 7.7.3 A short notice teacher who is employed by the school or another school in the authority throughout a period of 12 months (beginning August or September) will not be paid more in respect of that period that s/he would have if s/he had been in regular employment throughout the period.

7.8 Salary sacrifice

- 7.8.1 The governing body supports the following salary sacrifice arrangements: [governing body to insert details of salary sacrifice arrangements] e.g. Childcare vouchers, cycle scheme, etc.] Arrangements will be made to enable staff to participate in these schemes should they wish to do so.

7.9 Salary safeguarding

- 7.9.1 Salary safeguarding will be paid to eligible teachers and in line with the provisions of the STPCD.

8 Teacher Pay Appeals

- 8.1 Teachers may seek a review of any determination in relation to their pay or any other decision taken by the governing body (or a committee or individual acting with delegated authority) that affects their pay.
- 8.2 Appeals may be made on the grounds that the person or committee by whom the decision was made, for example:
- a) Has incorrectly applied any provision of the STPCD;
 - b) Has failed to have proper regard for statutory guidance;
 - c) Has failed to take proper account of relevant evidence;
 - d) Was biased, and/or;
 - e) Otherwise unlawfully discriminated against the teacher concerned.

This list is not exhaustive.

- 8.3 Further detail on the order of proceedings for a teacher pay appeal is included in

Appendix

3.

Appendix 1: Progression to the Upper Pay Range

It is the responsibility of teachers to decide whether they wish to apply to be paid on the Upper Pay Range. Determinations as to whether a teacher progresses to the upper pay range will be made in accordance with paragraph 15 of the STPCD 2019 and the process set out in this pay policy.

An application from a qualified teacher will be successful where the governing body is satisfied that the teacher has evidence of high performance in this school in the previous two years which shows that the teacher is highly competent in all elements of the teachers standards and that their achievements and contribution to the school are substantial and sustained and they are able to demonstrate that they have developed professionally in their teaching expertise.

In this school, teachers will be eligible to apply for progression where the teacher has progressed to the top of the school's main pay range. All applications should include the results of the two most recent appraisals in this school. 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.

In order for the assessment to be robust and transparent, it will be an evidence-based process only. Further evidence can be produced as appropriate at the discretion of the headteacher. For example, in cases where a teacher has been absent, through disability or maternity, they may cite written evidence from a three-year period before the date of application in support of their application.

Process:

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

- Complete the school's UPR application form (Appendix 2). Submit the application form and any supporting evidence the teacher wants to present to the headteacher by the closing date.
- Notification of the name of the assessor of the application will be sent to the teacher 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 by the 31st

October 2019. 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 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 backdated to 1 September of the year of application.
- Unsuccessful applicants can appeal the decision. The appeals process is set out in this pay policy.

Assessment:

The teacher will be required to meet the criteria set out in paragraph 15 of the STPCD, namely that:

- The teacher is highly competent in all elements of the relevant standards; and
- The teacher's achievements and contribution to the school are substantial and sustained.

In this school, this means:

"highly competent": the teacher's performance is assessed as having excellent depth and breadth of knowledge, skill and application of the Teachers' Standards in the particular role they are fulfilling and the context in which they are working.

"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 positive contribution to the wider life and ethos of the school, which impacts on pupil progress and the effectiveness of staff and colleagues.

"sustained": the teacher must have had two consecutive successful appraisal reports in this school and have made good progress towards their objectives during this period (see paragraph 5.1 of this policy). They will have been expected to have shown that their teaching expertise has grown over the relevant period and is consistently in line with the expectations contained in the school's appraisal policy.

For further information, including information on supporting evidence, please refer to the teacher appraisal policy.

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 upper pay range in that school or schools. This will not be bound by any pay decisions made by another school.

Progression to the upper pay range is permanent, while the teacher remains in the same

post or takes up another post in this school.

Appendix 2: Application to be paid on the Upper Pay Range

Personal Information:

Name:	Job Title:
School:	Date of application:
Date of last application (as appropriate):	

Written Statement:

Details of Performance Management/Appraisal:

Years covered by planning/review statements

Schools covered by planning/review statements

Summary of application

(Continue on additional sheets if needed)

Declaration

I confirm that at the date of this request for assessment I meet the eligibility criteria and I submit the performance management/appraisal (and brief supporting evidence as appropriate).

Signed (applicant):

Date:

Date of issue: 23/09/2019

Appendix 3 – Teacher Pay Appeals

Stage 1 – Representation Hearing

1. For the representation hearing and appeal hearing, the teacher may be accompanied by a colleague or trade union representative.
2. The teacher receives written confirmation of the pay determination and, where applicable, the basis on which the decision was made.
3. If the teacher wishes to discuss the decision, or make representations, he/she should do so in writing to the chair of the Pay Committee, within ten working days of the decision. The letter should outline the grounds of appeal.
4. The Pay Committee will arrange to meet the teacher to discuss the issues within 20 working days. The head teacher should also attend the meeting to clarify the grounds for the recommendation.
5. The Pay Committee will further consider the decision and will write to the teacher with the outcome.
6. Where the teacher continues to be dissatisfied, he/she may proceed to stage 2 of the process.

Stage 2 - Appeal Hearing

1. The teacher should set out in writing the grounds for appealing the pay decision and send it to the Chair of the Appeal Committee / head teacher / other designated person (as determined by the governing body) within ten school working days of receipt of the written outcome of the stage 1 decision (see above)
2. The Clerk to Governors will arrange for an appeal hearing to take place, normally within 20 school working days of the receipt of the written appeal notification.
3. The appeal should be heard by a panel of three eligible governors who were not involved in the original decision.
4. The procedure for formal appeal meetings will be:
 - 4.1 Chair introduces everyone and their role in the proceedings. Those required to attend:
 - a. Chair and other panel members
 - b. Employee and employee representative (if accompanying employee)

- c. Any witnesses for the employee side
 - d. Pay Committee representative who will state the management case
 - e. Any witnesses for the management side
 - f. Clerk to the meeting
 - g. HR Adviser to give advice to the panel (if in attendance)
-
- 4.2 The teacher will present their case including any evidence they wish to have considered and any witnesses to support their case.
 - 4.3 Chair and/or panel members ask questions.
 - 4.4 Pay Committee representative will state their case including the evidence on which the decision was based and any witnesses to support the case.
 - 4.5 Chair and/or panel members ask questions of the management.
 - 4.6 Both parties may make a closing statement if they wish.
 - 4.7 The Appeal Committee will then consider all the evidence in private and reach a decision.
 - 4.8 The Appeal Committee will write to the teacher outlining its decision and the reason/s for it.
 - 4.9 The decision of the Appeal Committee is final.

Appendix 4 – Teachers Pay Scales for 2019/20

1.1 SCHOOL TEACHERS – LEADERSHIP GROUP

HARINGEY COUNCIL TEACHERS - LEADERSHIP GROUP PAY SCALES											
1st September 2019											
Sp PT	Old Rate	New Rate	Scale	Grp 1	Grp 2	Grp 3	Grp 4	Grp 5	Grp 6	Grp 7	Grp 8
1	47517	48824	LEAD'SHP								
2	48521	49857	LEAD'SHP								
3	49548	50912	LEAD'SHP								
4	50592	51984	LEAD'SHP								
5	51670	53091	LEAD'SHP								
6	52771	54223	LEAD'SHP	X							
7	53992	55477	LEAD'SHP	X							
8	55061	56576	LEAD'SHP	X	X						
9	56242	57790	LEAD'SHP	X	X						
10	57494	59076	LEAD'SHP	X	X						
11	58787	60404	LEAD'SHP	X	X	X					
12	59973	61624	LEAD'SHP	X	X	X					
13	61282	62968	LEAD'SHP	X	X	X					
14	62621	64344	LEAD'SHP	X	X	X	X				
15	63987	65747	LEAD'SHP	X	X	X	X				
16	65493	67295	LEAD'SHP	X	X	X	X				
17	66825	68663	LEAD'SHP	X	X	X	X				
18	67638	69499	LEAD'SHP	X							
18	68315	70194	LEAD'SHP		X	X	X	X			
19	69821	71742	LEAD'SHP		X	X	X	X			
20	71365	73328	LEAD'SHP		X	X	X	X			
21	72221	74208	LEAD'SHP		X						
21	72943	74949	LEAD'SHP			X	X	X	X		
22	74567	76618	LEAD'SHP			X	X	X	X		
23	76220	78318	LEAD'SHP			X	X	X	X		
24	77158	79280	LEAD'SHP			X					
24	77930	80074	LEAD'SHP				X	X	X	X	
25	79674	81867	LEAD'SHP				X	X	X	X	
26	81458	83699	LEAD'SHP				X	X	X	X	
27	82463	84731	LEAD'SHP				X				
27	83288	85579	LEAD'SHP					X	X	X	
28	85169	87512	LEAD'SHP					X	X	X	X
29	87094	89491	LEAD'SHP					X	X	X	X
30	89071	91522	LEAD'SHP					X	X	X	X
31	90186	92667	LEAD'SHP					X			
31	91088	93594	LEAD'SHP						X	X	X
32	93160	95722	LEAD'SHP						X	X	X
33	95289	97911	LEAD'SHP						X	X	X

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34	97458	100140	LEAD'SHP						X	X	X
35	98706	101421	LEAD'SHP						X		
35	99693	102436	LEAD'SHP							X	X
36	101971	104776	LEAD'SHP							X	X
37	104325	107194	LEAD'SHP							X	X
38	106712	109648	LEAD'SHP							X	X
39	108048	111020	LEAD'SHP							X	
39	109129	112131	LEAD'SHP								X
40	111670	114742	LEAD'SHP								X
41	114273	117416	LEAD'SHP								X
42	116939	120156	LEAD'SHP								X
43	118490	121749	LEAD'SHP								X

X – Group Range

1.1.2 SCHOOL TEACHERS – LEADING PRACTITIONERS

HARINGEY COUNCIL LEADING PRACTITIONER SCALE 1ST SEPTEMBER 2019

Sp PT	Old Rate	New Rate	Scales	Sp PT	Old Rate	New Rate	Scales
1	47751	49065	LP	7	59379	61011	LP
2	49521	50883	LP	8	61575	63267	LP
3	51351	52764	LP	9	63858	65613	LP
4	53250	54714	LP	10	66219	68040	LP
5	55221	56739	LP	11	68652	70540	LP
6	56784	58347	LP				

1.1.3 SCHOOL TEACHERS – QUALIFIED CLASSROOM TEACHER

HARINGEY COUNCIL QUALIFIED TEACHER SCALE 1ST SEPTEMBER 2019
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Sp PT	Old Rate	New Rate	Scales	Sp PT	Old Rate	New Rate	Scales
1	29664	30480	QTEACH	4	34547	35499	QTEACH
2	31210	32070	QTEACH	5	37205	38230	QTEACH
3	32836	33741	QTEACH	6	40372	41483	QTEACH

1.1.4 SCHOOL TEACHERS – UPPER PAY RANGE

<p align="center">HARINGEY COUNCIL TEACHERS - UPPER PAY SCALE 1st September 2019</p>

Sp PT	Old Rate	New Rate	Scales
1	44489	45713	PTQTEACH
2	46675	47960	PTQTEACH
3	48244	49571	PTQTEACH

1.1.5 SCHOOL TEACHERS – UNQUALIFIED TEACHERS

<p align="center">HARINGEY COUNCIL TEACHERS - UNQUALIFIED PAY SCALES 1st September 2019</p>
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Sp PT	Old Rate	New Rate	Scales
1	21641	22237	UQ TEACH
2	23641	24293	UQ TEACH
3	25643	26350	UQ TEACH
4	27644	28405	UQ TEACH
5	29643	30460	UQ TEACH
6	31644	32515	UQ TEACH

1.1.6 SCHOOL TEACHERS – ALLOWANCES

<p align="center">HARINGEY COUNCIL TEACHERS - ALLOWANCES 1st September 2019</p>			
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Teaching & Learning Responsibility			
PT	Old Rate	New Rate	
2a	2721	2796	
2b	4530	4656	
2c	6646	6829	
1a	7853	8069	
1b	9657	9924	
1c	11466	11781	
1d	13288	13654	
3 Min	540	555	
3 Max	2683	2757	

Recruitment & Retention			
PT	Old Rate	New Rate	
1	1002	1002	
2	1970	1970	
3	2985	2985	
4	4158	4158	
5	5415	5415	

Special Needs			
PT	Old Rate	New Rate	
1	2149	2209	
2	4242	4359	

Report for: **Staffing and Remuneration Committee**

Item number:

Title: **Pay Policy Statement 2020/21**

Report

authorised by: **Richard Grice - Director for Customers, Transformation & Resources**

Lead Officer: **Ian Morgan - Reward Strategy Manager, Human Resources**

Ward(s) affected: **N/A**

Report for Key/

Non Key Decision: N/A

1. Describe the issue under consideration

1.1 The Council is required to produce an annual Pay Policy Statement to comply with the requirements of the Localism Act 2011. The Council approved its last Pay Policy Statement at Full Council on 18th March 2019.

1.2 The attached Pay Policy Statement provides an update for publication in April 2020.

2. Cabinet Member Introduction

Not required for the S&R Committee.

3. Recommendations

3.1. That the Committee approve the draft Pay Policy Statement 2020/21, attached at Appendix A.

3.2. The Director for Customers, Transformation & Resources is also authorised in consultation with the Chair of the Committee to make such amendments to the Pay Policy Statement as considered minor.

3.3. That the Committee remits the Pay Policy Statement (as amended if applicable) for endorsement by Full Council on 16th March 2020.

4. Reason for decision

4.1. In accordance with sections 38 and 39 of the Localism Act 2011 the Council is required to prepare and by resolution of Full Council, approve a Pay Policy Statement for each financial year by the end of 31 March of the previous financial year.

5. Alternative options considered

5.1. The Pay Policy Statement is produced annually to comply with the requirements of the Localism Act 2011.

6. Background information

- 6.1. The Localism Act 2011 requires relevant authorities to prepare and publish an annual Pay Policy Statement.
- 6.2. Under this legislation the Council is obliged to state how the pay of senior managers is determined. In addition, the supplementary guidance issued under section 40 of the Localism Act requires full Council to be given the opportunity to vote on any proposed payment upon appointment or termination of employment of £100,000 or more.
- 6.3. It is not proposed that the approval of payment upon appointment or termination of employment of £100,000 per annum or more should be reserved to Full Council. To do so would create unnecessary delay in either appointing or finalising the termination of the employment of an officer. The risks of this are that the Council may lose a potential appointee whilst they wait for a salary approval. In the case of a termination of employment by way of agreement the officer's employment could not be ended until the severance payment was agreed. This would create an unnecessary cost as the officer would need to remain on full pay until this decision was taken. The Committee's current terms of reference provide that it is required to consider and approve payment upon appointment or termination of employment of £100,000 per annum or more.
- 6.4. It may be necessary for minor amendments to the draft Pay Policy Statement to be made between its approval by the Committee and its consideration by Full Council. For example, Sections 5 and 12, and Appendices A and B of the Pay Policy Statement may need updating depending on the progress of any pay negotiations with the trade unions and the outcomes of the senior managers pay review. Recommendation 3.2 of this report provides a mechanism for making minor amendments to the draft Pay Policy Statement without it having to be brought back to the Committee for further consideration, through the Committee authorising the Director for Customers, Transformation & Resources in consultation with the Chair of the Committee to make the necessary amendments

7. Contribution to strategic outcomes

- 7.1. The Pay Policy Statement is produced annually to comply with the requirements of the Localism Act 2011.

8. Statutory Officers' comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Assistant Director of Corporate Governance Comments

- 8.1. In accordance with sections 38 and 39 of the Localism Act 2011 the Council is required to prepare and by resolution of Full Council, approve a Pay Policy Statement for each financial year by the end of 31 March of the previous financial year. In addition, the Council may resolve to amend its Pay Policy Statement at any time during the financial year. As soon as is reasonably practicable following approval the statement must be published including publication on the Council's website.
- 8.2. The Council is under a duty to have regard to any guidance issued or approved by the Secretary of State. Guidance issued under section 40 of the Localism Act 2011 has been taken into account in the preparation of this Pay Policy Statement.

- 8.3. The Accounts and Audit Regulations 2015 (“ the Regulations”) require the Council to include in its annual accounts a note of the remuneration of senior employees. “Senior employees” are defined by the Regulations as employees whose salary is £150,000 or more per year and certain other employees whose salary is £50,000 or more per year, such as the Chief Executive, statutory Chief Officers and non – statutory Chief Officers.
- 8.4. The Government has issued in February 2015 under section 2 of the Local Government, Planning and Land Act 1980 a Local Government Transparency Code 2015. The requirements of the Code have been taken into account in the preparation of this Pay Policy Statement. These requirements include the publication of an organisation chart covering staff in the top three levels of the organisation, the publication of a list of responsibilities and details of bonuses and benefits in kind for senior employees as defined by the Regulations whose salary exceeds £50,000, and the publication of a “pay multiple”, being the ratio between the highest paid salary and the median salary of the whole of the Council’s workforce.
- 8.5. The Pay Policy Statement fulfils all the requirements of the Localism Act 2011.

Chief Finance Officer Comments

- 8.6. The Committee is nevertheless asked to note that the draft 2020-21 Budget and 2020-2025 Medium Term Financial Strategy presented to Cabinet on the 10th December 2019 assumes pay increases similar to the current deal (2%).
- 8.7. With reference to the Pay Policy Statement’s commitment to work towards ensuring all workers in the supply chain are paid the relevant Living Wage, the aforementioned budget paper also proposes the introduction from April 2020 of London Living Wage (LLW) rates for Council contracted Homecare staff and those working in Extra Care Sheltered Housing as well as an uplift being applied to Social Care Direct Payments in line with LLW rates.

Equalities Comments

- 8.8. The Council has a public sector equality duty under the Equality Act 2010 to have due regard to the need to:
- 8.8.1. Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act.
- 8.8.2. Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it;
- 8.8.3. Foster good relations between people who share a relevant protected characteristic and people who do not share it.
- 8.8.4. A “relevant protected characteristic” is age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.8.5. The Pay Policy Statement supports the Council’s approach to remuneration for its workforce in an accountable, fair and transparent way. This therefore supports the Council’s equalities policy and promotes equal pay.

9. Use of Appendices

Appendix A - Pay Policy Statement

10. Local Government (Access to Information) Act 1985

Not Applicable



Pay Policy Statement 2020/21

Published
April 2020

1. Background

Localism Act 2011 - Openness and accountability in local pay

- 1.1. Section 38(1) of the Localism Act requires local authorities to produce an annual pay policy statement.
- 1.2. The provisions in the Act do not seek to change the right of each local authority to have autonomy on pay decisions, however, it emphasises the need to deliver value for money for local taxpayers.
- 1.3. This statement has been approved by Full Council on 16th March 2020 and any changes during the year will be brought back to Full Council for adoption at the earliest opportunity.
- 1.4. This statement does not apply to Council employees based in schools.

Related Remuneration and Transparency Context

- 1.5 The Council follows the transparency requirements on remuneration as set out in the Local Government Transparency Code 2015 ("the Code"), published by the Department for Communities and Local Government in February 2015, and the Local Transparency Guidance issued on 30 November 2015 by the Local Government Association.
- 1.6 Part of the Code includes publishing information relating to senior salaries within a local authority. A full list of all posts that are paid £50,000 or more per year that fall within the scope of the Accounts and Audit Regulations 2015 is published on the Council's website. [See here](#).

2 Governance arrangements for pay and conditions of service within Haringey

- 2.1 The Staffing & Remuneration Committee as referred to in the Council's constitution Part three, section B under its Terms of Reference has responsibility for the terms and conditions of service for all staff. The Staffing & Remuneration Committee is a Committee of Full Council.
- 2.2 The Staffing & Remuneration Committee is accountable for the remuneration of Chief Officers (see section 4 for more details), and pay in general, and will ensure that remuneration is set within the wider pay context giving due consideration to the relationship between the highest and lowest paid in the organisation (see section 7 for more information). This Committee will remit the Pay Policy Statement for approval by Full Council.

3 Pay Strategy

- 3.1 In December 2014 the Staffing & Remuneration Committee agreed the Council's Modern Reward Strategy that included a review of pay and grading arrangements for Chief Officers and Senior Managers and employees covered by the National Joint Council (NJC) for Local Government Services Green Book.
- 3.2 The Council's vision included the provision to adopt a reward strategy that was modern, sustainable, fair and transparent concerning pay, which rewards employees appropriately for their contribution to the Council.
- 3.3 In April 2016 new pay and grading arrangements were implemented for Chief Officers and Senior Managers. This Pay Policy Statement sets out the new pay arrangements.
- 3.4 In 2018/19 a pay and grading review for employees covered by NJC terms and conditions was completed, during which time a new London Pay Spine was agreed by the Local Government Association (LGA), London Councils and the trade unions for implementation in April 2019 as part of a 2 year pay deal.
- 3.5 For NJC employees the new London Pay Spine was implemented in April 2019 and the outcomes of the pay and grading review will be implemented as agreed with the recognised trade unions.

4 Remuneration arrangements of Senior Managers and Chief Officers including the Chief Executive

- 4.1 The Council's Chief Officers are the Head of Paid Service (the Chief Executive), the Monitoring Officer, statutory chief officers, or non-statutory chief officers being officers who report to the Chief Executive. The term "Chief Officers" also includes a number of deputy chief officers who report directly to a statutory or non-statutory chief officer. The Council defines its Senior Managers as those staff appointed on senior manager pay grades – which start at remuneration levels of £62,200 per annum (as per Appendix A – Senior Manager Pay Bands – April 2019). Chief Officers and Senior Managers are contracted to work sufficient hours as is required to complete the job.
- 4.2 The pay and terms and conditions for Chief Officers and Senior Managers are determined locally. As such they do not depend on national or regional negotiations to decide pay levels or awards.
- 4.3 The Council benchmarks its pay rates with other London Boroughs to ensure that it is able to recruit and retain qualified and competent staff. Pay bands for Chief Officers and Senior Managers must be approved by the Staffing and Remuneration Committee. The pay bands for Chief Officers and Senior Managers are at Appendix A.
- 4.4 Where it is proposed to appoint to a Chief Officer post and the proposed salary is £100,000 per annum or more, the Staffing and Remuneration Committee must consider and approve the proposed salary. The current Chief Officer

management structure including employee salaries costs, details of bonuses and benefits-in-kind, performance-related pay, grade, department and team, whether permanent or temporary, staff contact details, salary ceiling, names, job titles, services and functions responsible for, budget held and numbers of staff is published on the Council website. Names may only be published if individual salaries are £150,000 or more. [See here.](#)

- 4.5 The salary applicable to the Chief Officer posts is published on the Council website. [See here.](#)
- 4.6 Base pay for the senior management population will be reviewed, but not necessarily increased, annually. The progression of a Chief Officer or a Senior Manager through the pay band applicable to him/her will be contribution led based on individual, team and organisation performance. It will not be automatic and the process will be overseen by the Chief Executive.
- 4.7 The Council may in exceptional circumstances, engage Senior Managers/Chief Officers under contracts for services. The Council publishes in accordance with the Code details of all payments made under contracts for services in excess of £500 on the Council website. [See here.](#)

5 Remuneration of employees who are not Senior Managers or Chief Officers

- 5.1 The pay scales for all employees are increased in line with national and regional pay agreements.
- 5.2 For a majority of its employees who are not Senior Managers and Chief Officers the Council supports the NJC and regional (Greater London Provincial Council – GLPC) collective bargaining arrangements for pay and conditions of service and utilises the GLPC outer London pay spine (the exceptions to this are a small number of staff who are subject to the Soulbury, Teachers and NHS terms and conditions as detailed in paragraphs 5.6 to 5.13).
- 5.3 In April 2018 special salary arrangements were agreed for London for NJC employees covering the period of 1 April 2018 to 31 March 2020. The agreement sets out the criteria for pay awards in April 2018 and 2019 and a new London Pay Spine in April 2019. Refer to Appendix B for more detail.
- 5.4 The Council considers it important to be able to locally determine pay rates for some staff where this is necessary. This enables it to respond to regional and local labour market conditions. The Council benchmarks its pay rates with other London Boroughs to ensure that it is able to recruit and retain qualified and competent staff.
- 5.5 The Council and the Trade Unions are working towards a new local collective agreement for 2020 which covers the majority of its employees (employees subject to NJC conditions). This agreement details the terms and conditions, working arrangements and allowances to be paid to employees such as overtime, weekend working and call out payments.

- 5.6 The Council employs a small number of employees who are Education Psychologists and Education Advisers/Inspectors and uses the pay scales recommended by the Soulbury Committee for these employees.
- 5.7 The last national pay award agreement for employees covered by Soulbury conditions was a 2 year pay deal covering the period 2018 and 2019. The agreement sets out the criteria for the pay awards in September 2018 and September 2019. Refer to Appendix B for more detail.
- 5.8 The Council also employs a small number of centrally employed Teachers and uses the national Teachers Pay and Conditions (TPAC) pay scales for these employees.
- 5.9 The last national pay award agreement for employees covered by TPAC conditions was implemented with effect from 1 September 2019. Refer to Appendix B for more detail.
- 5.10 Public Health employees who transferred from the NHS into the Council from 1 April 2013 continue to be paid in accordance with NHS terms and conditions of employment.
- 5.11 The last national pay award agreement for employees covered by NHS conditions was implemented with effect from 1 April 2018. Refer to Appendix B for more detail.
- 5.12 Employees subject to NJC and Soulbury conditions are able to incrementally progress through the pay spine column points for their job evaluated grade. Progression will normally be one increment (pay spine column point) on the 1st of April each year until they reach the top of their grade.
- 5.13 Employees subject to NHS conditions are able to progress through the steps in their pay band subject to the principles set out in the Framework Agreement on the reform of Agenda for Change (27th June 2018).
- 5.14 Employees subject to TPAC conditions can incrementally progress through the pay spine column points subject to satisfactory performance normally on the 1st of September each year until they reach the top of their grade.
- 5.15 The Council approved with effect from May 2011 that in future the pay of Council employees at the lower ends of the pay spine receive a level of pay in line with the London Living Wage rate as determined from time to time by the Greater London Authority. This will be by way of an hourly pay supplement as appropriate to ensure that the London Living Wage rate is achieved. This rate was set at £10.75 per hour with effect from 11th November 2019 and is equivalent to a full time annual salary of £20,178.95 (exceptions to this are apprentices/trainees/interns).
- 5.16 In November 2018 the Council became an accredited Living wage Employer and will continue to work towards ensuring all workers in the supply chain are paid the relevant Living Wage.

6 Job Evaluation

- 6.1 The pay grades and therefore remuneration levels of employees (except for centrally employed Teachers who are subject to the Teachers Pay and Conditions documents) are determined by the use of a job evaluation scheme. Job Evaluation is a systematic process used to determine the relative worth of jobs within the organisation. It creates a rank order from the smallest to the largest job and ensures that consistent decisions in grades and rates of pay are made.
- 6.2 The table at Appendix B outlines the job evaluation schemes used for each group of employees.

7 Pay Multiple

- 7.1 The 'pay multiple' is the ratio between the highest paid taxable earnings and the median earnings figure of the whole of the Council's workforce. The Council's highest paid employee is the Chief Executive and the current pay multiple is shown in the table below.
- 7.2 Earnings for the purpose of calculating the 'pay multiple' are defined covering all elements of remuneration that can be valued (i.e. all taxable earnings for 2019/20 including base salary, variable pay, bonuses, allowances and the cash value of any benefits in kind). The calculation of earnings excludes the cash value of pension provision.
- 7.3 The Council defines its lowest paid employees as those paid on the lowest pay spine point of 1 on the GLPC outer London pay spine. The reason for this definition is that this is the lowest pay spine point in the Council in line with the job evaluation scheme and pay scales agreed with the unions. This excludes trainees, apprentices and interns. However, an hourly pay supplement is added when necessary to ensure that the London Living Wage rate is achieved as outlined in paragraph 5.14.

Description	2019/20
Highest Paid	£192,361.48*
Median	£33,291
Lowest	£20,178.95
Highest to median ratio	5.8
Highest to Lowest ratio	9.5

*The salary for the highest paid employee (Chief Executive) includes an allowance paid for Returning Officer duties as outlined in paragraph 10.2

8 Pay on Appointment

- 8.1 All employees, including Chief Officers, are normally appointed on the lower half of the pay range appropriate for their grade.
- 8.2 The Council delegates authority to Chief Officers / Chief Executive as appropriate to appoint staff above this part of the pay range.
- 8.3 The salary of the Chief Executive, and of any other Chief Officer where the proposed salary is £100,000 or more, will be determined by the Staffing and Remuneration Committee as outlined in paragraph 4.4.

9 Market Allowance Payments

- 9.1 The Council acknowledges that our employees are our best asset and that due to external factors market allowances will be required for some posts in order to attract and retain good staff.
- 9.2 Market allowances are linked to the post, not the person. They cannot be paid to someone because of their level of skill or experience.
- 9.3 A market allowance is deemed suitable where there is evidence of one or more of the following:
- The post has been advertised on more than one occasion and a suitable applicant could not be recruited.
 - Pay benchmarking exercises show that similar local authorities offer market allowances or a higher salary for the same work.
 - A national / local skills shortage where the Council is competing with a number of other employers for applicants.
 - The post is highly specialised with a limited number of potential applicants.
- 9.4 If the post does not meet the suitability criteria the payment of a market allowance is unjustified and may be in breach of equal pay legislation contained in the Equality Act 2010.

10 Fees for Election Duties

- 10.1 Council staff may be engaged on election duties of varying types. The fees paid to Council employees for undertaking these election duties vary according to the type of election they participate in, and the nature of the duties they undertake.
- 10.2 Returning Officer duties (and those of the Deputy Returning Officer) are contractual requirements, and fees paid to them for national elections / referendums are paid in accordance with the appropriate Statutory Fees and Charges Order and are paid by the body responsible for the conduct of the election.

11 Pension

- 11.1 There are three pension schemes covering the Council's employees.
- 11.2 A majority of its employees are entitled to join the Local Government Pension Scheme and receive benefits in accordance with the provisions of that Scheme as applied by the Council. Details of the Council's policy and decisions in respect of discretionary elements of the Scheme are published on the Council's website, [see here](#).
- 11.3 Centrally employed Teachers are entitled to join the Teachers' Pension Scheme and receive benefits in accordance with the provisions of that Scheme.
- 11.4 Public Health employees who transferred from the NHS and are members of the NHS Pension Scheme continue to receive benefits in accordance with the provisions of that Scheme.

12 Other Terms and Conditions of Employment

- 12.1 The Council's employment policies and procedures are reviewed on a regular basis in the light of service delivery needs and any changes in legislation etc.
- 12.2 The Council and unions agreement on 'single status' reached in 2008, as part of the collective agreement on Equal pay and conditions, outlined the working arrangements and the payments to be made to the majority of employees below senior manager level. This included arrangements for working outside normal working hours including overtime and call out payments.

13 Payments on Termination of Employment

- 13.1 In the event that the Council terminates the employment of an employee (including Senior Managers and Chief Officers) on the grounds of redundancy they will receive compensation and benefits in accordance with the Council's Redundancy scheme, which is published on the Council's website, [see here](#). Exceptions to this are employees who have TUPE transferred into the Council with different contractual entitlements.
- 13.2 Severance payments of £100,000 or more must be considered and approved by the Staffing & Remuneration Committee.
- 13.3 Details of redundancy compensation payments paid to senior management are published on the Council's website, [see here](#).
- 13.4 The Council's Redundancy schemes may be subject to change as part of the pay and grading review.

14 Re-employment of Employees

- 14.1 Section 7 of the Local Government and Housing Act 1989 requires that every appointment to paid office or employment in a local authority shall be made on merit.
- 14.2 Should a successful candidate be in receipt of a redundancy payment the Council will apply the provisions of the Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999 (as amended) regarding the recovery of redundancy payments. The rules of the Local Government Pension Scheme also have provisions to reduce pension payments in certain circumstances to those who return to work within local government service.

15 Further Information

- 15.1 For further information on the Council's Pay Policy please contact the Council's Reward Strategy Manager on 020 8489 1285.

Chief Officer/Senior Manager Pay Bands

Pay Bands – Effective from 1 st April 2019						
Level	People Leader	Individual Contributor	Step	Min.	Mid. (benchmark)	Max.
A	Senior Leadership		Step 2	£180,700	£195,400	£210,100
B	Director / Assistant Director		Step 3	£142,500	£154,000	£165,600
			Step 2	£116,100	£125,500	£134,900
			Step 1	£99,600	£107,700	£115,800
C	Head of Service	Senior Professional III	Step 3	£84,400	£92,700	£99,000
			Step 2	£72,100	£78,300	£84,200
			Step 1	£62,200	£67,200	£71,900

Employee Group	Job Evaluation Scheme	Last Pay Award Implemented	Next Pay Award Due
National Joint Council (NJC) for Local Government Services – Green Book (a majority of the Council's employees)	Greater London Provincial Council (GLPC) (with local variations)	A 2 year pay deal covering the period of 1 April 2018 to 31 March 2020. <u>w.e.f. 1 April 2018</u> An increase of 2% on pay spinal points 20 and above and an increase of between 2.91% to 9.19% on pay spinal points 19 and below. <u>w.e.f. 1 April 2019</u> Assimilation on to a new London Pay Spine and a pay increase of at least 2%.	1 April 2020 (To be agreed)
Chief Executive, Chief Officers & Senior Managers	The HAY job evaluation scheme	w.e.f. April 2019 An increase of 2%.	1 April 2020 (To be agreed)
Teachers Pay & Conditions - TPAC (centrally employed Teachers)	Teachers Pay and conditions documents	A 1 year pay deal w.e.f. September 2019 A 2.75% uplift has been applied to the statutory minima and maxima of all pay ranges and allowances.	1 September 2020 (To be agreed)
Soulbury (Education Psychologists & Education Advisers/ Inspectors)	Soulbury	A 2 year pay deal covering the period of 1 September 2018 to 31 August 2020. w.e.f. September 2018 and September 2019 an increase of 2% on all pay points and on all London area allowances.	1 September 2020 (To be agreed)
Public Health (ex-NHS staff)	The Agenda for Change NHS Job Evaluation Scheme (GLPC or Hay scheme for those whose roles have been reviewed since the transfer date to the Council)	A three-year agreement covering the years from 1 April 2018 to 31 March 2021. Pay increases over this period are as set out in the Framework Agreement on the reform of Agenda for Change (27 th June 2018).	1 April 2021 (To be agreed)

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Report for: **Staffing & Remuneration Committee, 6 February 2020**

Item number:

Title: **Employment References Policy**

**Report
authorised by:** **Richard Grice – Director of Customers, Transformation and
Resources**

Lead Officer: **Ian Morgan, Reward Strategy Manager**

Ward(s) affected: **N/A**

**Report for Key/
Non Key Decision:**

1 Describe the issue under consideration

- 1.1 Policies are not statutes or straightjackets for the reaching of judgments. Rather, the purpose of policy is to enable employers to exercise discretion fairly and lawfully and to provide employees with a degree of certainty as to how that discretion will be exercised.
- 1.2 The purpose of this report is to provide the committee with recommendations for adopting the Employee References Policy (Appendix 1) and Employee References Practice Notes (Appendix 2). The proposed policy sets out who can give corporate references, how requests for references should be handled and the types information that can be provided.

2 Cabinet Member Introduction

- 2.1 Not applicable.

3 Recommendations

- 3.1 That the Committee approve the new Employee References Policy and Practice Notes ready for implementation with effect from February 2020. These changes will be communicated to staff in February 2020.
- 3.2 That the Director of Customers, Transformation and Resources and the Chair of Staffing and Remuneration Committee will be delegated the power to make minor changes to the policy and practice notes without the need to refer to committee.

4 Reason for Decision

- 4.1 The council does not currently have a formal employment references policy. Currently, the council does not have any guidance or standardised format for giving employment references, leaving this to managers to decide upon the format of employment references on an ad hoc basis. In order to ensure that the council provides fair and accurate references it must have a policy and guidance.

5 Alternative options considered

- 5.1 To not have a policy on employment references, and risk negligent, inaccurate or misleading references being provided due to a lack of guidance.

6 Background information

- 6.1 The policy and practice notes cover all council employees, except those based in Schools who have their own process. This policy also covers agency workers and interims.

- 6.2 The practice note does not cover pre-employment checks which are covered by our recruitment policy.

6.3 Key aspects of the policy

- a. The council will provide 'limited' references, the reference will be limited to:
 - The capacity in which they were employed, i.e. job title
 - Dates of employment
 - A summary of absence if specifically requested
- b. Human Resources will provide 'limited' references on behalf of the organisation.
- c. Staff who work with children, young people or vulnerable adults may be subject to additional referencing to ensure that the council meets its duty of care when giving a reference for a job which involves working with, or caring for, children, young people or vulnerable adults.
- d. If an employee leaves with serious questions hanging over their performance or conduct, or if these concerns arise after the employee has left, the council will disclose the issues accurately to any prospective new employer. The council will make it clear whether any allegations have, or have not, been investigated.
- e. Personal references must clearly state that these are given in a personal capacity and are not provided on behalf of the council.

7 Contribution to strategic outcomes

Not applicable.

8 Statutory Officers' comments

8.1 Chief Finance Officer

There are no direct financial implications arising from this report.

8.2 Assistant Director of Corporate Governance

8.2.1 Generally, all information given in a reference must be based on fact or capable of verification. An employer is under a duty of care to give a true fair and accurate reference. This duty of care is owed to the employee/former employee who is the subject matter of the reference and also to the third party/prospective employer who requested the reference.

8.2.2 In addition, an employer is under a duty to ensure that the reference is not misleading, and to take reasonable care not to give misleading information either as a result of unfair selection of the information provided, and or by including facts and opinions in such a way which could give rise to false or mistaken inference in the mind of a reasonable recipient.

8.2.3 An employer may be found liable, to employees/former employees, but also to a prospective employer and can be sued for defamation of character (Libel) and / or negligence if the employer has written an inaccurate reference.

8.2.4 Where disciplinary action is pending it is in order to state this without providing the details of the case. However, to omit this information could be deemed to be in breach of the duty to the prospective employer.

8.2.5 In relation to allegations of improper conduct, in order to discharge the duty to give a true fair and accurate reference, an employer would need to be able to show that it had made a reasonable enquiry into the factual basis of each of the statements in the reference and it is fair. Case law has held that where an employer has honestly but a careless belief that the allegations of improper conduct are true, but these were never properly investigated, this belief would be a breach of the duty to give a true fair and accurate reference. Therefore, where an employer wishes to give an unfavourable reference about an employee/former employee they should confine their unfavourable statements

to matters into which they have made reasonable investigations and have reasonable grounds for believing to be true.

- 8.2.6 Although an employer needs to be careful about the information it discloses in a reference to ensure there is no breach of the duty to give a true fair and accurate reference case law has confirmed that the duty to disclose safeguarding concerns will be paramount in certain circumstances and may override other duties an employer may have to an employee. To address these competing duties the proposed employee reference policy sets out how the council will handle a reference where there are safeguarding concerns.

9 Use of Appendices

Appendix 1 – Employment References Policy

Appendix 2 - Employment References Practice Notes

10 Local government (Access to Information) Act 1985

Not applicable.

Appendix 1 – Employment References Policy

January 2020

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1. Purpose

This policy is designed to give clear guidance for staff who receive a reference request for a former or current employee.

2. Scope

This policy applies to all council employees, except those based in Schools who have their own process. This policy also covers agency workers and interims.

The policy does not cover pre-employment checks which are covered by our recruitment policy.

Failure to comply with this policy may leave individuals subject to disciplinary action.

3. General principles

The council will only provide “limited” references unless it is for certain financial services jobs regulated by the Financial Conduct Authority or Prudential Regulation Authority, or in those circumstances covered by 3.1, 3.2 and 3.3.

The reference will be limited to:

- The capacity in which they were employed, i.e. job title
- Dates of employment
- A summary of absence if specifically requested

The council will not use the provision of a “limited” reference to conceal serious matters. See 3.3 below.

3.1 Safeguarding of Children, Young People and Vulnerable Adults

3.1.1 The duty of care placed on an employer when giving a reference for a job which involves working with, or caring for, children, young people or vulnerable adults, is greater than for jobs which have no such involvement.

In such cases, HR will confirm whether the former or current employee has been the subject of any disciplinary sanctions and whether they have had any allegations made against them or concerns raised which relate to either the safety or welfare of children, young people or vulnerable adults or about the applicant's behaviour towards children, young people or vulnerable adults.

Details about the outcome of any concerns or allegations may be provided if these are sought within the reference.

3.1.2 Safeguarding Details

For all references provided for safeguarding roles, the council will carefully consider the following statements

- Has the candidate been subject to a disciplinary procedure relating to the safety and welfare of children or young people or vulnerable adults?
- Has the candidate been subject to any allegations or concerns in relation to the health and welfare of children or young people or behaviour towards children or young people or vulnerable adults?
- Is there any reason why you are not completely satisfied that the candidate is suitable to work with children or vulnerable adults?

3.2 Gross Misconduct

The council may be exposed to claims from a subsequent employer if there is a serious issue of gross misconduct that the council fails to mention in a reference.

If an employee leaves with serious questions hanging over their performance or conduct, the council will disclose the issues accurately to any prospective new employer. Concerns that have not been put to the employee will not be included. The council will make it clear whether any allegations have, or have not, been investigated.

The reference must be true, accurate and fair in substance and must make mention of any negative issue, appropriately and objectively.

3.3 Agreed References

A reference may be previously agreed if it is provided as part of a settlement agreement. If the wording and content of the reference is agreed this must be used for all future requests for an employment reference.

Safeguarding responsibilities will trump agreed references where there are safeguarding concerns. The council reserves the right in any settlement agreement to disclose information that they may be obligated to disclose under any statutory duty.

3.4 Personal References

If you are asked to provide a reference in a personal capacity, (e.g. friend or colleague), the reference must clearly state this. The council's email system, headed paper or any other form of council logo, must not be used. To do so may give the impression that the council endorses the reference. The council will not be responsible if you decide to give a personal reference.

4. Confidentiality

All references are confidential documents and only those that are necessary and relevant will be involved in providing references. They must not disclose the content of a reference to anyone who is not a party to the process. However, the council may be required to disclose a reference in certain circumstances as required by law.

Appendix 2 – Employment References Practice Notes

January 2020

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1. Introduction

When providing references regarding the employment history of employees and ex-employees, the council has a duty to take reasonable care and provide information that is true, accurate, fair and does not give a misleading impression.

This practice note sets out the process to be adopted for providing employment history references for employees and ex-employees.

2. Scope

This practice note applies to all council employees, except those based in Schools who have their own process. This policy also covers agency workers and interims.

The practice note does not cover pre-employment checks which are covered by our recruitment policy.

3. Reference Requests

3.1 Receiving a request for a reference

It is the organisation's policy that references for a former or current employee may be given only by HR department. No other person in the organisation is permitted to provide a written or verbal reference about current or former employees.

Any requests for a reference should be passed to the HR department by emailing the HR mailbox at humanresources@haringey.gov.uk

3.2 Providing the information requested

HR will respond to all requests for references after satisfying themselves that the request is genuine, from a bona fide organisation and with a recognised return address. If they have any doubt over the validity of the request, they will seek the written permission of the employee before responding.

The reference should explain that it is the organisation's policy to respond to requests for information in a standard format. The only factual information that may be provided is:

- The capacity in which they were employed, i.e. job title
- Dates of employment

- A summary of absence if specifically requested

3.3 Personal Files

HR will refer to the employee's personal file before responding to the request to check for issues relating to a settlement agreement, disciplinary or safeguarding matter.

The reference will be provided in writing and a copy kept on the individual's personal file.

3.4 Telephone Request

Reference requests must be received in writing.

No telephone references will be supplied.

4. Further references

Further information can be found on [ACAS's website](#).

Any queries can be sent to the HR department at humanresources@haringey.gov.uk

Appendix 1 – Standard Reference Template

This template is for HR use only.

Strictly private and confidential

Dear []

[Name of employee] [was/has been] employed by [name of organisation] [from [date] to [date]/since [date]] as [job title].

[Name of employee] left the organisation [insert reason for termination of employment e.g. resignation, redundancy, or the expiry of a fixed-term contract].

Please note that it is our policy to only provide this basic information for employment reference purposes.

While the information provided is, to the best of [name of organisation]'s knowledge, true, accurate fair and in confidence [name of organisation] cannot accept any liability for decisions based on it.

Yours sincerely

[Director of Customers, Transformation & Resources]

Report for: Staffing & Remuneration Committee, 6 February 2020

Item number:

Title: Flexible Working Policy Review

Report authorised by: Richard Grice – Director of Customers, Transformation and Resources

Lead Officer: Ian Morgan, Reward Strategy Manager

Ward(s) affected: N/A

**Report for Key/
Non Key Decision:**

1 Describe the issue under consideration

- 1.1 Policies are not statutes or straightjackets for the reaching of judgments. Rather, the purpose of policy is to enable employers to exercise discretion fairly and lawfully and to provide employees with a degree of certainty as to how that discretion will be exercised.
- 1.2 As part of the council's requirement to conduct a rolling review of all HR policies, Members are asked to consider the revised Flexible Working Policy (attached as Appendix 1) and Practice Notes (attached as Appendix 2).

2 Cabinet Member Introduction

- 2.1 Not applicable.

3 Recommendations

- 3.1 That the Committee approve the new Flexible Working Policy and Practice Notes ready for implementation with effect from February 2020. These changes will be communicated to staff in February 2020.
- 3.2 That the Director of Customers, Transformation and Resources and the Chair of Staffing and Remuneration committee to be delegated the power to make minor changes to the policy and practice notes without the need to refer to committee.

4 Reason for Decision

- 4.1 The policy currently in use was introduced in October 2012. As a key policy it is important to take on board the lessons learned from six years of operation and have a policy that more accurately reflects the organisational changes which have taken place, and captures current thinking with regard to good HR practice. Flexible working has become common practice for many employers, including the council, and as such its important that our policies in this area are up to date and fit for purpose.

5 Alternative options considered

- 5.1 The rolling review of HR policy is a requirement of the Internal Audit recommendations.

6 Background information

- 6.1 The policy applies to all council employees, except those teachers directly employed by the council and all staff appointed by schools operating under local management of schools, which have their own procedure.
- 6.2 Flexible working can aid recruitment and retention, help reduce absenteeism and improve morale, while tailoring working practices around workload requirements.
- 6.3 Key aspects of the policy
- a. The policy clarifies our statutory provision to allow staff to apply for flexible working and the process of doing this.
 - b. In addition to our statutory requirements, the policy articulates a number of flexible working practices that staff might utilise in fulfilling their role:
 - Working Location
 - Working Hours
 - Voluntary Changes in Hours
 - Term time working / Seasonal Working
 - Annualised Hours
 - Compressed Working
 - Part-time Working
 - Job Sharing
 - Self-rostering
 - Swapping hours / Shifts
 - Sabbatical
 - c. The policy and practice notes convey the council's commitment to retaining talent and being as flexible as possible such that staff are able to find a work / life balance.

- d. The policy also covers flexi-time and TOIL.
- e. In order for flexible working practices to be effective, the practice notes provide full guidance on role and responsibilities and the procedures for implementing. This allows for manager to implement the policy with confidence and discretion to ensure it applied for their staff in the most appropriate way.

7 Contribution to strategic outcomes
Not applicable.

8 Statutory Officers' comments

8.1 Chief Finance Officer

There are no direct financial implications arising from this report.

8.2 Assistant Director of Corporate Governance

The Assistant Director of Corporate Governance has been consulted in the preparation of this report. Legal Services has been involved in reviewing the proposed Flexible Working Policy and confirms that it complies with all relevant legislation.

9 Use of Appendices

Appendix 1 – Flexible Working Policy

Appendix 2 – Flexible Working Practice Notes

10 Local government (Access to Information) Act 1985
Not applicable.

Appendix 1 – Flexible Working Policy

December 2019

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1. Purpose

The council is committed to providing high quality services through continuous improvement. This requires the council to respond quickly by adapting work patterns, redesigning jobs and creating a more flexible workforce. The flexible working policy sets out a framework to provide employees with more choice about where, when and how to do their jobs and achieve the outcomes required.

2. Scope

The policy applies to all council employees, except those teachers directly employed by the council and all staff appointed by schools operating under local management of schools, which have their own procedure.

3. General Principles

'Flexibility' and 'flexible work' are terms used to describe a wide range of work styles and employment practices. This includes any employment arrangement which differs from traditional working hours or a set location. Increased focus on work-life balance is becoming more highly valued by many employees who now want and expect increased flexibility over other benefits.

3.1 Aims of the Policy

Modern flexible working is about looking at how we make better use of the space and technology available to us. It's about finding the best way to deliver services to our customers and, in doing so, build a responsive, efficient and productive organisation. Therefore, flexible working practices are to be the way the council approaches achieving these objectives.

Flexibility of working hours can aid recruitment and retention, help reduce absenteeism and improve morale, while tailoring working hours around workload requirements. Flexible working hours can be especially advantageous for those with caring responsibilities, or those who commute long distances.

3.2 Statutory Provision

Most employees are now able to work flexibly as standard working practice, and therefore it is not necessary to formally request flexible working in most situations.

However, all employees with at least 26 weeks' continuous employment have a statutory right to request a specific flexible working arrangement. Managers have a statutory duty to consider a request in a reasonable manner and can only refuse a request for flexible working where there is a clear business reason for doing so.

3.2.1 Process for requesting flexible working

Employees should make a considered application in writing to their line manager.

Employees are only able to make one application a year under the right, and accepted applications will mean a permanent change to the employee's own terms and conditions of employment unless otherwise agreed between both parties.

Within 28 days of receiving the request, the manager must arrange to meet with the employee. The employee can, if they wish, bring a staff representative to a flexible working meeting.

Within 14 days after the date of the meeting the manager must write to the employee to either agree to a new work pattern and a start date, agree to a trial period, or to provide clear business grounds as to why the application cannot be accepted and the reason why the grounds apply in the circumstances and set out the appeal procedure.

All time periods can be extended where both the manager and the employee agree. Any extensions must be recorded in writing by the employer and copied to the employee.

Managers should contact HR if they require advice and guidance on implementing this policy and procedure.

3.2.2 Appeal procedure

This policy provides an employee with the right to appeal against their manager's decision within 14 days of being notified.

If an employee wishes to appeal, they should write to the Director of their service within 14 days of receiving the written notification of the decision, setting out the reasons for the appeal

The Director will then arrange for the appeal to be heard by an appropriate Manager who has had no prior involvement in the case. The appeal hearing will be a review of the decision.

The individual will have the right to attend the hearing accompanied by trade union official or work colleague. The manager who made the initial decision regarding the request may also attend if appropriate.

The decision may be given at the appeal hearing and will in any event be confirmed in writing within fourteen days of the hearing. The decision following the appeal shall be final.

3.3 Staff Representation

Individual employees, or groups of individuals, are entitled to ask a trade union official or work colleague to represent them at any point in the process. The employee's chosen companion should be allowed to address the meeting to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting. The companion does not, however, have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the council from explaining their case.

4. Working Practices

A great deal of flexibility exists on working hours across the council, and the council wishes to support and encourage such an approach where possible. Most arrangements, such as changes to start and finish times, can often be negotiated locally without the requirement for a formal flexible working request. However, individuals still have the statutory right to submit a formal application if it is not possible to accommodate this within normal flexible working arrangements.

4.1 Working Location

Roles within the council are able to adapt to working remotely either on a regular basis or when a particular task needs completing (for example, writing a report), which could be undertaken more easily in a quieter home/alternative office environment.

N.B. Remote working is not a substitute for suitable care arrangements and dependants should always be looked after by someone other than the employee during working hours.

4.2 Working Hours

We have a large amount of flexibility in how an employee's hours are worked, the principle that will operate in any of the alternative flexible working arrangements is that you are still required to work your contractual hours.

4.2.1 Voluntary Changes in Hours

This arrangement enables employees to change the number of hours worked by either:

- Reducing working hours (voluntary reduced working time)
- Splitting a full-time job into two part-time jobs (see job share)
- Increasing them, by coupling two or more part-time jobs, or adding additional hours to their current contracts

This arrangement may be permanent or temporary. A temporary change could be used as a trial period to test, from both sides, the desirability of a permanent change.

4.2.2 Term time working / Seasonal Working

As an initiative to promote work-life balance, term time working is usually an arrangement of hours that enables parents to spend more time with their children through unpaid leave over the school holidays. It also supports parents who have difficulties arranging care that complements school opening hours.

Seasonal working is where the member of staff is engaged to work for less than 52 weeks per year, but the weeks that they do not work can fall at any time of the year (rather than necessarily during school vacations). For instance, there may be occasions during the academic year when workload is higher than during other times during the year, (for example, around the examinations period). Seasonal adjustments to time worked during this period may help.

It is important that members of staff engaged on a term time or seasonal basis are clear about their work pattern.

4.2.3 Annualised Hours

Annual hours contracts can 'average' full- or part-time employment across the period of a calendar year. This flexible method of employment ensures that the individual works at those times most suited to the workload requirements.

Annualised hours is a system where an employee's hours are totalled over a long period of months, usually a year. Employees work more or less hours each week as agreed, usually fitting in with seasonal peaks and troughs of the service, up to the annual maximum. A full-time employee working a standard 36-hour week has an annualised equivalent of 1872 hours, based on 52 weeks.

While the increased flexibility can be beneficial to the manager and the employee, it should be recognised that too great a degree of uncertainty in relation to work pattern

can be stressful and even impractical to potential employees, so patterns should be specified as far as possible.

4.2.4 Compressed Working

Compressed hours may be useful for staff who wish to continue to work current total hours and retain current benefits but would prefer to compress the hours into a shorter working week or fortnight. An example is a 'nine-day fortnight' with 10 days' worth of hours worked over nine slightly longer days, allowing one day off per fortnight.

It is important that any compressed hours arrangement does not have an adverse impact on service provision or operational requirements and does not increase the workload of other colleagues.

4.2.5 Part-time Working

A part time employee is defined as any employee who is contracted to work less than the basic full-time contractual hours i.e. less than 36. Part time working can take various patterns, including part day, part week and part year.

4.2.6 Job Sharing

Job sharing is a way of working where two or more people voluntarily share the duties of a full-time post with the hours, pay, holidays etc. divided on a pro-rata basis. There are 2 common types:

- Shared responsibility – the 2 employees share all the responsibilities of one full time job each performing the full range of duties picking up where the other left off. This is best suited to ongoing work rather than project-based work.
- Divided responsibility – the responsibilities of one full time position are divided between two people, although they may also provide back up for each other as required. This is best suited to work which can easily be divided up e.g. project work.

In all instances, there should always be a written agreement on how to meet the full expectations of the job.

4.2.7 Self-rostering

Conventional rostering represents a job with working patterns decided by the manager. Self-rostering means agreeing the staffing levels and skills mix required at any time in the day, then giving staff the ability to schedule their working day collectively to meet these requirements, within a managed framework.

4.2.8 Swapping hours / Shifts

Procedures to enable swapping hours (sometimes called shift swaps) enable employees to exchange hours with colleagues doing the same type of work at different times of the day.

4.3 Flexi Time

Provided that flexible working helps and improves service delivery and enables the council to achieve its objectives, the council is keen to encourage the use of flexi time working where other forms of flexible working practices are not able to be carried out.

The council seeks to foster a culture of trust and respect between staff and management and encouraging employees to be responsible in the way they administer flexi time and to act in accordance with this policy.

- Within the flexitime scheme, attendance should be kept between 8:00am and 6:00pm. These are the hours which qualify as flexitime. The core working time period is 9:45am to 3:30pm, this does not include the lunch break. Any hours that exceed this should be considered under the TOIL scheme.
- A lunch break of between 30 minutes and 1 hour must be booked each day. TOIL may not be booked for time not taken. With the prior agreement of the manager, a lunch break between 1 – 2 hours may be taken.

4.4 Time off in lieu (TOIL)

The council recognises that there will be employees who are required to work in excess of their regular working hours which needs to be compensated.

- TOIL hours are accrued for time worked in excess of an employee's normal working hours. Hours worked after 8:00am and before 6:00pm are to be counted as flexi time.
- TOIL also should not be used to replace a 'working lunch'. between the hours of 12noon – 2pm. The council's flexitime scheme allows for a minimum of 30 minutes to 1-hour lunch breaks, with a maximum of 2 hours subject to prior agreement with the employee's line manager.
- It is the responsibility of the employee to organise their workload so that usual duties and/or attendance are carried out within normal weekly contractual hours where possible. Managers also have a responsibility to support their team in managing workloads.

- The equivalent of 2 TOIL days (14hrs 24 mins FTE, pro-rated for part-time staff) may be taken on one occasion at a time, and should ideally be taken within a month of accrual. The employee must seek management approval before taking any TOIL, the same as the annual leave approval process.

With the agreement of the Manager where there are exceptional circumstances pertaining to an individual or there are service needs where TOIL cannot be taken readily, if the employee has sufficient accumulated hours, conversion to Annual Leave may be considered in order to 'bank' the TOIL hours to be taken at a later date. It must be stressed that this should only take place in exceptional circumstances and staff should not be encouraged to accept 'banking' of TOIL hours as Annual Leave to be taken at a later date in preference to taking the time off as and when accrued (subject

Appendix 2

Flexible Working Practice Notes

December 2019

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 - 3.3 The Role of The Staff Representative
4. Working Practices
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- 5.1 The request
- 5.2 What should you do with a request?
- 5.3 Discuss with employee
- 5.4 Consider the request
- 5.5 Deal with requests promptly

1. Introduction

The flexible working policy and practice notes aims to support greater flexibility for council employees. This policy provides the framework, defining the different types of flexible working and how they might be availed of by employees.

With the shift in emphasis towards increased work-life balance in conjunction with job satisfaction, greater flexibility in the workplace has been a main feature in this approach. The council supports everyday flexibility as a normative working practice, this means that flexible working should not only be practiced but encouraged widely.

Flexible working is part of the council's strategy to be able to react more efficiently and flexibly in its service delivery. This by use of dynamic technology and modern employment practices, thus allowing greater flexibility in work patterns.

2. Scope

The policy applies to all council employees, except those teachers directly employed by the council and all staff appointed by schools operating under local management of schools, which have their own procedure.

3. Roles and Responsibilities

3.1 The Role of The Individual

- to enter into the spirit of flexible ways of working and remember that increased flexibility brings a greater responsibility to co-operate with colleagues and managers
- take responsibility for agreeing an appropriate way of working to achieve the task
- comply with health and safety requirements and undertake the appropriate assessments required
- carry out necessary actions to minimise risk and maintain safe working conditions
- adhere to council policies and procedures, in particular HR, Health and Safety and Information Technology, Data protection and confidentiality procedures
- attend council offices when requested to be present at meetings and/or other events.

3.2 The Role of The Line Manager

- implement new ways of working in a fair and consistent way
- make employees aware of other related policies or guidelines and the responsibilities within them
- engage in discussions in an open and constructive way to agree new ways of working which are focussed on service needs
- agree appropriate contact arrangements for any employee who undertakes new ways of working
- encourage employees who work more flexibly to attend team meetings as appropriate

3.3 The Role of The Staff Representative

- represent or accompany employees at flexible working meetings.
- at meetings, address the meeting to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting.
- they cannot answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the council from explaining their case.
- prioritise meetings and maintain confidentiality.

4. Working Practices

A great deal of flexibility exists on working hours across the council, and the council wishes to support and encourage such an approach. Regular flexible working is a supported practice. However, if further provisions are required which fall outside of regular flexible working individuals still have the statutory right to submit a formal application if they wish. Whether your team operates a formal or an informal system, it is important that the following considerations are taken into account:

- The needs of each team will vary over time. Ensure that any scheme you introduce is appropriate to the current situation and includes a mechanism for review.
- Regular remote workers should try, as much as possible to vary their remote working days. A fixed 'remote working day' needs to have been agreed in writing.
- Ensure that staff are aware that flexibility is dependent upon the operational needs of the team.

- If some staff are offered different levels of flexibility than others, ensure that this is justifiable. Explain clearly the reasons and consider the impact of flexibility on other colleagues in the team.
- A record must be kept of all changes, both informal and formal.

4.1 Working Location

The council supports and encourages working remotely, providing the environment and tools for all parties to benefit from adopting these practices.

Roles within the council are able to adapt to working remotely either on a regular basis or when a particular task needs completing (for example, writing a report), which could be undertaken more easily in a quieter environment.

Employees should:

- complete the Remote Working Checklist (a copy of which can be found on the HR Intranet pages <http://intranet/shared-service-centre/human-resources/hr-policies-and-procedures-library>)
- Complete the Haringey Council Home Working Health and Safety Checklist (a copy of which can be found on the HR Intranet pages <http://intranet/shared-service-centre/human-resources/hr-policies-and-procedures-library>)
- make available a room or area of their home for use as an office/working area
- have access to hot desks in the same location as their service area and across council buildings

5. Responding to a Request for Flexible Working

5.1 The request

A request from an employee under the Employment Rights Act 1996 and regulations made under it must be in writing and must include the following information:

- the date of their application, the change to working conditions they are seeking and when they would like the change to come into effect
- what effect, if any, they think the requested change would have on you as the employer and how, in their opinion, any such effect might be dealt with
- a statement that this is a statutory request and if and when they have made a previous application for flexible working

You should make clear to your employees what information they need to include in a written request to work flexibly.

5.2 What should you do with a request?

Once you have received a written request, you must consider it. You should arrange to talk with your employee as soon as possible after receiving their written request. If you intend to approve the request then a meeting is not needed.

You should allow an employee to be accompanied for this and any appeal discussion and the employee should be informed about this prior to the discussion.

5.3 Discuss with employee

You should discuss the request with your employee. It will help you get a better idea of what changes they are looking for and how they might benefit your business and the employee.

Wherever possible the discussion should take place in a private place where what is said will not be overheard.

5.4 Consider the request

You should consider the request carefully looking at the benefits of the requested changes in working conditions for the employee and your business and weighing these against any adverse business impact of implementing the changes. In considering the request you must not discriminate unlawfully against the employee.

Once you have made your decision you must inform the employee of that decision as soon as possible. You should do this in writing as this can help avoid future confusion on what was decided.

If you accept the employee's request, or accept it with modifications, you should discuss with the employee how and when the changes might best be implemented.

If you reject the request it must be for one of the following business reasons as set out in the legislation:

- the burden of additional costs
- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- a detrimental effect on ability to meet customer demand
- insufficient work for the periods the employee proposes to work
- a planned structural change to your business

If you reject the request you should allow your employee to appeal the decision. It can be helpful to allow an employee to speak with you about your decision as this may

reveal new information or an omission in following a reasonable procedure when considering the application.

5.5 Deal with requests promptly

The law requires that all requests, including any appeals, must be considered and decided on within a period of three months from first receipt, unless you agree to extend this period with the employee.

If you arrange a meeting to discuss the application including any appeal and the employee fails to attend both this and a rearranged meeting without a good reason, you can consider the request withdrawn. If you do so, you must inform the employee.

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