

Governors' Pay Committee - Terms of Reference & supplementary information

Reviewed and Approved by the Pay committee – October 2023

Membership and quorum

1. The Committee shall comprise a minimum of three governors
2. Any paid employees of the school who are also governors are unable to be members of the Pay Committee
3. The Headteacher may attend in an advisory capacity but will withdraw when their own salary is being discussed
4. Pay recommendations will be received by the Committee from [the Headteacher or the Headteacher and other performance management reviewers in the school - (see supplementary information)]
5. Pay Committee members will be excluded from membership of the Governors' Appeal Committee where convened to consider a pay appeal
6. The quorum for the Governors' Pay Committee is three members, who must be able to vote (see supplementary information)
7. All meetings of the Governors' Pay Committee will be minuted
8. 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

Supplementary information

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.

Delegated powers and purpose of committee

The Governors Pay Committee will:

- annually determine salary progression for eligible teaching staff, following recommendation by the Headteacher (insert if applicable: and/or other performance management reviewers)
- annually determine salary progression for the Headteacher, where eligible, following recommendation by the Headteacher Performance Management Committee
- deal with any request from a governor or the school leadership team to review leadership pay ranges and report any recommendations back to the Committee responsible for staffing matters who in turn will make recommendations for any changes to the full governing body, where appropriate
- receive a summary report from the Headteacher on support staff pay determinations or annually determine the salary progression for eligible support staff, following recommendation by the Headteacher and/or other performance management reviewers (adjust as applicable - see supplementary information)
- 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](#)
- nominate one of its members to undertake the annual audit of performance management (delete if required - see supplementary information)
- recommend to the full governing body that a detailed audit of performance management is undertaken at an appropriate point in the school's Ofsted cycle and agree governors to undertake the audit (delete if required)

Supplementary information

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

Autumn term (Meeting 1)

1. Elect Chair of Committee
2. Confirm meeting dates (if not already established at end of previous academic year)
3. Review membership and plan to fill any vacancies [if not undertaken at full governing body]
4. Make determinations in respect of the audit of performance management and pay for the academic year, nominating a member to undertake the annual audit if applicable
5. Receive Headteacher (insert if applicable: and performance management reviewer) recommendations for teachers' pay progression decisions normally by (insert date – this will be guided by the conclusion of performance management within the school – see supplementary information)
6. Make determinations on teachers' salary progression, backdated to 1 September
7. Request that salary statements are issued to teaching staff to confirm Committee determinations

Autumn term (Meeting 2)/Spring (Meeting 1)

[Refer to the supplementary information as items listed under Autumn Meeting 2 may be addressed in Autumn Meeting 1 if sufficient information is available or need to be deferred to Spring Meeting 1 if information is not yet available. Individual Governing Bodies will need to plan their meetings according to the known date of the Headteacher Performance Management Committee meeting].

1. Receive Headteacher Performance Management Committee recommendation for Headteacher pay progression normally by [insert date – this will be guided by the conclusion of performance management within the school – see supplementary information], where applicable
2. Make determinations on Headteacher salary progression, backdated to 1 September
3. Request that a salary statement is issued to the Headteacher to confirm Committee determinations
4. [Insert where using Hampshire County Council as payroll provider]: Chair of Committee to complete notification form to provide notification of Headteacher pay progression to payroll
5. Receive Headteacher [insert if applicable: and performance management reviewer] recommendations for support staff pay progression decisions and make determinations on support staff salary progression, to take effect from following 1 April or Receive Headteacher report on support staff pay progression decisions for review [see supplementary information]

Supplementary information

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 be 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.

Supplementary information

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)

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.