



Terms of Reference – Pay and HR Committee

Name of Committee	Pay and HR Committee
Membership	<ol style="list-style-type: none"> 1. The Committee shall comprise a minimum of four governors 2. Any paid employees of the school who are also governors are unable to be members of the Pay and HR Committee. The Executive Headteacher may attend in an advisory capacity but will withdraw when their own salary is being discussed. 3. Pay recommendations will be received by the committee from the Executive Headteacher 4. Pay and HR Committee members will be excluded from membership of the Governors' Appeal Committee where convened to consider a pay appeal. 5. All meetings of the Governors' Pay and HR Committee will be minuted. 6. Members need to be fully conversant with the school's pay policy and in particular be familiar with the pay structure (understanding the different pay ranges), the progression arrangements associated with each range and the definitions attached to each performance rating. 7. Members should also be familiar with how performance management operates and undertake training and development relevant to the committee's work. 8. Chair of the HPMC - There is no reason why a member of the Executive Headteacher Performance Management Committee cannot be a member of the Pay Committee, save for the fact that they cannot determine the outcome of the Executive Headteacher's pay. In such circumstances, the governor should either make or listen to the recommendation (where made by another member of the Executive Headteacher Performance Management Committee), be available to the Pay Committee for questions and withdraw from this determination. Where the Chair of the HPMC sits on the Pay Committee, the Pay Committee must consist of 4 members to ensure that when the Chair of the HPMC withdraws, there are still three governors able to vote.
Quorum	<p>The quorum for the Governors' Pay and HR Committee is three members who must be able to vote.</p> <p>The Executive Head Teacher, or a substitute nominated by the Executive Head Teacher shall be in attendance.</p>
Delegated powers and purpose of Committee	<p>The Pay Committee will:</p> <ol style="list-style-type: none"> 1. Annually determine salary progression for eligible teaching staff, following recommendation by the Executive Headteacher 2. Annually determine salary progression for the Executive Headteacher, where eligible, following recommendation by the Executive Headteacher Performance Management Committee 3. Deal with any request from a governor or the school leadership team to review leadership pay ranges and make recommendations for any changes to the full governing body, where appropriate added as per latest MOPP guidance 4. Receive a summary report from the Executive Headteacher on support staff pay determinations 5. Where the Pay Committee has agreed to do so, and prior to making a pay determination, receive and/or hear evidence from an employee who does not agree with the recommendation that the Headteacher (or Chair of the HPMC). See further guidance in Teachers' Pay Recommendations: Advice for Pay Committee Governors.



	<ol style="list-style-type: none"> 6. Monitor and check arrangements for staff review including the effective implementation of the performance management policy 7. Undertake the annual audit of performance management 8. Complete a detailed audit of performance management at an appropriate point in the school's Ofsted cycle 9. Ensure that each member of teaching staff is notified of his/her annual salary for the academic year in writing within one month 10. In consultation with the Executive Head teacher, to annually monitor and review policies referred to it by the FGB. I removed the list of polices as in reality these are done by the policy working party
<p>Calendar of Meetings</p>	<p>Autumn Term</p> <ol style="list-style-type: none"> 1. Confirm meeting dates 2. Receive Executive Headteacher Performance Management Committee's recommendation for the Executive Headteacher's pay progression 3. Make determinations on the Executive Headteacher's salary progression, backdated to 1st September 4. Request that a written salary statement is issued to the Executive Headteacher to confirm Committee determinations 5. Chair of Committee to complete notification form to provide notification of the Executive Headteacher pay progression to payroll <p>Spring Term</p> <ol style="list-style-type: none"> 1. Make determinations in respect of the audit of performance management and pay for the academic year. 2. Receive Executive Headteacher report on support staff pay progression decisions for review <p>Summer (2) Term <i>[Items listed under Summer 2 may be addressed in the Autumn term if insufficient information is available].</i></p> <ol style="list-style-type: none"> 1. Receive Executive Headteacher's recommendations for teachers' pay progression decisions 2. Make determinations on teachers' salary progression, to take effect from the 1st September 3. Request that written salary statements are issued to teaching staff to confirm Committee determinations (within 1 month)
<p>Reports</p>	<p>All meetings of the Governors' Pay Committee will be minuted. A clerk will be appointed to the committee, who should not be the Executive Headteacher.</p> <p>The minutes of the Pay Committee are confidential and will not normally be circulated beyond the full governing body. In the event of an individual pay appeal, the governing body will seek appropriate advice on the disclosure of minutes, recognising the rights to confidentiality and protection of data for all members of staff.</p> <p>At least 14 days before each meeting the clerk shall prepare a draft agenda in discussion with the chair and Executive Headteacher. An agreed agenda will be sent to all committee members within 7 days of the meeting together with a copy of the previous minutes and any attachments relevant to the meeting.</p> <p>Draft minutes will be sent to the chair and Executive Headteacher within 7 days of</p>



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	<p>the meeting. Agreed draft minutes will be sent to all committee members within 14 days of the meeting. Any minutes dealing with staff salary progression should be clearly marked as confidential and may be required for a pay appeal.</p> <p>The committee should summarise at the next FGB the main points under discussion and the decisions made in a summative overview. Non confidential minutes should be sent to all governors at the next FGB.</p>
Review	<p>The committee is responsible for the annual review of the Terms of Reference in the summer term for approval by the governing body at the beginning of the academic year (autumn term) or earlier.</p>

Reviewed by committee: 4/7/16

Approved by FGB: 12/9/16

Next Review Date – Summer 2017



Appendix: Supplementary Guidance from MOPP:

The Governing Body has responsibility for making pay determinations in respect of all staff. Governing bodies are strongly advised to delegate this responsibility, which will then allow some members of the Governing Body to be untainted in the case of any appeal.

Governing bodies are strongly recommended to delegate the responsibility for making pay determinations to a Committee of the Governing Body, which in order to be Quorate must have three members. Governing bodies could choose to delegate the responsibility to an individual governor, or to the Headteacher. Governing bodies that are considering delegating in this manner should consider;

- *It is good practice to separate the role of those that recommend a performance management outcome and those that determine the pay impact of that outcome.*
- *Where decisions are made by one person, there is more potential for inadvertent bias to affect pay judgements and even where there is no bias, to demonstrate that this is the case is more challenging.*
- *EPS is anticipating a high level of interest and scrutiny from unions in this area.*
- *The model pay policy has been consulted on for Hampshire maintained schools on the basis of pay recommendations being made to the Pay Committee; EPS view is that if determinations were to be made to an individual governor, or the Headteacher were to make pay determinations, this would be a fundamental change that would require consultation with recognised unions (EPS would be happy to facilitate this).*

Membership and Quorum

The Pay Committee must consist of a minimum of three governors. Pragmatically, governing bodies may wish to use an existing committee with responsibility for staffing and finance matters (often the Finance or Resources Committee) to perform the role to avoid unnecessary additional burdens in the governing body meeting calendar and given the financial impact of the decisions made by the Committee.

Any paid employee of the school who is also a governor is unable to be a member of the Pay Committee. Where governing bodies are utilising an existing committee (e.g. Finance), this is best achieved by organising meetings of the pay committee to immediately precede or follow an existing meeting so such governors can join or depart as appropriate.

There are no other governors who are prohibited from being members of the Pay Committee, although questions are often asked about two members; Chair of the Headteacher Performance Management Committee (HPMC) and the Chair of Governors;

Chair of the HPMC - There is no reason why a member of the Headteacher Performance Management Committee cannot be a member of the Pay Committee, save for the fact that they cannot determine the outcome of the Headteacher's pay. In such circumstances, the governor should either make or listen to the recommendation (where made by another member of the Headteacher Performance Management Committee), be available to the Pay Committee for questions and withdraw from this determination. Where the Chair of the HPMC sits on the Pay Committee, the Pay Committee must consist of 4 members to ensure that when the Chair of the HPMC withdraws, there are still three governors able to vote.



Chair of the Governing Body - Equally, there is no reason why the Chair of Governors cannot be a member of the Pay Committee. Hampshire does however advise that the Chair of Governors does not participate in the performance management of the Headteacher. This protects both the Headteacher and Chair of Governors from risk of challenge of lack of objectivity and probity in respect of the performance management process.

Members of the Pay Committee cannot be involved in any Pay Appeal Committee which arises as a result of their determinations.

The Headteacher has the right to attend in an advisory capacity but must withdraw when their own salary is being discussed. In the majority of circumstances, the Headteacher will present the recommendations to the Governors' Pay Committee, but if the school's pay policy permits, recommendations to the Pay Committee may be received from each performance management reviewer.

Minuting the meeting and reporting back to the full governing body

All meetings of the Governors' Pay Committee, must be clerked. However, the committee does not require verbatim minutes and brief notes of key points of discussion and decisions made are sufficient. In most cases, the Chair or another member of the Committee will act as clerk and notes will be agreed with Committee members as soon as practicable afterwards.


As the nature of the discussion concerns staff salary progression, such minutes must be clearly marked as confidential.

It is important to be aware that such minutes will be required, in the event of a pay appeal.

The Governors' Pay Committee are required, following each meeting, to confirm to the next full governing body that the Committee has met, to summarise the main points under discussion and the decisions taken. Such a report will be a summative overview.

Delegated powers and the purpose of the committee

Advice on preparation for the annual salary determination can be found in [Teachers' Pay](#)

[Recommendation: Advice for Pay Committee Governors](#)  61kb. Once decisions are made, the Governors' Pay Committee will need to ensure that arrangements are made to issue salary statements to teaching staff and confirm pay outcomes in writing, as detailed in the pay policy. Such confirmation must statutorily be within one month of the determination.

Although not required by Ofsted or national regulation, Governing Bodies as part of their responsibilities for ensuring both the quality of the provision and efficient use of the school budget, should have an oversight of the pay and performance arrangements for their support staff. Support staff operate on a similar basis to teachers', with three performance management ratings leading to differing pay progression outcomes but these take effect from April each year based on national terms for local government employees (which includes maintained school staff), albeit most schools will manage performance on an academic year basis. Hampshire County Council is currently changing the support staff performance management systems and associated pay outcomes and as this project rolls out to schools, further advice will be provided to Governors' Pay Committees on their role in relation to these recommendations. In the meantime, unless governors have already established a process for their involvement in these recommendations, Governors are encouraged to ensure that the Headteacher, at minimum, reports a summary of determinations made to the Governors' Pay Committee.

Depending on the agreed arrangements within the Governing Body, the Governors' Pay Committee may undertake an annual audit of performance management and the periodic detailed audit of performance management. These roles do not have to be undertaken by the Governors' Pay Committee, but they are



most pragmatically undertaken by committee members fully conversant with the school's pay and performance management policies.

The Governing Body may also determine that the Governors' Pay Committee has a role in the annual review of the pay and performance management policies. The review of such policies is normally delegated to the committee with responsibility for staffing matters, who in turn then must recommend any amendments to the full governing body for adoption.

Calendar of Business

The calendar of business will depend on the extent of the role of the pay committee.

Teachers' Performance management, in line with the model performance management policy is normally undertaken by 31 October. Pay determinations should be made and confirmed to staff as soon as practicable afterwards. The Governors' Pay Committee will therefore need to agree with the Headteacher, an appropriate date, subsequent to the completion of the performance management process by which the Headteacher and/or Performance Management reviewers will be ready to present to the Governors' Pay Committee. Such a meeting would normally be in late October/early November.

Ideally the Headteachers' Pay determination, where eligible (i.e. if there is space within the Headteacher's pay range for progression), should occur at the same time. However, it may not have been possible for the Headteacher Performance Management Committee to have met with the Headteacher to conclude the performance management process within this timescale. In many instances, the Headteacher Performance Management process concludes by the end of December and in exceptional circumstances, this may be early Spring. The Chair of the Governors' Pay Committee should liaise with the Chair of the Headteacher's Performance Management Committee and identify an appropriate date either in late Autumn (November/December) or early Spring (ideally January) to consider the recommendation.

For all teaching staff, including the Headteacher, salary determinations are backdated to 1 September.

Where the Governors' Pay Committee has an established role in support staff pay determinations, the recommendations should be made to the Pay Committee by the end of December/early January to enable notification of outcomes to the payroll provider and progression to take effect from the following April.

Whilst therefore it may possible for the Governors' Pay Committee to meet just once in the academic year, in October, it is likely that most committees will also meet in late Autumn/early Spring to undertake the Headteacher pay progression decision if appropriate and to receive/determine support staff pay decisions.

Where the Governors' Pay Committee has nominated one of its members to undertake the annual audit of performance management, it will need to agree the timeline for reporting back to the full governing body. Pragmatically, it is beneficial that this takes place in the Spring term, given the performance management and pay workload for the school leadership and governors in the Autumn term.