



# Executive Pay Policy

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## **POLICY PURPOSE**

This policy sets out the framework for making decisions on executives' pay. It has been developed to comply with current legislation, the requirements of the School Teachers' Pay and Conditions Document (STPCD), the National Joint Council (NJC) for Local Government Services National Agreement on Pay and Conditions of Service ("Green Book") and in accordance with the seven principles of public life. We will comply with the requirements of the Equality Act (2010) and are committed to ensuring that employees are not disadvantaged or discriminated against because of the protected characteristics of age, disability, gender, gender re-assignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief and sexual orientation when making any pay decisions within this policy.

As part of the application of this policy, the 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 data protection policy and privacy notice sets out how we will gather, process and hold personal data of individuals in relation to pay.

### **Confidentiality and Record Keeping**

All parties must maintain confidentiality regarding pay decisions, with breaches subject to disciplinary and legal action. Comprehensive records of pay determinations and appeals are maintained securely in compliance with data protection laws.

### **Effectiveness of Policy Review**

The Trust Board, supported by the Performance Management Committee, will monitor the outcomes and impact of this policy on an annual basis.

## **PRINCIPLES OF EXECUTIVE PAY SETTING**

Executive pay arrangements will be determined prior to advertisement and upon successfully recruited to and pay will be reviewed during the annual appraisal and performance development review (PDR) process.

The Trust Board, supported by the Performance Management Committee, is responsible for the pay determinations of the CEO and Executive Leaders. Independent scrutiny and challenge by the Board's Performance Management Committee is expected, to reach an agreed and documented recommendation, in line with the Scheme of Delegation (SoD), Academy Trust Handbook (ATH) and in accordance with Trust values, public sector values, and the seven principles of public life. The process includes justification and proportionality for the level of remuneration and benefits, which represent good value for money and are defensible relative to the public sector market.

### **Executive Pay Ratio Disclosure**

The Trust annually publishes the executive pay ratio as well as supporting information, including the methodology used to calculate the ratio and the reasons for any changes year on year. It will be referenced in the trust accounts and be accessible on the trust website, enhancing

transparency and public accountability.

## **DETERMINING EXECUTIVE PAY**

### **Recruiting Executive roles**

The Trust will determine the pay range for an Executive vacancy prior to advertising it considering the scope of role responsibilities and alignment with public sector norms, not commercial market rates. On appointment it will determine the starting salary within that range to be offered to the successful candidate.

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 (ATH) and any relevant DfE guidance
- 'Green and Burgundy Books'
- Guidance from the Confederation of School Trusts (CST)

Consideration is given to scope of role and responsibilities, individual performance, external pay benchmarking, market analysis and Trust performance (both educational and financial).

### **Pay determination**

The Trust Board, supported by the Performance Management Committee (PMC) is responsible for the pay determinations of the CEO and Executive Leaders. This includes approval for the application of annual cost of living/pay awards and progression-related awards (see section on Pay Progression below), the review and determination of terms and conditions of employment and the decision on eligibility to access to the Teachers' Pension Scheme. Pension, working hours, leave, notice periods, and other terms and conditions will be explicitly considered for executive roles.

The Performance Management Committee is to consider evidence-based information and sources in the justification and evidence pack provided to them:

- Appraisal / Personal Development Review (PDR) - An external advisor can support with development and objective setting
- Appraisal / PDR reports confirming if performance targets have been met or not met, has there been great performance
- Level of educational, geographical and financial challenge to the Trust (including any financial constraints / affordability)
- Level of predicted growth or contraction
- External benchmarking data; pay reports and evaluation
- Pay decisions should ensure that there are no biases pertaining to gender or other protected characteristics within the pay structure.
- Role specific changes / factors and any relevant contractual changes to protect the Trust
- Media/DfE and parental scrutiny

The Trust recognises its responsibilities under relevant legislation including the Equality Act 2010, the Employment Rights Act 1996, the National Minimum Wage Act 1998, the National Minimum Wage Regulations 1999, the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000, the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 and ensures that all pay related decisions are taken equitably and fairly in compliance with statutory requirements.

### **Pay ranges and associated provisions**

Executive post holders under the STPCD must have completed a year of service since their last salary adjustment to be eligible for an increment on 1st September on the basis of satisfactory performance. Increments occur annually on 1st September each year thereafter until the top of the grade is reached.

The Trust subscribes to a pay range for the CEO, which is established by the Performance Management Committee (PMC) in reference to an externally commissioned Executive Pay Review who monitor and document what is established. This must be determined on appointment and will be revisited every third year thereafter.

The pay range of all executive leaders will be subject to review every 3 years.

Requests from individuals will not be accepted.

### **Pay Progression Methodology**

Executives receive annual pay progression linked to their Personal Development Reviews (PDRs) and the pay review will be completed by 31st December with increases backdated to the 1st September each year, with inflationary increases aligned to national pay awards and not exceeding the rate of other staff (in individual years and over the longer term). Informal support plans and/or underperformance results in withholding progression, and accelerated progression is possible only upon recommendation by the PMC for approval by the Trust Board.

1. Executive positions reporting to the CEO will have their performance evaluated and appraised by the CEO. Pay progression to be determined under the remit of the PMC to make a recommendation to the full board for approval will be based on satisfactory performance.
2. Executive pay, including CEO pay progression, will be considered by the PMC comprising the Chair of Trustees and two trustees who will meet annually and half yearly with the CEO, who will seek advice from other trustees as appropriate. Initially the two other trustees are the Chair of the Performance and Standards Committee and the Chair of the Resources Committee. The annual objectives of the CEO will reflect Trust objectives for the year, and will be agreed by the Chair of Trustees as line manager.
3. The PMC will consider evidence-based information (see list above) including appraisal / PDR reports confirming if performance targets have been met or not met, has there been great performance, role specific changes / factors or any relevant changes to protect the Trust. An external advisor can support with development and objective setting.
4. The PMC will provide the full Trust Board a summary of performance evaluation including the extent to which individuals' objectives have been met along with their recommendations based on the evidence pack.
5. Inclusion of an independent education professional in the CEO performance evaluation to inform the PMC is at the discretion of the PMC.

## APPEALS PROCESS

Executives dissatisfied with pay decisions may seek informal resolution during the PDR process or initiate formal appeals in two stages involving written representation and hearings before the Performance Management Committee, with rights to representation and procedural fairness.

### **Stage One Formal Appeal**

Following the final pay determination by Performance Management Committee the executive leader may seek a review of that determination if they believe that the person or committee by whom the decision was made:

- Incorrectly applied this policy
- Incorrectly applied a provision of the STPCD or JNC
- failed to have proper regard for statutory guidance
- failed to take proper account of relevant evidence
- took account of irrelevant or inaccurate evidence
- was biased or;
- unlawfully discriminated against the executive leader.

If the executive leader believes that an incorrect recommendation/determination has been made, they may make representation to the Performance Management Committee following receipt of their pay statement or letter.

To begin the process, they should set down in writing to the Trust's Governance Clerk via **[email]** within 10 working days of the decision, the grounds for their disagreement with the pay determination.

The executive leader will be given the opportunity to make representations, including presenting evidence, calling witnesses, and the opportunity to ask questions at a meeting with the Performance Management Committee, which should be convened within 10 working days of receipt of the written disagreement.

The Responsible Officer, determined by the PMC, will attend to provide professional advice in respect of the management case.

The executive leader is entitled to be accompanied by a work colleague or recognised Trade Union/Professional Association representative at the meeting. A member of the HR Team may be present to provide professional policy/procedural guidance to the decision maker(s).

Following the meeting the outcome will be provided in writing, within 5 working days of the decision of the Committee and confirming their right of appeal.

### **Stage Two Formal Appeal**

If an executive leader wishes to appeal against the decision made at Stage One, they should Notify the Trust's Governance Clerk, in writing, via **[email]** within 10 working days of the written decision.

The appeal should be heard by three Trustees (the Appeal Committee), who have not been involved in the original determination, normally within 20 working days of the receipt of the written appeal.

The executive leader will be given the opportunity to present their appeal in person and is

entitled to be accompanied by a work colleague or recognised Trade Union/Professional Association representative at the meeting. A member of the HR Team may be present to provide professional guidance to the decision maker(s).

The timing and location of the formal meeting must be reasonable. 5 working days' notice should be given of the appeal hearing and the notification of the appeal hearing will include:

- the date, time and place of the hearing
- the name(s) of the person(s) who will hear the case, and the representative of Human Resources who will be advising the Appeal Committee
- who will respond to the appeal (the representative of the Remuneration Committee)
- copies of documents and any other written material or evidence that is relevant
- the names of any witnesses to be called
- confirmation of the executive leader's right to call witnesses
- the right to submit any documentation within three working days prior to the appeal hearing
- a copy of this policy
- the fact that the appeal hearing may take place in their absence if they are unable to attend without a satisfactory explanation

If exceptional reasons are offered in advance as to why the executive leader is unable to attend, at least one attempt will be made to rearrange the hearing so that they may be present. Other than in exceptional circumstances, where attendance is not possible arrangements should be made for representation or to provide written submissions to the appeal hearing.

An accurate account of the hearing will be made.

During the hearing, the parties will be able to question each other, and the Appeal Committee is permitted to ask exploratory questions. Either side will be entitled to request an adjournment for consultation and any reasonable request should be allowed. Witnesses will attend only the part of the hearing where they are required to give evidence and answer questions.

No conclusion should be reached until representations from all parties have been considered. The decision will be given in writing within 5 working days and include details of the evidence considered and the reasons for the decision.

The HR Team will provide advice and support to the Responsible Officer and any other manager/Governor/Trustee involved in the application of this policy at any stage. As part of which they may attend any meetings / hearings under this policy.

### **PENSION ARRANGEMENTS**

Executive leaders employed under JNC Chief Officer terms will have access to the Local Government Pension Scheme (LGPS).

The Trust Board, via delegated authority to the Performance Management Committee, will have due regard to the eligibility criteria for any executive accessing, or wishing to access, the Teachers' Pension Scheme (TPS). The Board will carefully consider whether executive leaders meet the eligibility requirements.

### **Policy Review**

This policy will be reviewed annually.

**POLICY LINKS**

1. Trust Appraisal Policy.
2. Trust Pay Policy