



# The First Federation Trust Pay Policy

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## SECTION A GENERAL INTRODUCTION

### 1 Introduction

- 1.1 This policy sets out the framework for making decisions on employees' pay. It has been developed to comply with current legislation<sup>1</sup>, the requirements of the School Teachers' Pay and Conditions Document (STPCD), the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service ("Green Book") and in accordance with the principles of public life - objectivity, openness and accountability.
- 1.2 As part of the application of this policy, the First Federation Trust will collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time, and our Workforce Privacy Notice sets out how we will gather, process and hold personal data of individuals in relation to pay.
- 1.3 In adopting this pay policy the aim is to:
- 1.3.1 achieve excellent outcomes for all students;
  - 1.3.2 support the recruitment and retention of a high-quality workforce;
  - 1.3.3 complement the First Federation Trust's appraisal policy which is supportive and developmental and ensures employees have the skills and support to do their job effectively;
  - 1.3.4 complement the delivery of the appraisal process and make robust decisions on executive pay
  - 1.3.5 clearly explain how the First Federation Trust will determine teachers' and support staff pay and how decisions will be made without linking performance to pay progression;
  - 1.3.6 enable us to recognise and reward staff appropriately for their contribution to the First Federation Trust;
  - 1.3.7 help to ensure that decisions on pay are managed in a fair, just and transparent way whilst eliminating unnecessary bureaucracy for all concerned.; and
  - 1.3.8 ensure that there is no pay discrimination in decision making and that where applicable decisions on pay are based on evidence and can be justified.
- 1.4 Pay decisions at the First Federation Trust are made by:
- 1.4.1 For members of the Executive Team:

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<sup>1</sup> Including the Employment Relations Act 1999, the Equality Act 2010, the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 and the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.

- (a) For the Trust Senior Leadership Group (see section D): the Executive Remuneration and Performance Management committee will make a pay recommendation to the board, and the board will review the recommendation and make the final decision.
- (b) For other Executive staff (see section D): the Chief Executive will make a pay recommendation to the Strategic & Finance Committee and the Strategic & Finance committee will review the commendation and make the final decision. The recommendation from the Chief Executive Officer will be based on the recommendation from the line manager of the Executive staff;

1.4.2 For school based staff working across more than one school: their linked Executive Director

1.4.3 For all other staff: their Head of School or Line manager

1.5 This policy has been implemented following consultation with staff and the recognised trade unions. The Board of Directors adopted this policy on

## **2 Monitoring the impact of the policy**

The Board of Directors will monitor the outcomes and impact of this policy on an annual basis, including trends in progression across specific groups of staff to assess its effect and the Trust's continued compliance with equalities legislation.

## **3 Review of policy**

This policy is reviewed annually by First Federation Trust in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.

## **SECTION B DETERMINING TEACHERS' PAY**

### **1 Basic pay determination on appointment**

- 1.1 The First Federation Trust will determine the pay range for a vacancy prior to advertising it. On appointment it will determine the starting salary within that range to be offered to the successful candidate.
- 1.2 In making such determinations, the First Federation Trust may take into account a range of factors, including:
  - 1.2.1 the nature of the post;
  - 1.2.2 the level of qualifications, skills and experience required;
  - 1.2.3 market conditions; and
  - 1.2.4 the wider First Federation Trust context and strategic priorities.
- 1.3 Although there is no assumption that a teacher will be paid at the same rate as they were being paid in a previous school, the school will determine the appropriate rate of pay for a teacher joining the school taking account of salary expectations, current salary and the factors set out above.

### **2 Annual pay reviews and progression**

- 2.1 The First Federation Trust does not link pay progression to teacher performance. Teachers should expect to receive annual pay progression within their pay range, and the pay progression will only be withheld if the teacher is subject to capability procedures.
- 2.2 The Board of Directors will ensure that each teacher's and executive staff's salary is reviewed annually by no later than 31 October each year, except for the Trust Senior Leadership Group whose salary will be reviewed no later than 31 December each year. Pay increases will be backdated to 1 September of the same academic year.
- 2.3 Salary will also be reviewed if a teacher takes up a new post with effect from the date the post commenced or in other circumstances as required, with effect from the relevant date.
- 2.4 All teachers will be given a written statement setting out their salary and any other financial benefits to which they are entitled.
- 2.5 Review may take place at other times of the year if an individual's role or job description changes. Changes may include reverting to part-time working and taking on or removing additional roles and responsibilities.
- 2.6 In the First Federation Trust all teachers will receive regular feedback on their performance and are subject to an annual performance appraisal. The arrangements for teacher appraisal are set out in our Appraisal Policy.

- 2.7 The Board of Directors will consider its approach in the light of the First Federation Trust's budget and ensure that appropriate funding is allocated for pay progression at all levels. Final pay decisions will be made by the Board of Directors, or in any manner delegated by the Board of Directors, as set out in this policy, committee terms of reference and the governance scheme of delegation.

### **3 Main pay range for teachers**

- 3.1 The main pay range within the First Federation Trust is £ £32,916 - £45,352 per annum, and has 6 pay points in line with the advisory points set out at Part 3 of STPCD as follows:

<b>Point</b>	<b>Annual FTE salary</b>
1 (main pay range minimum)	£32,916
2	£34,823
3	£37,101
4	£39,556
5	£42,057
6	£45,352

- 3.2 Teachers will progress by one point until they reach the top of their range.

### **4 Upper pay range for teachers**

- 4.1 The upper pay range within the First Federation Trust is from £47,472 - £51,048 per annum and has 3 pay points in line with the advisory points set out in Part 3 of the STPCD as follows:

<b>Point</b>	<b>Annual FTE salary</b>
1 (upper pay range minimum)	£47,472
2	£49,232
3 (upper pay range maximum)	£51,048

#### **Application to be paid on the upper pay range**

- 4.2 Eligible main pay range teachers may apply to be paid on the upper pay range by expressing a desire to cross threshold by the end of October each year. It is the responsibility of the teacher to decide whether or not they wish to apply to be paid on the upper pay range.
- 4.3 An expression of interest from an eligible teacher to progress on to the upper pay range will be successful where they can demonstrate that they meet not only the Teachers' Standards, but are highly competent in all elements of the standards and that their achievements and contribution are substantial and sustained.

In the First Federation Trust this means that to achieve progression to this pay range, the Head of School/Linked Executive Director must be satisfied that the teacher meets the definition of substantial contribution as set out below and there is evidence that there is sustained performance over 2 years:

- 4.3.1 All objectives are met and exceeded;
  - 4.3.2 Quality of teaching throughout the year is consistently excellent.
  - 4.3.3 Acting as a role model for teaching and learning, playing a critical role in the life of the school.
  - 4.3.4 Acting as a role model for teaching and learning, playing a critical role in the life of the school;
  - 4.3.5 Enhanced and demonstrable contribution to raising pupil standards;
  - 4.3.6 A commitment to personal development and CPD focused on improving outcomes for students; and
  - 4.3.7 Highly competent in all areas of the Teachers' Standards.
- 4.4 Where successful, applicants will move on to the upper pay range backdated to the start of that academic year.
- 4.5 If unsuccessful, feedback will be provided in writing by the Head of School/Linked Executive Director along with confirmation of the process for appeals.
- 4.6 Upper pay range teachers will progress by one point, until they reach the top of the range.
- 4.7 Additional progression up the range may be considered for upper pay range teachers where performance is judged to be exceptional taking and where all objectives have been exceeded.

## 5 Pay range for unqualified teachers

- 5.1 The unqualified teacher pay range within the First Federation Trust is £22,601 - £35,259 per annum and has 6 pay points in line with the advisory points set out in Part 3 of STPCD as follows:

Point	Annual FTE salary
1 (unqualified teacher pay range minimum)	£22,601
2	£25,193
3	£27,785
4	£30,071

5	£32,667
6 (unqualified teacher pay range maximum)	£35,259

### **Pay progression for unqualified teachers**

- 5.2 Unqualified teachers will be paid on the unqualified pay range in accordance with the STPCD.
- 5.3 Where an unqualified teacher gains qualified teacher status (QTS) while in post, they will be transferred to a salary on the main pay range for teachers, which will be equal to or higher than their previous unqualified teacher salary and any other payable allowances.
- 5.4 Where an unqualified teacher gains QTS retrospectively, they will be paid a lump sum calculated as the difference, if any, between their unqualified teacher salary and the salary they would have been paid as a qualified teacher for the same period, not including any allowances. The lump sum will cover the period from which they obtained QTS to the date the lump sum is paid.
- 5.5 Eligible unqualified teachers will be automatically considered for further progression and no application will be necessary.

## **6 Pay ranges for the Executive Team**

- 6.1 Pay ranges for the Chief Executive Officer, Director of Finance and the Director of Operations will be determined by reference to the STPCD and other Executive pay to ensure that the remuneration for the roles is commensurate to their roles and responsibilities.
- 6.2 Pay ranges for the Director of School Improvement, Director of Performance & Development, Director of Inclusion, School Improvement Officers, Heads of Schools, Deputy Heads of School, Unit Leaders and other Senior Leaders will be determined in line with STPCD for new appointments, where responsibilities significantly change or if the First Federation Trust chooses to review pay of leadership posts in line with STPCD.
- 6.3 The applicable pay range will take into account all permanent responsibilities of the role, the nature and scale of operations, managing change, any challenges that are specific to the role and all other relevant considerations including the skills and competencies required. Pay ranges will allow appropriate scope for performance related progression over time.
- 6.4 The Board of Directors will have regard to Section D and any relevant guidance when determining Executive Pay, in particular when setting pay ranges for the Trust Senior Leadership Group.

### Directors of School Improvement, Performance & Development, Inclusion & Heads of School

- 6.5 A pay range will be determined for the Directors of School Improvement, Performance & Development and Inclusion which reflects the leadership structure for the First Federation Trust.

- 6.6 A pay range will be determined for the Head of School which reflects the leadership structure for the First Federation Trust
- 6.7 Additional payments may be made to a member of the Senior leadership Team/Head of School for temporary responsibilities that are in addition to the duties taken into account for the determination at 7.1-7.3. The total sum of any temporary payments will not normally exceed 25% of the Directors 'Of' / Head of School annual salary.

#### Unit Leaders and other Senior Leaders of the First Federation Trust (including School Improvement Officers)

- 6.8 A pay range will be determined for any Deputy Head of School, Unit Leader or other Senior Leader, considering how the role fits within the wider leadership structure of the First Federation Trust. The pay range will not normally overlap with the pay range of the Head of School, except in exceptional circumstances.

#### Pay progression for members of the Executive team

- 6.9 Subject to Section D of this policy and any guidance issued by the Department for Education from time to time, the Executive team will progress by one point until they reach the top of their range if they can demonstrate and the Board of Directors is satisfied that there is evidence of that they continue to effectively carry out the purpose of their role and there is evidence of effective and sustained leadership and management and First Federation Trust / school improvement priorities and outcomes.
- 6.10 Additional progression may be considered for members of the Executive team where performance is judged to be exceptional taking in to account the factors outlined in Section D of this policy and where all objectives have been exceeded.

## **7 Teaching and Learning Responsibility (TLR) payments**

- 7.1 The First Federation Trust will not create any additional responsibilities that will require TLR1 or TLR2 posts. We may award a fixed term TLR3 to a classroom teacher for a time-limited, clearly defined school improvement project or one-off externally driven responsibilities. The annual value of a TLR3 will be no less than £702 and no greater than £3,478. Consecutive TLR3s for staff undertaking the same responsibility will not be agreed. TLR3's will not be subject to safeguarding given their fixed-term nature. The value of the TLR3 will be agreed by the Directors and commensurate to the level of responsibility.

## **8 Special Educational Needs (SEN) allowances**

A SEN allowance may be paid to classroom teachers on either the Main Pay Scale or Upper Pay Scale who meet the criteria set out in STPCD. Where a SEN allowance is to be paid, the spot value of between £2,787 and £5,497 will be determined based on the structure of the SEN provision, whether mandatory qualifications are required for the post, the qualifications or expertise of the teacher and the relative demands of the post.

## **9 Early career teachers (ECTs)**

- 9.1 Early Career Teachers (ECTs) are not subject to annual appraisal and pay review cycles during their induction period, as set out in the statutory induction process for ECTs.
- 9.2 In the case of ECTs, determinations of performance and any pay recommendations will be made by means of the statutory induction process.
- 9.3 Eligible ECTs will be automatically considered for progression and no application will be necessary. However annual pay progression within the range is not automatic and decisions regarding pay progression will be clearly attributable to the ECT's performance with reference to the statutory induction process including the outcome of the formal assessments.
- 9.4 Eligible ECT's may be awarded pay progression at the end of the first year of their induction period.

## **10 Part-time teachers**

Teachers who work less than a standard working week are deemed to be part-time. Their hours and working time obligations will be set out in their contracts of employment and in line with the provisions of STPCD. Part-time teachers will receive a written statement which sets out expectations regarding the deployment of working time, including timetabled teaching time, leadership and management time (where applicable) and directed time beyond the school day. The pay of part-time teachers will be determined in the same way and at the appropriate percentage of a full-time teacher and any increase in pay will be paid pro rata to full-time equivalent salary rates.

## **11 Short notice/supply teachers**

Teachers employed on a day-to-day or other short notice basis will be paid on a daily basis calculated on the assumption that a full working year consists of 195 days; periods of employment for less than a day being calculated pro-rata. They will be paid the agreed rate for the job and are not subject to the appraisal process.

## **12 Pay protection**

Pay protection arising from changes to pay and structure will be in line with the provisions of STPCD.

## **13 Appeals**

- 13.1 Where a teacher feels that a decision regarding their pay is unfair, they have the right to appeal.
- 13.2 The steps of the pay appeals process perform the function of the grievance procedure on pay matters and so employees will not be able to raise the complaint under the First Federation Trust grievance procedure following conclusion of a pay appeal.

- 13.3 Employees may be represented by a recognised trade union or colleague at any formal stage of this procedure. The employee is responsible for making these arrangements and for providing their representative with any paperwork they require for the hearing. The teacher should inform the clerk to governors who their chosen companion is, in good time before the hearing.

### **Informal discussion**

- 13.4 As part of the normal salary review process, the Head of School will inform the teacher of the pay recommendation. Following this notification of the pay recommendation, if the teacher is dissatisfied, they should first discuss the decision with the Head Teacher within 5 working days of receipt of the notification.
- 13.5 This discussion gives an opportunity for a teacher to discuss the pay recommendation, to gain an understanding of why it was made and to resolve issues quickly and informally. If this does not resolve an issue, a teacher may follow the formal procedure set out below.

### **Stage One**

- 13.6 If, the teacher remains dissatisfied, they can make a formal representation in writing within 5 working days of the discussion with the Head of School to the committee who will make the decision.
- 13.7 To make a representation against a pay recommendation, a formal appeal should be submitted in writing within 5 working days of the discussion with the Head of School, to the Linked Executive Director. The possible grounds for appeal are:
- 13.7.1 incorrectly applied the Trust's Pay Policy;
  - 13.7.2 incorrectly applied any provision of the STPCD or other relevant terms and conditions the teacher is employed under;
  - 13.7.3 the decision contravenes equality legislation;
  - 13.7.4 failed to take proper account of relevant evidence;
  - 13.7.5 the decision was biased
- 13.8 The linked Executive Director or a representative from the Executive Team who will make the decision will convene a meeting to consider the appeal as soon as is practically possible. The employee will be invited in writing, giving a minimum of 5 days' notice and copies of any relevant documents to be considered at the meeting will be enclosed.
- 13.9 The teacher will have the opportunity to make representations to the School Link Executive Director or a representative from the Trust Senior Leadership Group, including presenting evidence, calling relevant witnesses and asking questions. The employee must give sufficient advance notice if they wish to call witnesses to ensure that there is time to arrange their attendance. A school representative will also attend to present the management case, including calling relevant witnesses. A notetaker will also be present.
- 13.10 Following this meeting, the panel will make a pay determination and will inform the teacher in writing within 5 days.

## **Stage Two**

- 13.11 If a teacher wishes to appeal against the decision made at Stage One, they may do so within 5 working days of the written decision on the grounds that the committee who made the decision:
- 13.11.1 incorrectly applied the Trust's Pay Policy;
  - 13.11.2 incorrectly applied any provision of the STPCD / other relevant terms and conditions the teacher is employed under;
  - 13.11.3 the decision contravenes equality legislation;
  - 13.11.4 failed to take proper account of relevant evidence;
  - 13.11.5 was biased; or
- 13.12 Appeals against the decision at Stage One should be made in writing and addressed to the HR coordinator stating the grounds of their appeal.
- 13.13 Upon receipt of an appeal, a panel constituted in accordance with the terms of reference for the Appeals Committee will convene a meeting to consider the appeal as soon as is practicably possible. The employee will be invited in writing, giving a minimum of 5 days' notice and copies of any relevant documents to be considered at the hearing will be enclosed.
- 13.14 The teacher will have the opportunity to present evidence to the appeal panel, and the decision maker (or a representative if more than one person) will also attend. A notetaker will also be present.
- 13.15 The decision of the panel will be confirmed in writing to the teacher within 5 days. The appeal panel's decision is final; there is no further right of appeal.

## **SECTION C DETERMINING SUPPORT STAFF PAY**

### **1 Pay reviews**

The Board of Directors will ensure that each member of support staff's salary is reviewed annually with effect from 1 April if eligible.

### **2 Salary scales**

The salary scales used will be in accordance with the Green Book and the NJC pay scales used by Devon County Council, Dorset County Council and Plymouth City Council. and the allocated grade and point range of the role.

### **3 Term time only employees**

Support staff who work on a term time only basis of 38 or 39 weeks per year are deemed to be term-time only. Some support staff who work a reduced number of weeks during the year than an all year round employee but work extra weeks during school holidays depending on the requirements of the role, are deemed to be term-time plus.

An employee who works term-time only or term-time plus is entitled to a pro-rated proportion of weeks per year annual leave entitlement, which are added to the number of weeks the employee is required to work, and paid in twelve equal monthly instalments.

The First Federation Trust calculates pay for employees who work term time only or term time plus in accordance with the advisory model calculation set out in the Green Book and the working weeks and number of weeks holiday individuals are entitled to will be set out in their contracts of employment.

### **4 Job descriptions**

4.1 The Head of HR / Director of Operations in conjunction with the line manager of the role will ensure that an up-to-date job description is available for each post which identifies the appropriate duties.

4.2 The job description will be reviewed as appropriate or when duties or responsibilities have changed and it will be amended to reflect the current role; although it should be recognised that job descriptions are not intended to list all tasks. An employee may request changes to their job description if they feel their duties or responsibilities have changed significantly. If appropriate, consideration may be given to whether the grade for the post should be re-determined and if it is, the post holder will be paid the new grade from a date determined by the Trust Executive Team. If the assessment results in a lower grade, the employee may be entitled to salary protection in accordance with their terms and conditions of employment.

## **5 Basic pay determination on appointment**

- 5.1 The First Federation Trust will determine the grade for a vacancy prior to advertising it which will be identified on the job description. On appointment the Head of HR / Director of Operations will determine the appropriate point within the grade to be offered to the successful candidate (which will usually be the bottom point of the grade). However, in making such determinations, this may take in to account a range of factors, including:
- 5.1.1 the nature of the post;
  - 5.1.2 the level of qualifications, skills and experience required;
  - 5.1.3 market conditions; and
  - 5.1.4 the wider First Federation Trust context and strategic priorities.

## **6 Incremental progression**

- 6.1 If the employee has more than 6 months' service in their role at 1 April, they are eligible for an increment subject to satisfactory service. This will be paid annually with effect from 1 April until the employee reaches the top of their scale.
- 6.2 If the employee has less than 6 months' service in their role at 1 April, the first increment will not be paid until six months after their appointment subject to satisfactory service. Subsequent increments will be payable on 1 April in line with paragraph 5.1 of this policy.

## **7 Honoraria**

- 7.1 An honorarium may be paid on a temporary basis where an employee is offered and agrees to:
- 7.1.1 undertake higher level work in addition to their normal duties; or
  - 7.1.2 'act up' for at least four weeks into a higher graded post which has become temporarily vacant, for example, due to sick leave.
- 7.2 The CEO will determine the amount of this payment. Where the employee is undertaking higher level work, which is not equivalent to a higher graded post, a fixed sum will be agreed. Where the employee is acting up and if carrying out the full responsibilities of the role, the payment will usually be the difference between the minimum point of the higher graded role and their current salary.
- 7.3 The employee will return to their substantive post and salary when they are no longer required to undertake the higher-level work or 'act up'.
- 7.4 This should usually only be a temporary solution and the Headteacher should consider whether it may be more appropriate to advertise the post or duties on a fixed term basis.

## **8 Appeals**

A member of support staff has the right to appeal against a decision that affects their pay. The principles of the appeals process for teachers apply (set out in Section B, paragraph 14) however the Green Book replaces references to STPCD.

## SECTION D DETERMINING EXECUTIVE PAY

### Executive Pay

In this Trust, the Executive Team consists of: the Chief Executive Officer, Director of Finance, Director of Operations, Director of School Improvement, Director of Performance & Development, Director of Inclusion, Lead Governance Professional, School Improvement Officers, Inclusion Team Leads, Headteachers and Heads of Schools.

The following Executives fall within the scope of the Academy Trust Handbook (section 2.27 and 2.28) and DfE guidance on setting executive salaries: the Chief Executive Officer, Director of Finance, Director of Operations, Director of School Improvement, Director of Performance & Development, Director of Inclusion and Lead Governance Professional. This group of employees is the Trust Senior Leadership Group.

Pay arrangements for School Improvement Officers, Headteachers and Heads of School working in the Trust will be as per the provisions of STPCD.

Pay arrangements for other Executives will be determined by reference to this guidance.

When setting pay and terms and conditions for the Executive team, the following documents may be taken into consideration and used for reference purposes:

- School Teachers Pay and Conditions (STPCD);
- Academy Trust Handbook and any relevant Department for Education guidance including the Academy Trust Governance Code; and
- 'Green and Burgundy Books'.
- For the Trust Senior Leadership Group: the DfE guidance on setting executive pay

For those posts where the salary arrangements are likely to fall outside the scope of STPCD and/or NJC, consideration is also given to external pay benchmarking, market analysis and Trust performance (both educational and financial). Pay arrangements that fall outside of STPCD will be approved by the Pay or Strategic and Finance Committee and ratified by the Board of Directors, in line with financial delegation arrangements and include justification for the level of remuneration.

Pay for Executives will be reviewed on an annual basis, and the pay review will be completed by 31 October or, except for the Trust Senior Leadership Group whose pay review will be completed by 31<sup>st</sup> December. Any pay increase will be based on performance taking account of the parameters of public sector pay increases as they apply to the education sector. All Executives are given challenging performance management objectives and these are managed and assessed under the Trust's appraisal policy. No increases will be given without supporting data demonstrating the required performance and evidence based on a constant drive for improvement.

In determining starting salaries or increases for Executives, the First Federation Trust will consider following and include such information in the justification:

- Level of educational challenge to the Trust;
- Level of financial challenge to the Trust (including any financial constraints);

- Level of geographic challenge to the Trust;
- External pay reports and evaluation;
- Any relevant contractual changes to protect the Trust - extending notice periods, restrictive covenants etc;
- Media and parental scrutiny;
- For the Trust Senior Leadership Group: factors set out in the DfE guidance on setting executive pay

### **Appeals**

If a member of the Executive team wishes to appeal a decision made by the Board of Trustees, they can make formal representations in writing to the Chair of Trustees within 5 working days of the decision being made to them.

Upon receipt of an appeal, a panel of trustees supported by an external advisor (to be determined by the Trust at the relevant time) will convene a meeting to consider the appeal as soon as is practically possible. The trustees involved will not be members of the remuneration committee and therefore, less involved with the detailed work leading up to the Board's decision.

The Executive will be invited in writing, giving a minimum of 5 days' notice and copies of any relevant documents to be considered at the meeting will be enclosed.

Following this appeal meeting, the panel will make a pay determination and will inform the Executive in writing, usually within 5 days.

It is acknowledged that there may be occasions where the above approach may not be appropriate, for example where there are conflicts of interest or limited trustee capacity. In such cases, the Board will seek advice, assess potential conflicts carefully and take a proportionate approach that balances fairness with practicality.